



# Planning & Transportation Commission Action Agenda: April 20, 2022

Virtual Meeting  
6:00 PM

## Call to Order / Roll Call

Approximately 6:00 pm but due to technical difficulties resumed at 6:39 pm.

[note – the meeting began with no audio - all Commissioners were present except Commissioner Roohparvar.]

## Oral Communications

The public may speak to any item not on the agenda. Three (3) minutes per speaker.<sup>1,2</sup>

None.

## Agenda Changes, Additions and Deletions

The Chair or Commission majority may modify the agenda order to improve meeting management.

None

## City Official Reports

### 1. Directors Report, Meeting Schedule and Assignments

Jonathan Lait, Director of Planning, reported that a new Code Enforcement Officer had been hired by the City. The new member will help enforce the gas power leaf blow ban within the City. City Council recently accepted a grant from MCT of \$800,000 to allow the City to conduct a downtown housing study. Staff will be working with a consultant on the plan and will return to City Council in June 2022 with a recommendation. On May 2, 2022, Staff will request that Council approve an extension of the Retail Ordinance and the item will return to the Commission at a future meeting for consideration. Scheduled for the April 27, 2022 meeting, the Commission will consider a Parcel Map with Exceptions, consider downtown in-lieu parking and discuss the Work Plan.

Commissioner Hechtman asked how the City establishes a quiet zone as a member of the public requested one at Alma Street and El Camino Real.

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1 Mr. Lait remarked Staff will work with the Office of Transportation to explore how to establish a  
2 quiet zone.

### 3 **Action Items**

4 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.  
5 All others: Five (5) minutes per speaker.<sup>1,3</sup>

6 2. PUBLIC HEARING/QUASI JUDICIAL/LEGISLATIVE: Review of the Castilleja School's  
7 Requested Conditional Use Permit and Variance per Council Direction March 29,  
8 2021, and Review of a Draft Ordinance per Council Direction Amending Section  
9 18.04.030 Regarding Definition of Gross Floor Area in the R1 Zone for Below Grade  
10 Garages. Zone District: R-1(10,000). Environmental Review: The Final Environmental  
11 Impact Report (EIR) was published July 30, 2020 and the Draft EIR was Published July  
12 15, 2019

13 [The meeting was paused due to technical difficulties]

14 Chair Lauing announced the item was a continued hearing. He thanked the public for all their  
15 comments and found them very helpful.

16 Vice-Chair Summa shared she watched the March 30, 2022 Planning and Transportation  
17 Commission (PTC) meeting and was aware of the dialog that took place.

18 Commissioner Reckdahl stated to avoid the possible appearance of bias he will be recusing  
19 himself from the item.

20 Chair Lauing mentioned the Text Amendment was a legislative action and wondered if  
21 Commissioner Reckdahl could stay for that discussion.

22 Albert Yang, Assistant City Attorney, believed the two items were too intertwined and  
23 recommended Commissioner Reckdahl recuse himself from the entire item.

24 Commissioner Reckdahl agreed and noted he will try to return at the end of the meeting to  
25 vote on the meeting minutes.

26 Chair Lauing briefly reviewed the history of the timeline for the project. Though PTC  
27 recommended approval of the project to Council, over multiple meetings Council did not  
28 approve the project and returned items to PTC and the Architectural Review Board (ARB) for  
29 further analysis. PTC has review authority over the Conditional Use Permit (CUP), Variance,  
30 parking adjustments, Environmental Impact Report (EIR) and the Text Amendment. PTC held  
31 two meetings and provided preliminary comments to Staff and took straw votes on several  
32 items. The objective of the meeting was to take final votes and provide recommendations that

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1 will be forward to Council for consideration. With respect to the CUP, he read partial text from  
2 the Municipal Code stating that the purpose of a CUP was to provide use or assessor uses that  
3 are necessary or desirable in the community. With respect to conditions, he shared the  
4 Municipal Code stated that reasonable conditions or restrictions may be imposed to protect the  
5 public health, safety, general warfare or convenience; and to ensure operations of the use in a  
6 matter compatible with existing and potential uses on adjoining properties in the general  
7 vicinity. A CUP is a privilege, not a right and the City's action on a CUP is discretionary. He  
8 acknowledged that a CUP is a negotiation between the City and the applicant. PTC's role was to  
9 hold public hearings, evaluate the applicant's request and make recommendations to Council.  
10 He reiterated that public comment has been closed and opened the floor to the Commission for  
11 any questions of Staff.

12 Jonathan Lait, Director of Planning, noted Staff has several summary slides to share.

13 Amy French, Chief Planning Official, restated on March 30, 2022, PTC received Staff's and the  
14 applicant's presentation for the project. Public comment was taken as well as the applicant's  
15 rebuttal. Staff requested PTC discuss the Text Amendment, enrollment increases, special  
16 events, Traffic Demand Management Plan (TDM) and parking reductions.

17 Chair Lauing remarked PTC will review the list of remaining items and then circle back and  
18 touch upon any catch-up items.

19 Commissioner Hechtman appreciated Chair Lauing's opening remarks. He invited Mr. Yang to  
20 explain the relationship between substantial evidence and the City's discretion decision.

21 Mr. Yang explained the City is obligated to support any decision and any recommendation with  
22 substantial evidence. There must be a clear logical link between the facts in the record, the  
23 findings required by the Municipal Code and the ultimate recommendation of approval or  
24 denial. He acknowledged there is no property right to a CUP before it is granted. There are  
25 important rights of the applicant to have a fair hearing and have a decision that is based on  
26 substantial evidence.

27 Chair Lauing mentioned a public speaker expressed the City does not have enough connection  
28 to the evidence based on the Staff report and the Commission cannot make a recommendation  
29 to Council. He invited Staff to respond to that concern.

30 Mr. Yang noted substantial evidence is not the preponderance of the evidence. There needed  
31 to be real tangible evidence to support the City's decision. Staff drafted recommended findings  
32 they believe are supported by substantial evidence and reasonable people may disagree with  
33 those findings.

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1 Chair Lauing shared the public commenter also suggested the Commission have independent  
2 counsel, not City counsel.

3 Mr. Yang confessed he did not understand that concern.

4 Commissioner Hechtman asked what the process will be for questions and discussion.

5 Chair Lauing explained the Commission will take the items one at a time and Commissioners  
6 may ask questions and provide comments on each item.

7 Chair Lauing suggested the Commission begin with the Text Amendment.

8 Commissioner Chang specified in one of the applicant's letters, they questioned the need for a  
9 Text Amendment. The City responded that 50 percent of the total number of parking spaces  
10 shall be located below grade which required a Text Amendment. She requested Staff explain  
11 the City's response.

12 Mr. Yang confirmed the applicant believed the Council did not direct Staff to prepare a Text  
13 Amendment. Also, the Municipal Code allows below-grade parking and already exempts below-  
14 grade parking from Gross Floor Area (GFA) in the R-1 Zone. Staff believed that Council rejected  
15 that interpretation of the Municipal Code at their March 2021 hearing. Council directed that  
16 GFA for a below-grade parking facility could be exempt as long as not more than 50 percent of  
17 the onsite parking is below grade. Staff believed the Municipal Code does not support the  
18 Council's concept and it was a completely new idea. The new idea has to have a Text  
19 Amendment in order to be incorporated into the Code.

20 Commissioner Chang inquired if the Text Amendment is not approved, can the applicant build  
21 the garage but request a Variance for more GFA.

22 Mr. Yang answered yes. The Commission and Council would have to consider if the Variance  
23 findings could be made for a higher GFA.

24 Commissioner Hechtman summarized the Text Amendment addresses the problem of whether  
25 or not to count below-grade garages towards GFA. Outside of the R-1 Zone, below-grade  
26 garages are encouraged and do not count towards GFA. He believed the Text Amendment  
27 should be generic and not include a specific percentage. In the Conditions of Approval, the  
28 percentage would be set for each individual project based on a set of criteria. That provided  
29 flexibility to address unique circumstances for individual projects. Several projects in the City,  
30 including Kola Emeth and the JCC, had very specific circumstances and they each addressed  
31 them in different ways that worked well for their facility. He agreed with the first criteria  
32 proposed for the Text Amendment in the Staff report. Regarding criteria number two, he  
33 suggested changing it from 6-acres or great to 1-acre or greater to provide maximum flexibility.

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1 He did not recommend using historic resources as criteria and that the percentage of allowed  
2 underground parking be the percentage set forth in the development agreement. Also, to draft  
3 a new Condition of Approval in the Castilleja CUP that limited underground parking to the  
4 specific percentage that Council.

5 Commissioner Chang found Commissioner Hechtman's idea interesting. She commented the  
6 Text Amendment, as proposed, was for one specific property and that was not appropriate. She  
7 referenced the list of sites the Text Amendment will affect and she confessed she did not  
8 understand the pros and cons of adopting the Text Amendment based on the list. Without  
9 knowing the pros and cons the City was trying to address or what the purpose of the ordinance  
10 is. It may be better to evaluate what type of road the properties are located on, not the  
11 acreage, and determine if an underground garage is appropriate. With respect to Commissioner  
12 Hechtman's suggestion, she could not support reducing the size from 6-acres to 1-acre because  
13 she did not understand what the impacts would be. She could support it being reduced to 2-  
14 acres but specify that the below-ground garage would not be exempt from GFA unless a specific  
15 percentage is listed in the development agreement. She believed the public was not aware the  
16 City was considering the Text Amendment because it appeared to be included in the Castilleja  
17 application.

18 Commissioner Hechtman believed Commissioner Chang meant Conditions of Approvals instead  
19 of a development agreement.

20 Commissioner Chang confess she did not know what the appropriate vehicle is. She understood  
21 Commissioner Hechtman was suggesting below-grade garage exemptions would be evaluated  
22 on a case by case basis.

23 Mr. Lait explained the City does not do many development agreements. Staff's preference was  
24 through a CUP, but the other option was through the development review as suggested by  
25 Commissioner Hechtman.

26 Commissioner Chang agreed the CUP process was appropriate.

27 Vice-Chair Summa agreed with Commissioner Chang that the list did not provide enough  
28 information to fully understand the impacts of the Text Amendment. She believed that applying  
29 the Text Amendment broadly would be a big change in the City, but agreed it should be  
30 considered City-wide and taken on a case-by-case basis. The Text Amendment as proposed was  
31 concerning because it applied to one property and came across as spot zoning. She could not  
32 support it as proposed.

33 Commissioner Templeton stated the Text Amendment has been a concern of hers for many  
34 years. She agreed that the Text Amendment would be a big change in the City and was almost  
35 outside of the scope of the application. She did not know if it would be in the best interest of

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1 the City to permit underground garages for all of the parcels that the Text Amendment will  
2 affect. Each parcel and neighborhood it is located in are unique and needed further study. She  
3 restated the Text Amendment would be a major change for Palo Alto.

4 Chair Lauing understood by Commissioner Hechtman that each property would be evaluated on  
5 a case-by-case basis relative to the percentage of how much of the garage is exempt from GFA.

6 Commissioner Hechtman confirmed that is correct

7 Chair Lauing believed that was spot zoning.

8 Commissioner Hechtman argued that every Condition of Approval could be considered spot  
9 zoning.

10 Chair Lauing rephrased that to make sure that the GFA definition Text Amendment is applied  
11 fairly, the City should determine one percentage and the applicants should use the Variance  
12 process if they want something else.

13 Commissioner Hechtman answered every property is unique and the specific problem with  
14 Castilleja's application was determining what percentage should be counted towards GFA for  
15 the below-grade parking facility. With his suggestion, criteria will have to be developed that  
16 evaluated the impacts of the below-grade parking on the specific location of the specific  
17 property.

18 Chair Lauing felt the Text Amendment as proposed was spot zoning. The way to move forward  
19 was to consider the Text Amendment with the proposed Variance. He agreed that the  
20 amendment should be applied City-wide, not to one specific property. He found Commissioner  
21 Hechtman's proposal creative but felt it would not solve the problem for Castilleja. He  
22 acknowledged that Council has already imposed what their judgment will be on how the Text  
23 Amendment will apply to Castilleja. He believed Council could make that same judgment with  
24 the proposed Variance.

25 Vice-Chair Summa requested Staff summarize what the parking scenarios were.

26 Ms. French explained per Council's direction, 52 spaces of the 104 total parking required would  
27 be below-grade in Option E with 37 parking spaces at grade.

28 Vice-Chair Summa mentioned there are also 54 spaces of on-street parking that Castilleja uses  
29 through an informal arrangement with the neighborhood. She wondered if the City was  
30 allowing Castilleja 54 free spaces and parking spaces in the below-grade garage.

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1 Ms. French indicated that the application did not state that Castilleja has a right to use the  
2 public spaces.

3 Vice-Chair Summa pointed out Castilleja counted those spaces in their parking plan.

4 Ms. French clarified Staff recommended Castilleja do a study of the existing parking demand  
5 and Castilleja included those spaces in the study.

6 Vice-Chair Summa understood that Castilleja feels they need the public parking spaces.

7 MOTION #1

8 Commissioner Hechtman agreed with Commissioner Chang that unless in the approval there is  
9 a specific percentage set forth. Then 100 percent of the below-grade garage will count towards  
10 GFA. He believed that concept was covered in Section 18.04.030, Subsection (a) (65), Subpart  
11 (3). He moved to have a new language for Subpart roman eight and the new language was as  
12 follows: Below-grade parking facilities that; 1) are accessory to non-residential uses; 2) are  
13 located on a parcel that is 2-acres or greater; and 3) do not provide more than the percentage  
14 of the base required on-site vehicle parking determined by the City and specifically set forth in  
15 the project approvals pursuant to section blank shall be excluded from the calculation of Gross  
16 Floor Area. A below-grade parking facility that does not meet all of these criteria shall be  
17 included in the calculation of Gross Floor Area in its entirety. He explained that section blank  
18 would refer to the CUP provisions in the Municipal Code to determine the proper percentage.

19 SECOND

20 Commissioner Templeton seconded.

21 Chair Lauing felt change in the acreage did not address Commissioner Chang's concern  
22 regarding the impacts that change will be on other properties.

23 Commissioner Hechtman clarified his proposal only allows properties the right to have a below-  
24 grade parking garage once the City determines what specific and unique percentage does not  
25 apply to GFA. Any area over the specific percentage would apply to GFA.

26 Chair Lauing inquired if the motion intended to craft the Text Amendment for the applicant but  
27 have the same section be workable for other properties in the future.

28 Commissioner Hechtman answered yes. Staff was not required to draft specific criteria for  
29 Castilleja because Council already decided what the percentage is. He highlighted that Staff  
30 agrees this is a new concept and Staff can develop new criteria in the ordinance if they believe  
31 it is needed.

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1 Commissioner Templeton understood the Text Amendment only pertained to the calculation of  
2 GFA and not whether or not below-grade garages should be allowed on the other properties.

3 Mr. Yang restated Staff believes below-grade garages are permitted for non-residential uses in  
4 R-1 Zone. Staff was seeking guidance on whether that garage should be counted towards GFA  
5 or not.

6 Commissioner Templeton recalled the previous conversations were rather complicated about  
7 the topic. She commented she had no issue with the calculation portion of the program but was  
8 worried about the implications and having more below-grade garages in the R-1 Zone.

9 Commissioner Chang echoed Commissioner Templeton's concerns. While the motion on the  
10 table addressed Castilleja's project, she felt adequate public comment had not been received  
11 about applying the change City-wide. She understood that with the motion, any future projects  
12 would have to go through the CUP process and the public would be able to provide comments.

13 Mr. Lait stated the CUP process is reviewed by the Director of Planning and Development  
14 Services. Staff provides notice to neighbors and they can request a hearing. There was no fee  
15 associated with that request and the hearing was held before the PTC. The Director can also  
16 schedule a hearing should there be community interest in the project. PTC makes  
17 recommendations to the City Council and they decide on the project.

#### 18 FRIENDLY AMENDMENT

19 Commissioner Chang stated she could not support the motion unless it was clear that an  
20 underground garage GFA exemption could not happen without a public hearing.

21 Mr. Lait suggested that be worded into the Text Amendment language.

#### 22 MOTION #1 AMENDED

23 Commissioner Hechtman suggested after the new language 'determined by the City' to add  
24 "after a public hearing". Then continue with "and specifically set forth in the project approve  
25 pursuant to section blank". He accepted that change as a friendly amendment and understood  
26 that Commissioner Chang may still not support the motion.

27 Commissioner Templeton supported the amendment.

28 Vice-Chair Summa asked if Impact Fees are affected if the garage is not counted towards GFA.

29 Mr. Yang confirmed that is correct.

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1 Vice-Chair Summa was not convinced the Text Amendment made sense for the other parcels  
2 the change would affect. She could not support the motion and felt Castilleja should make the  
3 change to their CUP.

4 Chair Lauing understood for future projects, Council will choose a percentage that would be  
5 applied based on new criteria relative to the CUP. He felt without seeing the new criteria, the  
6 proposal was arbitrary.

7 Commissioner Hechtman clarified the criteria may sufficiently already be in the existing CUP  
8 Ordinances. If not, Staff can recommend a Text Amendment to the CUP Ordinances directly  
9 related to new criteria.

10 Vice-Chair Summa referenced the Comprehensive Plan Policy L-3.5 and noted that below-grade  
11 basements and/or garages negatively impact the environment. She acknowledged Council had  
12 already made a decision for Castilleja but felt it was wrong to encourage more properties to  
13 have underground structures.

14 Commissioner Chang found Vice-Chair Summa's comments regarding environmental impacts  
15 and Impact Fees compelling and highlighted that she did not know enough about the  
16 implications to support the motion.

17 Chair Lauing shared another approach was to recommend that Council include the decision  
18 regarding GFA to the Variance.

19 Mr. Yang restated Council's request as a Text Amendment and Staff proposed that the Text  
20 Amendment be applied narrowly. He predicted it was possible to use the Variance process  
21 instead of a Text Amendment but was unsure if the Council could make the Variance findings.  
22 Staff believed the narrowly tailored ordinance was the best vehicle to accomplish Council's  
23 direction.

24 Commissioner Hechtman remarked that a Variance is not a workable procedure for the issue.  
25 There has to be a unique circumstance that justified the departure from the generally  
26 applicable rules. He acknowledged if the City does not adopt a Text Amendment,  
27 environmental impacts will still happen and Impact Fees do not eliminate the environmental  
28 impacts.

29 Mr. Lait mentioned Staff has drafted the motion and provides some suggested changes to the  
30 motion. Staff shared that draft motion with the PTC for consideration. He reminded the  
31 Commission that 16 properties would be subject to the Text Amendment at the 2-acre  
32 threshold. There would be opportunities for public engagement, review and consideration if  
33 they were to use the Text Amendment.

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1 Mr. Yang clarified the draft motion was Staff's suggestion. Also, the language that stated that  
2 GFA counts as floor area unless excluded, was Staff's understanding of the current effect of the  
3 Code.

4 Commissioner Hechtman suggested the motion use the language "the percentage of the base  
5 required on-site vehicle parking" instead of "parking specified".

6 Mr. Yang clarified the amendment was addressing the number of parking spaces that will be  
7 exempt from GFA.

8 Commissioner Hechtman was concerned about Staff's proposed language and requested it be  
9 reverted back.

10 Mr. Lait commented Staff has no issue with changing it back.

11 Chair Lauing found the motion arbitrary and did not understand how Council will make the  
12 decision on what the percentage will be for future projects.

13 Mr. Lait suggested the Commission vote on the motion and if it does not pass, Staff will provide  
14 several options for Council to consider.

15 Chair Lauing asked if the 2-acres threshold should be changed. He noted at a 3-acres threshold,  
16 four properties would be affected.

17 Ms. French corrected that seven properties would be affected.

18 Chair Lauing called for a roll call vote seeing no interest from the Commission in changing the  
19 acreage threshold.

20 VOTE

21 Madina Klicheva, Administrative Assistant, conducted the roll call vote and announced the  
22 motion failed 1-4.

23 MOTION #1 FAILED 1(Hechtman) - 4(Chang, Lauing, Templeton, Summa) -1 (Roohparvar absent)  
24 -1(Reckdahl recused)

25 Chair Lauing understood the direction of the motion and what it was trying to be accomplished.  
26 Without the criteria, he could not support the motion as a blanket resolution.

27 Commissioner Chang stated there are broader implications and she could not support the  
28 motion.

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1 Commissioner Templeton appreciated the discussion but felt a thorough vetting needed to  
2 happen before changing the Code.

3 Vice-Chair Summa believed Council was trying to contain the Text Amendment and PTC wanted  
4 to expand it.

5 Mr. Yang reminded the Commission that speaking to no votes was not needed unless sharing  
6 the minority's opinion.

7 Chair Lauing wanted Council to understand why the Commission did not support the motion.

8 Mr. Lait inquired if the Commission was requesting more time to consider the ordinance or was  
9 it moving forward with no recommendation to Council on the Text Amendment.

10 Chair Lauing believed there was no recommendation to Council on the topic.

11 Commissioner Hechtman was comfortable moving forward with no recommendation but  
12 invited other Commissioners to provide a motion.

13 MOTION #2

14 Commissioner Chang moved that the GFA exemption be handled through the Variance process.

15 SECOND

16 Vice-Chair Summa seconded.

17 Commissioner Hechtman could not support the motion because it did not respond to Council's  
18 direction and a person would not be able to make the Variance findings.

19 Chair Lauing believed the motion was not necessary because Council will read the minutes and  
20 possibly do their own Text Amendment.

21 Vice-Chair Summa understood from Mr. Lait that Staff's preference was to use the CUP process.

22 Mr. Lait clarified he was making a distinction relative to the development agreement or a CUP.  
23 He believed the CUP process was more appropriate than the Variance process.

24 FRIENDLY AMENDMENT

25 Vice-Chair Summa recommended the maker change the motion from Variance to the CUP  
26 process.

27 Commissioner Chang agreed.

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1 Mr. Yang stated the current Code would not allow GFA exemption handled through the CUP  
2 process.

3 Mr. Lait agreed that an amendment would be needed.

4 Vice-Chair Summa restated there was no other way to achieve the exemption other than doing  
5 a Text Amendment.

6 Mr. Lait answered yes.

7 SECOND WITHDRAWN

8 Vice-Chair Summa withdrew her second.

9 MOTION #2 WITHDRAWN

10 Commissioner Chang withdrew her motion.

11 Vice-Chair Summa recommended moving forward to Council with no PTC recommendation with  
12 respect to the Text Amendment.

13 Chair Lauing recommended a short break.

14 [The Commission took a short break]

15 Chair Lauing reconvened the meeting and invited a discussion on enrollment.

16 Commissioner Chang mentioned she reread the Fehr and Peers Parking Study from July 23,  
17 2021. Parking Option E reduced the parking requirement from 104 to 89 spaces including the  
18 TDM. Based on that reduction, the Fehr and Peers study highlighted that between 450 and 460  
19 students, peak parking demand will be over capacity. The City Council did not have the study at  
20 the time of their deliberation. Based on the information, neighbors' concerns and other factors  
21 were highlighted in previous meetings, she could not support an enrollment increase beyond  
22 450 students. Castilleja was very dense and unique because it was surrounded by single-family  
23 homes. Also, she expressed concern about the timeframe in which TDM violations could be  
24 remediated with step-function enrollment increases. She found such proposed increases too  
25 aggressive when trust between the neighbors and the school was at an all-time low. She  
26 believed it would be a simple process for the school to come back after several years and  
27 request an enrollment increase. She believed it appropriate to start at an enrollment number  
28 where there is agreement to allow the community to heal. She mentioned she had a motion  
29 but would wait for other Commissioners to provide their comments.

30 Chair Lauing invited Commissioner Chang to make her motion.

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1 MOTION #3

2 Commissioner Chang moved to increase enrollment to 450 immediately via the CUP but  
3 implement a moratorium on enrollment increases until construction is completed. At which  
4 time, the applicant can apply for an enrollment increase that could be a step function as  
5 proposed in the table in the Staff report.

6 SECOND

7 Vice-Chair Summa seconded.

8 Commissioner Templeton stated the process has always been to have discussion first and then  
9 motions. She confessed she was puzzled the Chair encouraged the maker to make her motion.  
10 She was concerned about the maker labeling the enrollment chart as aggressive and  
11 challenging the trust of the applicant. She did not agree that that enrollment should be held at  
12 450 students. The CUP process is cumbersome, costly for the City and did not promote healing.  
13 She mentioned that the City will be adding more housing and schools need to be allowed to  
14 expand capacity. She concluded that she could not support the motion.

15 Vice-Chair Summa found the analysis of the Fehr and Peers made by Commissioner Chang  
16 compelling as well as the Council not having the document at their meeting. She agreed that  
17 450 students are a number PTC can be comfortable with, neighbors are comfortable with it and  
18 it allowed for movement. She found the motion showed goodwill from the City to the  
19 neighbors while allowing Castilleja to increase their enrollment. She agreed that when the  
20 applicant comes back to amend their CUP to increase enrollment. It will be a much simpler  
21 process.

22 Commissioner Hechtman requested Staff explain parking becoming over capacity when 450 to  
23 460 students are enrolled at the school.

24 Mr. Lait understood that the TDM plan would serve to mitigate the shortfall.

25 Chair Lauing: Do you have the exact spot Commissioner?

26 Commissioner Chang answered it was Figure Six in the Fehr and Peers study.

27 Commissioner Hechtman inquired if the Conditions of Approval or MM included a requirement  
28 that Castilleja ensures that their students and faculty does not park in the neighborhood?

29 Ms. French answered yes, in the TDM plan.

30 Commissioner Hechtman recalled Castilleja mentioned they have many communication  
31 methods that outline where folks can and cannot park. He remarked the applicant was

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1 requesting an increase to 540 students. To support the motion, PTC must prove that the  
2 evidence supports the denial of the request and justifies enrollment being held at 450 students.  
3 Based on the evidence, there was no justification to deny the request due to traffic, noise and  
4 construction impacts. There was a justification based on parking but believed the TDM  
5 mitigated that. He could not find substantial evidence proving that growing enrollment by 25  
6 students per year was too aggressive. He remarked he has never understood the concern  
7 regarding the density of the campus. There was no evidence to support that concern. In the  
8 beset case scenario, it would take 6-years for Castilleja to reach a max enrollment of 540  
9 students. He concluded he supported the phased enrollment increases as proposed by Staff and  
10 it was the wrong idea to bring Castilleja back for a series of incremental CUP modifications to  
11 grow their campus.

12 Chair Lauing agreed enrollment is the biggest concern within the CUP because it drove the most  
13 future risk for the community. The Council's direction indicated their support for 450 students.  
14 He agreed it was time to make a final determination on the project. Granting Castilleja 540  
15 students now was looking at the process top down. He appreciated the Head of School stating  
16 that 540 students were the highest Castilleja could go and still have a successful TDM. Though  
17 the school has been successful with its current TDM. That did not prove they will continue that  
18 success in the future with increased enrollment. He recalled Council Member Filseth's  
19 comments that the TDM has to be result-based and not effort-based and he agreed with that  
20 comment. He underscored Castilleja's existing track record regarding trust and transparency  
21 has not been good. He questioned why the City would award a 30 percent enrollment increase  
22 before the school established a valid track record with 450 students. He pointed out a member  
23 of the public spoke about Castilleja knowing they were over-enrolled and it was commonly  
24 discussed among parents at the school. She pleaded that PTC not approve the enrollment  
25 increase due to the school's lack of transparency. He did not understand the comments made  
26 by the public regarding moving the goal posts. The application was a compromise between the  
27 neighbors, Castilleja and City. Due to the trust gap and transparency issues still being valid, he  
28 could not support the City proactively pre-approving a plan for a 30 percent student enrollment  
29 increase. He believed asking Castilleja to hold enrollment at 450 students was not a huge ask  
30 compared to what other concessions they were being granted. After reading the minutes, he  
31 did not see any mention of having Castilleja apply for a new CUP for every 25 student  
32 enrollment increase. His own proposal was to cap enrollment at 450 for 2-years and then revise  
33 the CUP with an increased enrollment after trust had been restored.

34 Commissioner Templeton understood the motion included having Castilleja come back to the  
35 City for CUP revisions to increase enrollment.

36 Commissioner Chang confirmed that is correct but the motion did not specify that every  
37 enrollment increase had to be addressed by a new CUP.

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1 Commissioner Templeton appreciated Chair's Lauing comments regarding the timeline. She  
2 noted the timeline to increase enrollment through increments had a baked-in review process.  
3 The PTC had the discretion to change the number of years between enrollment changes if  
4 desired. She found it unproductive and unhelpful to have to revisit the number of students  
5 every year.

6 Chair Lauing restated that nowhere in the minutes of past meetings had anyone on the  
7 Commission said that Castilleja has to come back every year for a new CUP for an increase of 25  
8 students. That was not the intention of his proposal at a prior hearing. He wanted to see a  
9 waiting period of 2-years be completed before increasing enrollment beyond 450 students.

10 Vice-Chair Summa articulated that the project was not required but did anyways a study  
11 regarding Vehicle Miles Traveled (VMT). The study showed that the enrollment increase will  
12 cause a 23 percent increase in VMT. She asked how the increase fit in with no net new trips?  
13 She stated it was not clear how the word trip is defined and how the City intended to capture  
14 drop-offs that happen several blocks away. She agreed the school can come back to the City at  
15 any time and request an increase in enrollment to any number they want.

16 Mr. Lait invited Ms. Waugh to provide comments regarding VMT. He articulated that the VMT  
17 analysis may not have included the TDM.

18 Katherine Waugh, Dudek, requested a couple of minutes to access the files.

19 Commissioner Hechtman responded that he did not understand Commissioner Chang's motion  
20 to propose future CUP modifications be limited to 25 students per application. He urged the  
21 Commission to recognize the reality of the situation. The motion on the floor was to give  
22 Castilleja 35 additional students after a 6-years process. He was astounded that folks believed  
23 that the process to increase enrollment to the desired 540 students would be smooth and quick  
24 if Castilleja came back. He asked can the Commission preclude an applicant from asking for a  
25 modification at a time of their choosing as a Condition of Approval?

26 Mr. Yang answered he would have to look into it.

27 Mr. Lait noted that the VMT analysis was not a fair representation of what the car trip increase  
28 would be currently if Staff did a VMT analysis for the project.

29 Vice-Chair Summa asked if the VMT analysis was done before the TDM was created.

30 Mr. Lait clarified that the VMT law was enacted after the project was started.

31 Vice-Chair Summa asked if the City will still consider the impact outlined by the VMT study.

- 
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1 Mr. Lait proclaimed that EIR concluded that there were no unmitigable impacts. The  
2 Commission has to consider the CUP findings and Commissioners may have concerns regarding  
3 VMT from a CUP perspective.

4 Ms. Waugh agreed with Mr. Lait that Dudek evaluated the VMT based on existing travel  
5 patterns and did not take into account the positive benefits of the TDM. The study presented a  
6 worst-case scenario of how the additional trips could contribute to VMT region-wide.

7 Vice-Chair Summa suggested Staff provided the VMT analysis to Council.

8 Chair Lauing restated that he wanted to have a clean track record of compliance before  
9 allowing Castilleja to increase their enrollment beyond 450 students.

10 Commissioner Templeton requested the motion restated.

11 MOTION #3 RESTATED

12 Commissioner Hechtman believed the motion was a moratorium prohibiting an application for  
13 a CUP amendment to expand beyond 450 until after construction was complete.

14 Commissioner Chang confirmed that is correct. She noted if that is not a legal motion, she was  
15 comfortable changing it to what Director Lait had suggested.

16 Mr. Lait confirmed Staff will research it and make a correction, if needed, before the Council  
17 meeting.

18 VOTE

19 Ms. Klicheva conducted a roll call vote and announced the motion carried 3-2.

20 MOTION PASSED 3(Chang, Lauing, Summa) -2(Hechtman, Templeton) -1(Roohparvar absent) -  
21 1(Reckdahl recused)

22 Chair Lauing invited Commissioners to speak about their no votes.

23 Commissioner Hechtman explained he provided comments about how the Commission did not  
24 have substantial evidence to support the motion.

25 Commissioner Templeton agreed with Commissioner Hechtman and that the motion created an  
26 unnecessarily heavy process that replaced the already bake-in gradual enrollment increases  
27 process.

28 Chair Lauing moved to special events

- 
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1 Commissioner Chang expressed concern about Item 6(b) in the CUP and believed that 32  
2 weekday evening special was too many based on concerns raised by the public. Based on an  
3 average school year, 32 events would be approximately one special event per week. She  
4 proposed to reduce the number of weekday evening events. She articulated that the  
5 information regarding other schools that were provided by Staff was not fully complete. One  
6 relative comparison was Pinewood School in which they only had 12 special events per year.  
7 She suggested reducing the proposed special events from 70 to 50 and having only 16 weekday  
8 evening special events. That would address the concerns raised by the neighbors.

9 Commissioner Hechtman appreciated Staff categorizing the breakdown of the events but doing  
10 it that way made it appear that there were more than 75 events. He understood that there was  
11 overlap and it still only added up to 75 events.

12 Ms. French confirmed that is correct.

13 Mr. Lait clarified it was 70 events.

14 Commissioner Hechtman confirmed it was 70 plus five.

15 Ms. French clarified it was five major events with 70 non-major events.

16 Commissioner Hechtman remarked that based on the information provided by Staff, it  
17 appeared that most schools do not have limits on special events and that was not an issue for  
18 the neighborhoods those schools reside in. The applicants originally requested 96 special  
19 events with five major ones. That was reduced to 70 plus five and he was comfortable with that  
20 proposal. He highlighted that some of the events were important events for the school's  
21 operations and others were important aspects of the education of the students. Based on the  
22 records, there was no evidence that the nighttime activities involved a lot of noise or that the  
23 traffic was overwhelming the neighborhood. He commented this was a prime example where  
24 PTC has to balance the importance of the education of the students with the impact on the  
25 neighbors.

26 Commissioner Templeton indicated she was comfortable with the proposed 70 events plus five  
27 major events. She reminded the Commission to not let fear deprive students of vital  
28 opportunities. She found it unthinkable to restrict the events to a minimal level and believed 70  
29 events plus five major events was a compromise.

30 Vice-Chair Summa understood that the current CUP allowed Castilleja to have eight events  
31 because there were five major foundational events and the CUP said several other events.  
32 Jumping from eight to 70 plus five was a tremendous increase. Many schools have a buffer  
33 space around them and Castilleja does not have that. The limit would not restrict small groups  
34 from coming together at the school and some of the events could happen outside of the school.

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1 She could not support 70 events plus five major events but could support 50 events. She  
2 confessed she could support limiting the events further than 50. She asked if the shared  
3 campus rule allowed Palo Alto Unified School (PAUSD) to use Castilleja's campus and Castilleja  
4 to use PAUSD's campuses.

5 Mr. Lait confirmed that is correct but the provision was not used very often.

6 Vice-Chair Summa restated she could support 50 events plus five major events.

7 Chair Lauing asked if there would be a committee established to discuss how the provisions in  
8 the CUP were working.

9 Ms. French explained there will be meetings with the neighborhood and Conditions of Approval  
10 about enforcement of the CUP.

11 Chair Lauing clarified he was talking about friendly discussion and not when the school was out  
12 of compliance. He wanted to understand if there was any negotiating room after the CUP is  
13 implemented.

14 Mr. Lait stated that would have to be embedded into the Conditions of Approval and if not,  
15 then the CUP would have to be amended to request for more events.

16 Commissioner Templeton asked what the existing eight events were in the current CUP and  
17 were any of the events were listed on the proposed list.

18 Ms. French clarified Staff did not have a list of the events because that was not how the existing  
19 CUP read. Eight events were something that Vice-Chair Summa stated.

20 Commissioner Templeton restated if the existing events were comparable to the way the  
21 Commission was comparing them.

22 Mr. Yang mentioned Staff can provide the language in the existing CUP regarding events. One  
23 requirement was Castilleja had to review its event scheduling process so events do not occur on  
24 consecutive weekends. Then there were the five major events and then the CUP described  
25 several other events during the year that required groups of 50 to 100. Those events were  
26 required to be published annually and distributed to the neighbors.

27 Commissioner Templeton summarized the City did not know what the events are.

28 Mr. Yang believed the lists were available on the project website.

29 Commissioner Templeton inquired if it was eight items or an order of magnitude larger than  
30 eight.

- 
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1 Mr. Yang confirmed it was an order of magnitude larger than eight.

2 Commissioner Templeton thanked Staff for the clarification and understood that the eight  
3 events in the existing CUP were counting something different than the proposed events.

4 Chair Lauing understood that the eight was an estimation because the current CUP stated it  
5 was five regular and several other events and that there was no definition of several.

6 Commissioner Templeton commented their calendar online indicated there was an event  
7 almost daily.

8 Chair Lauing clarified that the CUP was not defined narrowly.

9 Commissioner Templeton asked if Ms. Romanowsky could answer the question.

10 Chair Lauing inquired if Staff had any more information on the current events allowed in the  
11 existing CUP.

12 Mr. Lait confirmed that the language in the existing CUP was interpreted differently by Staff  
13 than by the applicant. Staff was hoping the new CUP would be clearer.

14 Commissioner Templeton indicated that the school was holding many events currently and  
15 there would not be a significant change from the old CUP as predicted if 70 events were  
16 approved. What was counted as an event in the existing CUP was different than what was  
17 counted as an event in the proposed CUP. She asked what the 20 events that would be cut if  
18 the list were reduced and did it include sporting events and plays.

19 Mr. Lait stated the applicant provided that list and it was posted on the project website and  
20 stated Staff can show that to the Commission.

21 Commissioner Templeton suggested Ms. Romanowski provide her comments while Staff shares  
22 the list of removed events.

23 Vice-Chair Summa clarified that several others to her meant three and that was why she said  
24 eight events. She agreed that was not enough and that the school was having more than eight.

25 Commissioner Templeton stated she was trying to understand if it was an order of magnitude  
26 or not.

27 Chair Lauing asked if Staff had the information.

28 Ms. French remarked she was looking up the information.

- 
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1 Mindie Romanowsky, the representative for Castilleja, requested to speak and announced she  
2 had information about the existing CUP.

3 Chair Lauing understood Ms. Romanowsky was speaking about the number of events in the  
4 current CUP.

5 Ms. Romanowsky answered yes. She agreed the current CUP had language about events but it  
6 was very vague in terms of specificity. The current CUP allowed five major functions and the  
7 CUP allowed for several other events that require groups of 50 to 100 people. The CUP included  
8 a list of example events including volunteer meetings, open houses, parents' meetings and  
9 dances. Also, the existing CUP did not have language regarding events over 100 people.

10 Commissioner Templeton thanked Ms. Romanowsky for her answer. She confirmed the  
11 Commission was not talking about an order of magnitude in events but rather increasing the  
12 specificity of what the events will be. She asked if Staff was able to find the list of events that  
13 may be removed.

14 Ms. French apologized and stated she was having trouble finding it.

15 Commissioner Templeton asked if the events would be qualified under the proposed list of  
16 events.

17 Mr. Lait answered that is correct, if the Commission recommended 50 events then 20 would  
18 have to be removed from the proposed list.

19 Commissioner Templeton stated that based on the events listed, it would be harmful to the  
20 student body to remove events from the list. COVID proved that youth need opportunities to  
21 interact in person and provide opportunities for gatherings. She could not support reducing the  
22 list and supported Staff's recommendation of 70 events plus five.

23 Commissioner Chang commented that the 70 events plus five were not all student events and  
24 hoped that any events eliminated from the list would be non-student events. Many of the  
25 events could be done off-campus that were not student-related or done over Zoom.

26 Commissioner Hechtman asked when the existing CUP was adopted.

27 Ms. French answered in the year 2000 and then the gym received its CUP in 2006.

28 Commissioner Hechtman inquired if the year 2000 CUP included the five-plus several language.

29 Ms. French confirmed that is correct.

30

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1 Commissioner Hechtman noted Castilleja had been in operation for 90-years before they had to  
2 apply for a CUP. He agreed that the word several was vague, but it seemed unlikely that several  
3 were meant to mean three events. If that was the case, the Council would have written three  
4 events instead of several. He stated the issue was how many events was Castilleja asking for  
5 and was their substantial evidence to deny Castilleja's request. Not how many events did the  
6 existing CUP allow compared to the new CUP. Castilleja had been holding significantly more  
7 than eight events since 2000 and there was not a history of complaints received regarding  
8 those events from the neighbors. He mentioned the list of possible eliminated events was  
9 linked in the January 19, 2022 Staff report. Many of the events proposed to be eliminated did  
10 not rise to the level of concern folks were expressing. He believed he completed the task set  
11 forth by the Council and concluded it would be to micromanage to reduce the events.

12 MOTION #4

13 Commissioner Chang mentioned many public commenters spoke of the impacts caused by  
14 events. Some of the events listed were eliminated during COVID and the school was able to  
15 function properly. Special events meant 50 to 100 people and so the school could hold  
16 gatherings as long as they were less than 50 people. Also, the school could hold many of the  
17 events over Zoom which would allow greater participation. She moved to change the language  
18 to Condition Number Six in the CUP to read "the school may schedule up to a maximum of five  
19 major events and 50 additional special events each calendar year beginning August 1st as  
20 described". That the language in Item B read "inclusive of all special events, the maximum  
21 number of weekday evening special events after 6:00 pm shall not exceed 16 events". Lastly,  
22 for Item G, the language read "that the school shall have special events on no more than two  
23 consecutive evenings and shall minimize special events on consecutive days and for larger  
24 events occurring on consecutive weekends".

25 SECOND

26 Vice-Chair Summa seconded.

27 Commissioner Templeton stated the motion on the floor did not have any basis and the  
28 numbers that were chosen appeared to be arbitrary. She did not find having noise on the street  
29 where parking is available a compelling reason to change the request from the applicant.

30 Commissioner Hechtman could not support the motion for the reasons stated earlier. He did  
31 highlight he supported Commissioner Chang's first proposal in the motion to refer to the events  
32 as 50 events plus the five major events.

33 Commissioner Chang confirmed that was intentional.

34 Chair Lauing asked if Commissioner Hechtman wanted to split the motion into separate pieces.

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1 Commissioner Hechtman answered no.

2 Mr. Lait requested Commissioner Chang restate her motion.

3 Commissioner Chang restated her motion.

4 Commissioner Lauing was interested in understanding if a group was being established with  
5 neighbors, Castilleja Staff and City Staff to discuss events.

6 Commissioner Chang recalled that the group was specific to the TDM.

7 Ms. French confirmed it is the TDM Oversight Committee.

8 Chair Lauing inquired if that committee could oversee events as well to allow flexibility to  
9 change the number of events. He believed it would be beneficial to have an escape valve when  
10 new data comes up in the next 2- to 5-years.

11 Commissioner Chang announced she is open to an amendment.

12 FRIENDLY AMENDMENT

13 Chair Lauing suggested including in the motion creating a committee mechanism of community  
14 members and school members that meet periodically to evaluate events and make  
15 recommendations to the Director of Planning for changes.

16 Commissioner Templeton stated that the amendment should be broad-reaching and not only  
17 apply to events and TDM.

18 Ms. French shared Council directed Staff to explore a TDM Oversight Committee.

19 Mr. Lait was worry of having another committee.

20 Chair Lauing was cautious about having the number of events set at 50 plus five for a number of  
21 years without the flexibility to change it quickly.

22 Mr. Lait noted Castilleja could include a request regarding events when Castilleja returns for a  
23 CUP amendment for enrollment increases.

24 Chair Lauing restated he was trying to find a faster process.

25 Commissioner Chang mentioned another way was to have language in the CUP that allowed the  
26 Director of Planning to make the decision.

- 
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1 Commissioner Templeton specified that if approved, the committee should oversee all the  
2 various components the PTC was discussing in the CUP.

3 FRIENDLY AMENDMENT WITHDRAWN

4 Chair Lauing stated Council could have picked a specific number for events. He appreciated the  
5 Commission being cautious because there were many uncertainties.

6 VOTE

7 Ms. Klicheva conducted a roll call vote and announced the motion carried 3-2.

8 MOTION #4 PASSED 3(Chang, Lauing, Summa) – 2(Hechtman, Templeton) -1(Roohparvar  
9 absent) – 1(Reckdahl recused)

10 Commissioner Templeton stated the reduction had already been made to the events and the  
11 motion went too far. She encouraged the PTC to focus on community engagement and not do  
12 things that would be harmful to the student body. For those reasons, she voted no on the  
13 motion.

14 Chair Lauing announced it was 10:00 pm and per PTC rules, a check-in was required. If the item  
15 was continued, Staff had indicated it was a high risk that the item would not make it to Council  
16 before their summer break.

17 Commissioner Templeton suggested PTC hold a special meeting and finish the item then.  
18 Having a special meeting would allow more Commissioners to be present.

19 Vice-Chair Summa did not want to continue the item and recommended moving forward.

20 Commissioner Hechtman stated there were three items left. One item could be quick and the  
21 other two may take more time. He believed if the Commission resumed, the meeting will go  
22 past midnight. He supported both options, continuing the meeting to a special meeting or  
23 completing the project now.

24 Chair Lauing suggested the PTC continue to the next item. He believed the Commission  
25 discussed the TDM and the parking options at length in prior meetings and predicted they  
26 would not take long.

27 Commissioner Templeton requested a break.

28 Commissioner Hechtman agreed and suggested the Commission begin after the break with the  
29 Residential Parking Program (RPP).

- 
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1 Chair Lauing agreed and called for a short break.

2 [The Commission took a 5-minute break]

3 Chair Lauing opened the floor for discussion on the RPP. In a prior meeting, there was  
4 consensus that there was no need for an RPP.

5 Commissioner Hechtman asked if a motion was necessary.

6 Chair Lauing answered yes.

7 Mr. Lait agreed.

8 MOTION #5

9 Commissioner Hechtman moved that the PTC recommend to the City Council that an RPP for  
10 the area surrounding Castilleja should be resident initiated. Rather than fold it into the TDM  
11 mitigation measures or Conditions of Approval.

12 SECOND

13 VOTE

14 Chair Lauing seconded.

15 Ms. Klicheva conducted a roll call vote and announced the motion carried 5-0.

16 MOTION PASSED 5(Chang, Hechtman, Lauing, Summa, Templeton) -0 -1(Roohparvar absent) -  
17 1(Reckdahl recused)

18 Chair Lauing invited discussion on parking options.

19 Ms. French expressed Staff provided a comparison of the two parking options for the  
20 Commission to consider as well as clarification regarding the easement relocation. Utilities and  
21 Public Works Department reviewed and accepted the plans regarding the easement shift.

22 Chair Lauing summarized Council directed PTC to review an underground parking facility  
23 allowing 50 percent of required parking below grade.

24 Ms. French added without counting as GFA. Only Option E fulfilled the Council's direction  
25 regarding 50 percent of the required parking below grade.

26 Chair Lauing understood Staff's recommendation is Option E.

- 
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1 Ms. French confirmed that is correct.

2 Chair Lauing remarked that the review did not mean to tell Castilleja not to have an  
3 underground garage.

4 Ms. French answered that is correct.

5 Commissioner Hechtman articulated that PTC will deliberate on Option D, Option E and the ARB  
6 hybrid option for parking.

7 Chair Lauing clarified Council already decided to have an underground garage and there was no  
8 need to discuss an option that did not include an underground garage.

9 Commissioner Hechtman agreed and disclosed he had several questions before the discussion.

10 Commissioner Templeton confirmed she had questions as well.

11 Commissioner Hechtman requested more information about the acoustic fence.

12 Ms. French reported the acoustic fence was only included in Option E.

13 Commissioner Hechtman noted Option E was Staff's recommended option to fulfill Council's  
14 direction.

15 Ms. French answered yes and Option E improved upon tree preservation. ARB reviewed the  
16 design of the fence and the fence would run along Kellogg Avenue to mitigate noise from  
17 deliveries happening at grade.

18 Commissioner Hechtman confessed he was not familiar with acoustic fences.

19 Mr. Lait suggested the Commission invite the architect to explain the acoustic fence and  
20 reiterated that the ARB review the acoustic fence plans.

21 Ms. French stated ARB reviewed the fence at their December 2, 2021 meeting and then again  
22 on March 17, 2022, with additional plan materials.

23 Commissioner Hechtman asked if Staff had reviewed the fence and found it sufficient.

24 Ms. French answered an acoustic consultant reviewed the fence.

25 Commissioner Hechtman remarked the acoustic fence was not needed for Option D because  
26 garbage pick up and deliveries happened underground in the garage.

27 Ms. French answered yes.

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  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Commissioner Hechtman inquired how effective would the acoustic fence be.

2 Ms. French reminded the Commission that currently the garbage and deliveries happen at  
3 grade. The acoustic fence would be improving noise impacts from existing conditions.

4 Commissioner Hechtman wanted to understand the difference in noise between Options D and  
5 E.

6 Ms. Waugh confessed she has not reviewed the noise study but confirmed that as long as the  
7 acoustic fence meets the appropriate engineering standards. The fence will then be able to  
8 regulate the noise sufficiently.

9 Commissioner Hechtman asked would it be realistic to expect that the sound from the garbage  
10 truck behind the fence would be similar to the sound of the garbage truck underground.

11 Ms. Waugh stated anything underground will be much quieter but the fence will control the  
12 noise to meet the City's standards.

13 Commissioner Hechtman asked how many trees are being saved on the site.

14 Ms. Waugh predicted it was approximately 200 trees.

15 Mr. Lait emphasized it was late and Staff could not answer specific detailed questions. He  
16 restated that Option E attempted to protect the more vulnerable trees.

17 Commissioner Hechtman requested Staff explain the hybrid parking option as suggested by the  
18 ARB.

19 Ms. French explained the hybrid incorporated Option D's 69 parking spaces below grade with a  
20 parking reduction of 9 percent as well as Option E's pool relocation which saved tree #155 and  
21 improved upon the protection of trees #87 and #89.

22 Commissioner Hechtman asked if the hybrid has trash and deliveries below grade or at grade.

23 Ms. French answered at grade with the acoustic fence.

24 Commissioner Templeton inquired if the smaller pool at competitive lane lengths.

25 Ms. French informed me that the pool size has not changed, only the pool location.

26 Commissioner Chang wanted to understand the exit treatment for the parking garage and did  
27 the exit treatment existing for all parking options.

- 
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1 Ms. French explained the exiting from the below grade garage to Emerson Street was the same  
2 for Options D and E. The exit treatment would be happening below grade at the start of the  
3 ramp.

4 Chair Lauing asked which option was Staff supporting.

5 Ms. French confirmed Staff was recommending Option E because it was the only option that  
6 fulfilled Council's direction to Staff. Options D and the hybrid went beyond the 50 percent of  
7 required parking to be below grade.

8 Mr. Lait agreed with Ms. French.

9 Vice-Chair Summa announced she was ready to make a motion.

10 Commissioner Hechtman appreciated Commissioner Templeton's comment before providing  
11 general comments before a motion is made.

12 Chair Lauing agreed to that process.

13 Commissioner Hechtman found the Dudek memorandum comparing the two parking options  
14 very informative. The document compared Options D and E against Alternate Four which the  
15 EIR found would cause less than significant impacts. He highlighted that the comparison  
16 showed that Options D and E reduced impacts in every category compared to Alternate Four  
17 except regarding noise. Option E would have more noise impacts than Option D.

18 Ms. French restated existing conditions have deliveries and trash pick up at grade. Option E  
19 improved upon existing conditions.

20 Commissioner Hechtman concurred that both Options D and E are environmentally better  
21 options than Alternate Four. Option E saved tree #155 which was an interior tree and that tree  
22 was considered to not be a distinct visual element from adjacent streets. Option E also reduced  
23 encroachment into the Tree Protection Zone (TPZ) for trees #87 and #89. Both Options D and E  
24 avoided the TPZ for eight more trees than Alternate Four. He clarified that invading the TPZ did  
25 not mean the tree will die but agreed that less invasion into the TPZ is better. Option D required  
26 a smaller parking reduction of 9 percent than Option E and Option D had more impacts during  
27 construction. He agreed to fulfill Council's direction, Option E should be recommended to  
28 Council. He requested to include in the recommendation that Council considers Option D will  
29 have lower noise impacts and require a smaller parking reduction.

30 MOTION #6

31 Vice-Chair Summa moved that PTC recommend Option E to City Council.

- 
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1 SECOND

2 Commissioner Chang seconded.

3 FRIENDLY AMENDMENT

4 Commissioner Hechtman suggestion to include in the motion that Council considers that D  
5 would have lower noise impacts and require a smaller parking reduction.

6 Chair Lauing confirmed if the friendly amendment is not accepted then Commissioner  
7 Hechtman could make an additional motion.

8 Commissioner Hechtman recalled he could do an unfriendly amendment first and then do a  
9 separate motion if it did not pass.

10 Vice-Chair Summa found the amendment to be unnecessary because the Council already knew  
11 the trades off between the two options and they selected Option E.

12 Commissioner Hechtman stated Council did not have the Dudek report comparing the two  
13 options. The report provided new information the Council did not have at their last meeting.

14 FRIENDLY AMENDMENT RESTATED

15 Commissioner Hechtman restated to add to the motion that the Council consider that Option D  
16 would result in lower noise impacts than Option E and would require a smaller parking  
17 reduction than Option E.

18 FRIENDLY AMENDMENT DECLINED BY THE MAKER OF THE MOTION

19 Vice-Chair Summa declined the friendly amendment.

20 UNFRIENDLY AMENDMENT

21 Commissioner Hechtman proposed an unfriendly amendment to the pending motion that  
22 included language at the end stating that the City Council consider that Option D would result  
23 in lower noise impacts than Option E and require a smaller parking reduction than Option E.

24 UNFRIENDLY AMENDMENT DIES DUE TO LACK OF A SECOND

25 Chair Lauing announced there is no second for the unfriendly amendment.

26 Commissioner Templeton suggested Commissioner Hechtman propose the amendment as an  
27 independent motion after the vote. She found the Dudek memorandum intriguing and

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1 requested to hear from the other Commissioners who expressed concerns about  
2 environmental impacts on other components in the CUP.

3 VOTE

4 Ms. Klicheva conducted a roll call vote and announced the motion passed 5-0.

5 MOTION #6 PASSED 5(Chang, Hechtman, Lauing, Summa, Templeton) -0 -1(Roohparvar absent)  
6 -1(Reckdahl recused)

7 MOTION #7

8 Commissioner Hechtman recognized that the last motion tied his hands because Option E was  
9 the only option that fulfilled Council's direction but ARB supported the hybrid and the applicant  
10 supported Option D. To alert the Council to understand the possible unintended consequence  
11 from their direction he moved that the PTC recommend to the City Council consider that Option  
12 D would result in lower noise impacts than Option E and require a smaller parking reduction  
13 than Option E.

14 SECOND

15 Commissioner Templeton seconded.

16 Commissioner Chang could not support the motion because Option D was closer to several TPZs  
17 than Option E.

18 Commissioner Templeton encouraged the Commission to reconsider their opposition to the  
19 motion because earlier the Commission requested that Staff make sure that Council has the  
20 opportunity to view current information.

21 Chair Lauing commented that tree roots do not go in a circle and Option E better protected the  
22 trees than Option D. He found the parking reduction comparison not material and even with  
23 current information he still would have supported Option E.

24 Vice-Chair Summa believed the trees will be damaged by Option D. She recalled Castilleja was  
25 going to do root mapping but did not know if that had taken place yet. She could not support  
26 the motion and felt it was unnecessary.

27 Commissioner Templeton asked if Commissioner Hechtman would like to change the motion to  
28 gain more support.

29 Commissioner Hechtman answered no. He acknowledged that Staff will be forwarding the  
30 Dudek report to Council and that the motion was to highlight several components of the report.

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1 Commissioner Templeton requested the motion be restated.

2 MOTION #7 RESTATED

3 Commissioner Hechtman moved that PTC recommend that the Council consider that Option D  
4 would result in lower noise impacts than Option E and require a smaller parking reduction than  
5 Option E.

6 VOTE

7 Ms. Klicheva conducted a roll call vote and announced that the motion failed 2-3.

8 MOTION #7 FAILED 2(Hechtman, Templeton) – 3(Chang, Lauing, Summa) -1(Roohparvar absent)  
9 -1(Reckdahl absent)

10 Chair Lauing invited Staff to provide a summary of any TDM changes.

11 Ms. French stated there have been no changes since the March 30, 2022 PTC meeting. Staff did  
12 provide a hypothetical schedule of corrective actions under TDM as well as made adjustments  
13 to the TDM to eliminate inconsistencies.

14 Chair Lauing understood the TDM will be applied to the year of the enrollment increases.

15 Ms. French clarified the plan outlined the corrective actions that will take place if Castilleja does  
16 not meet the targets.

17 Chair Lauing wanted to understand if the Commission felt a deep dive was needed regarding  
18 TDM or if it was already covered in prior meetings.

19 Commissioner Hechtman remarked he had questions on the language for Condition #34 as well  
20 as suggestions for clarity.

21 Chair Lauing asked if the wordsmithing items could be heard offline in consultation with Staff.

22 Commissioner Hechtman stated he needed the questions answered to understand the TDM.

23 Chair Lauing remarked it may not be an efficient use of time to go through 10 pages of  
24 wordsmithing at such a late hour.

25 Commissioner Hechtman requested to proceed forward with his questions.

26 Chair Lauing agreed.

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1 Commissioner Hechtman referenced Condition #34 (a) and asked if the word “maximum”  
2 would be changed once enrollment had been established.

3 Mr. Yang explained that the maximum enrollment will be changing over time. He suggested it  
4 read “then maximum” enrollment.

5 Commissioner Hechtman referenced the same condition and asked what “near maximum”  
6 meant. He found the language vague and recommended Staff use quantitative terms instead of  
7 subjective terms.

8 Mr. Lait agreed Staff could use more quantitative language and a number close to the  
9 maximum.

10 Commissioner Hechtman suggested the number be within three of the maximum enrollment.

11 Mr. Lait believed it was okay to have some interpretation of the language but acknowledged  
12 Commissioner Hechtman’s comment.

13 Commissioner Hechtman expressed it would be clearer if it used a specific number. He moved  
14 to Condition #34 (a)(1) and pointed out it was not stated that Castilleja will be included in the  
15 consultation regarding the TDM.

16 Mr. Lait explained the language was to outline who has the authority to make the change. He  
17 agreed in the course of implementing the change, Staff would seek input from Castilleja and the  
18 public.

19 Commissioner Hechtman clarified he did not want to see an inconsistency between the  
20 Conditions of Approval and the TDM table. With respect to Condition #34 (a)(3), the language  
21 talked about restoring student enrollment and he confessed he did not understand it.

22 Mr. Lait explained that the lesser of 25 students or the number of student positions were  
23 reduced through the enforcement effort.

24 Commissioner Hechtman did not understand (b)(5), the second to last sentence.

25 Sylvia Star-Lack, Transportation Manager, believed the sentence referenced the school’s ability  
26 to reduce enrollment by a large increase.

27 Commissioner Hechtman encouraged Staff to review the language before the item goes to  
28 Council.

29 Mr. Lait explained that the lesser of 25 students or the number of student positions that were  
30 reduced through the enforcement effort would be the same model used.

- 
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1 Commissioner Hechtman remarked that a different language was used for item (v) compared to  
2 Condition #34 subpart (a)(iii) and subpart (b)(iii). He suggested harmonizing the language.

3 Mr. Lait agreed.

4 Commissioner Hechtman found the revisions to the TDM violations clearer. He commented he  
5 could not tell if there was an overlap in Phase Two between A, B and C and one, two and three.  
6 He recommended Staff review that before the item goes to Council.

7 Commissioner Chang mentioned that the Mitigation and Monitoring Report Plan (MMRP) used  
8 different numbers than the TDM. She inquired if the numbers in the draft CUP were accurate  
9 and that the MMRP will be updated to reflect the CUP.

10 Ms. French clarified that the more restrictive document was the ruling document.

11 Commissioner Chang asked why only one TDM Oversight Committee community member must  
12 reside within 500-feet of the school. She suggested that both community members should  
13 reside within 500-feet of Castilleja.

14 Ms. French agreed.

15 Commissioner Chang found it important to include special events days in trip counts in  
16 Condition #24 of the CUP. The purpose of the TDM was to manage the overall number of trips,  
17 but she agreed it made sense to separate out summer school.

18 Ms. Star-Lack remarked typical TDM programs use the average metric for the period and special  
19 events were not included because they are not a normal function.

20 Commissioner Chang explained many special events are happening during the week and those  
21 seemed to be a regular course of business.

22 Ms. Star-Lack clarified all trips will be counted. Condition #34 was saying special event trips  
23 would not be included in the average trip count for the TDM.

24 Commissioner Chang articulated if the events are driving the exceedance of the average daily  
25 trips. Folks in the neighborhood are being impacted and the City should be calculating that to  
26 mitigate the impacts.

27 Commissioner Hechtman understood the am and pm peak trip counts were figures based upon  
28 measures taken during those times which did not include during special events. He expressed  
29 concern that Castilleja will always exceed their trip counts if special events are included.

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1 Commissioner Chang appreciated the explanation as well as the explanation that all trips will be  
2 counted.

3 Commissioner Hechtman believed that Castilleja should decide what the TDM should be after  
4 the first violation in consultation with the City. He recommended that be changed in Condition  
5 #34 (a)(1). He supported the new language of Condition #33.

6 Vice-Chair Summa shared her concerns about drop off that happen several blocks away from  
7 the school and those not being counted. She asked if the school has satellite parking, would  
8 trips to the satellite parking count and would shuttle trips be counted.

9 Mr. Lait answered shuttle trips count.

10 Vice-Chair Summa believed the trips to the satellite parking location should count.

11 Mr. Lait mentioned Castilleja did have some satellite before the pandemic but in the CUP, there  
12 was not a condition requiring satellite parking.

13 Vice-Chair Summa restated she was concerned about drop-offs happening in the neighborhood.  
14 She referenced Packet Page 78 (c) and asked what the offsite data would be.

15 Ms. Lait believed the provision was to allow the City to know what data sources were used and  
16 how the data was collected.

17 Ms. Star-Lack agreed and believed the provision referred to the trip counts done off-site.

18 Vice-Chair Summa wanted to understand how Staff will know which cars were associated with  
19 Castilleja and which were cars coming into the neighborhood.

20 Ms. Lait explained those counts were not intended to count specific trips generated by  
21 Castilleja but rather a way to monitor trends for neighborhood traffic.

22 Vice-Chair Summa asked if Staff had baseline data for the neighborhood.

23 Ms. Lait answered yes.

24 Ms. Star-Lack confirmed data will be collected three times a year.

25 Vice-Chair Summa restated she was very concerned about drop-offs in the neighborhood not  
26 being counted.

27 MOTION #8

- 
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1

2 Commissioner Hechtman moved that the PTC recommend to the City Council new Condition#  
3 33 with a change made by Staff to provide that both of the community representatives will  
4 reside within 500-feet of the school.

5 SECOND

6 Commissioner Chang seconded.

7 VOTE

8 Ms. Klicheva conducted a roll call vote and announced the motion carried 5-0.

9 MOTION #8 PASSED 5(Chang, Hechtman, Lauing, Summa, Templeton) -0 -1(Roohparvar absent)  
10 -1(Reckdahl recused)

11 MOTION #9

12 Commissioner Hechtman moved that PTC recommend to the City Council adoption of Condition  
13 34 of the Conditions of Approval as revised by Staff with the following revisions reviewed by  
14 Staff before it went to Council: 34 (a)(1), regarding the applicant, the permit holder deciding the  
15 TDM measure after the first exceedance in consultation with the Director of Planning and  
16 Development Services. 34 (a) and (b), a quantitative replacement for the near-maximum  
17 language of three students or some other number that Staff feels is more appropriate. 34 (a) (1)  
18 (i) and (ii), refer to the applicant being involved in the Director's decision so that it's consistent  
19 with the table in the TDM. Section 34 (a)(3) and 34 (b)(3), review the language regarding  
20 restoring enrollment to make sure it has the effect Staff was intending. Item 34 (b)(v) roman  
21 five, look at the last sentence of that section and harmonize it with (a)(3) (i) and (b) (iii) which  
22 appeared to be different languages for the same event. Page 27 of the TDM, the Phase Two  
23 table, confirms with the TDM author that Items (a)(1) through A-C do not overlap with Items  
24 Two and Three or if so, determine if they should or not and if they shouldn't, then fix that  
25 before it goes to Council.

26 SECOND

27 Commissioner Chang seconded.

28 Ms. Klicheva conducted a roll call vote and announced the motion passed 5-0.

29 MOTION #9 PASSED 5(Chang, Hechtman, Lauing, Summa, Templeton) 0- 1(Roohparvar absent) -  
30 1(Reckdahl recused).

- 
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1 Chair Lauing asked what other items would the Commission like to discuss regarding the  
2 application. He mentioned he would like to discuss the Variance.

3 Commissioner Chang believed the Commission should discuss the findings for the Variance and  
4 the CUP.

5 Mr. Yang explained the items the PTC discussed where the specific pieces Council requested  
6 advice on. PTC fulfilled that mandate and Staff needed no further discussion on the matter.  
7 Council did not direct PTC to provide a more general review of the CUP or Variance.

8 Chair Lauing argued the Variance was within the PTC purview and there were proposed  
9 changes. He believed the PTC should discuss it.

10 Commissioner Chang agreed.

11 Vice-Chair Summa mentioned there are aspects of the findings for both the CUP and the  
12 Variance that she could not make. She agreed PTC should discuss the findings.

13 Commissioner Hechtman stated PTC already made recommendations on those items and the  
14 new information did not change the nature of either of the items. Council will be taking up the  
15 new information and deciding on them. He disclosed he was not prepared to make comments  
16 on the Variance and CUP findings and predicted it would take many hours to discuss those.

17 Vice-Chair Summa pointed out that the first finding has two clauses and those were missing on  
18 Packet Page 67. She could not recall if PTC discussed those or not and found those clauses to be  
19 significant.

20 Chair Lauing suggested any inconsistencies should be discussed offline. He suggested to  
21 concluded the item and postponing the approval of minutes until the next meeting.

22 **[The Commission moved to Commissioner Announcements]**

23 Mr. Lait inquired if the Castilleja item was concluded.

24 Chair Lauing mentioned that the Commission was interested in having a further discussion  
25 about the Variance.

26 Mr. Lait suggested the Commission hold that conversation now and was unsure when the  
27 Commission would discuss the Variance if it did not happen now.

28 Mr. Yang understood that the Chair wanted to talk with the PTC liaison about when and if the  
29 Variance could come back to the Commission for further discussion.

- 
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1 Chair Lauing confirmed that is correct.

2 Mindie Romanowski, the applicant representative, interjected and stated she was confused  
3 about the discussion about the Variance. Was PTC requesting to bring the Variance back before  
4 the City Council meeting or would the City Council meeting be delayed to allow PTC to discuss  
5 the Variance?

6 Chair Lauing explained the Director of Planning and himself will hold a conversation about  
7 whether or not PTC should discuss the Variance and the new information.

8 Mr. Lait found the process irregular. PTC responded to Council's direction and if PTC wanted to  
9 discuss the Variance findings. It should happen now or the meeting should be continued.  
10 Council did not ask PTC to review the Variance findings and Staff did not support PTC delaying  
11 the item to discuss the Variance. Staff believed that the new information did not substantively  
12 change the findings that the PTC considered at a previous meeting.

13 Vice-Chair Summa stated from a personal standpoint it felt awkward to not be able to have a  
14 dialog about the findings which was the legal basis of the PTC.

15 Mr. Lait restated PTC did consider the findings and made recommendations to Council. Council  
16 identified discreet items they wished PTC to reexamine and the findings for the Variance and  
17 CUP were not included in that list.

18 Commissioner Chang acknowledged the comments from Staff and other Commissioners. While  
19 it was disappointing, she found it impractical for PTC to delay the project so it could discuss the  
20 Variance findings.

21 Vice-Chair Summa asked why the item could not be continued to the next meeting.

22 Chair Lauing stated the Commission would have to continue the hearing and then reopen it.  
23 Also, doing that would delay the item going to Council before their summer break.

24 Mr. Lait remarked the hearing would not need to be reopened and the item would be a  
25 continuation of PTC's deliberation. He emphasized by doing that, there was a risk of the item  
26 not going to Council on time.

27 Vice-Chair Summa stated she could not make the findings and believed it was her right as a  
28 Commissioner to be able to state that. She emphasized her intention was not to delay the item.

29 Mr. Lait invited the Commission to share factual errors in the information with Staff.

30 Chair Lauing announced that based on direction from the Planning Director the item will be  
31 closed.

- 
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1 [Meeting adjourned]

2 **Commission Action:** Motion by Hechtman, seconded by Templeton. Failed 1-4 (Roohparvar  
3 absent, Reckdahl recused)

4 **Commission Action:** Motion by Chang, seconded by Summa. Passed 3-2 (Roohparvar absent,  
5 Reckdahl recused)

6 **Commission Action:** Motion by Chang, seconded by Summa. Passed 3-2 (Roohparvar absent,  
7 Reckdahl recused)

8 **Commission Action:** Motion by Hechtman, seconded by Lauing. Passed 5-0 (Roohparvar absent,  
9 Reckdahl recused)

10 **Commission Action:** Motion by Summa, seconded by Chang. Passed 5-0 (Roohparvar absent,  
11 Reckdahl recused)

12 **Commission Action:** Motion by Hechtman, seconded by Templeton. Failed 2-3 (Roohparvar  
13 absent, Reckdahl recused)

14 **Commission Action:** Motion by Hechtman, seconded by Chang. Passed 5-0 (Roohparvar absent,  
15 Reckdahl recused)

16 **Commission Action:** Motion by Hechtman, seconded by Chang. Passed 5-0 (Roohparvar absent,  
17 Reckdahl recused)

## 18 **Approval of Minutes**

19 Public Comment is Permitted. Five (5) minutes per speaker.<sup>1,3</sup>

20 3. February 9, 2022 Draft Summary Meeting Minutes

21 4. February 23, 2022 Draft Verbatim and Summary Meeting Minutes

22 5. March 9, 2022 Draft Verbatim Meeting Minutes

23 [These items were postponed to the next meeting]

## 24 **Committee Items**

25 None.

## 26 **Commissioner Questions, Comments or Announcements**

27 Chair Lauing announced he met with the Mayor and Vice Mayor and discussed the Work Plan.  
28 The Council will be considering the Work Plans in a future meeting and Mayor and Vice Mayor  
29 wrote down suggestions on how to better manage the Work Plan process for PTC.

30 [The Commission moved back up to Item Number Two]

- 
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1 **Adjournment**

2 12:10 pm

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