



# 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.]

Chair Lauing: We think due to some mysterious divine intervention that we are now back up.

Jonathan Lait, Director of Planning: Yeah, this is really going to mess with our rating but.

Chair Lauing: It will mess with our ratings but let's proceed and hope that all the things are fixed and we can continue with this item.

Mr. Lait: Okay, if not we have a plan b.

Chair Lauing: If not, plan b is the four of us here go home and get on our computers and five people in the audience are going to have to do the same thing but hopefully it's fixed now.

## 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

None

## Action Items

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

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2 2. PUBLIC HEARING/QUASI JUDICIAL/LEGISLATIVE: Review of the Castilleja School's  
3 Requested Conditional Use Permit and Variance per Council Direction March 29,  
4 2021, and Review of a Draft Ordinance per Council Direction Amending Section  
5 18.04.030 Regarding Definition of Gross Floor Area in the R1 Zone for Below Grade  
6 Garages. Zone District: R-1(10,000). Environmental Review: The Final Environmental  
7 Impact Report (EIR) was published July 30, 2020 and the Draft EIR was Published July  
8 15, 2019

9 Chair Lauing: I had announced but I'll repeat, there's only one agenda item tonight and this is a  
10 continued hearing from 3/30 on the Castilleja School. Public hearing/quasi-judicial requested  
11 CUP Variance etc. and that is... that's the only item. Private school in an R-1 neighborhood  
12 operating of course under an existing CUP.

13  
14 Just once again, I wanted to thank from the audience all the public comments from last  
15 meeting. It's always very helpful to guide us in our own internal debates as well as our debates  
16 with our colleagues and I think Vice Chair Summa, you have gone over that meeting even  
17 though you were absent.

18  
19 Vice-Chair Summa: Yes, thank you. I did want to let everyone know that I have watched the  
20 meeting and thoroughly so since I missed it, the first part.

21  
22 Chair Lauing: So, that makes you legally and truly up to speed on all these issues and then I'll  
23 recognize Commissioner... what are you calling yourself these days with those wonderful locks?  
24 I still think you look like a rock drummer but sorry, Commissioner Reckdahl.

25  
26 Commissioner Reckdahl: Yes, the suspense has been building so. Once again to avoid any  
27 appearance of bias I will be following the City Attorney's advice and recusing myself tonight. I  
28 will not be participating. Thank you.

29  
30 Chair Lauing: Okay, two questions Commissioner Reckdahl before you sign off and we might  
31 want to get Counsel Yang to opine on this. There... within the Text Amendment, that's actually  
32 legislative, not just necessarily relative to Castilleja. So, if you wanted to attend that and I think  
33 Mr. Yang would say that would be okay but let's hear from him.

34  
35 Albert Yang, Assistant City Attorney: I actually think in this case it would be very difficult to  
36 extract the Text Amendment issue from the quasi-judicial item.

37  
38 Chair Lauing: Okay, any comments on that Commissioner Reckdahl?

39  
40 Commissioner Reckdahl: I'll follow attorney's advice.

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Chair Lauing: And do you want us to call you at midnight to go over the minutes?

Commissioner Reckdahl: Yes, I will do my best to get back in. If it goes past midnight I may not but.

Chair Lauing: Okay (interrupted)

Commissioner Reckdahl: I plan to join you after this item's over.

Chair Lauing: Thank you. So, I just want to make a few opening remarks on this item. So, just a brief history of the timeline. This is in our Packet but for those listening in the PTC approved parts of the project 4-2 and split 3-3 on some items in our recommendations to Council on November of 2020. Council had multiple meetings, did not approve anything on the project, had returned items to both PTC and ARB for further analysis. That direction is summarized in their Council meeting minutes of 3-15-21 and 3-29-21. Overall, on this issue, PTC has review authority on the CUP, TDM, Variance, Parking Adjustment, EIR and then now Council initiated Text Amendment.

So, we've held three meetings in December and January... December of '21 and January of '22 providing preliminary comments to Staff that will come back to us... have come back to us for our recommendations to Council and took only straw votes on those. Tonight, and in spite of the glitches here, hopefully only tonight we'll take final votes on what PTC recommends to Council because if we don't do that. Director Lait has informed me that he believes that this probably will not get to Council before their summer break and obviously, for all concerned, we would like to be able to accelerate that too before their summer break.

And I just want to make a couple of comments on the Conditional Use Permit which is kind of fundamental to what we're considering here. I'm reading partial text from the Code 18.76.010. The purpose of a CUP is to provide for uses and accessory uses that are necessary or desirable in the community. That's the goal and relative to conditions in granting CUPs. Reasonable conditions or restrictions may be imposed to protect the public health, safety, general welfare, or convenience and to assure operation of the use in the matter compatible with existing and potential uses on adjoining properties in the general vicinity. So, just to kind of frame our analysis.

As with any applicant, a CUP is a privilege, not a right because the City doesn't have to do anything for any applicant. Since by definition the use is outside the bounds of what's normal in that area. So, a City action on a CUP is totally discretionary and of course, the Director in some cases approves it and sometimes it goes to Council which is certainly the case here. Every CUP

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1 that I've heard in my kind of almost 6-years on this Commission ends up basically being a  
2 negotiation between the applicant and their desires versus the City with compromise required,  
3 no question. The applicant proposes sort of literally a wish list of desired outcomes for the  
4 project and then the various bodies have to decide on that and common considerations are  
5 guess what? Traffic, noise, parking, site management and capability with other uses. Certainly,  
6 that's on the table with this particular CUP.

7  
8 And just a couple last comments on our role, as in any CUP our job is to hold public hearings  
9 and evaluate the applicant's request. Make recommendations to Council in accordance with the  
10 City's regulations and the CUP law that I just stated. So, we're making recommendations based  
11 on what's best for the City. Meaning necessary or desirable for the community and giving  
12 consideration to the CUP applicant in that regard.

13  
14 So, those are just kind of preliminary and then we're going to do... there's obviously no public  
15 comment as I said but we're going to do questions. And the questions can be to either Staff or if  
16 there are select questions that need to go to the applicant. We can do that but there was an  
17 opportunity last time twice for the applicant to speak. So, I hope we're going to be selective on  
18 that but if it's necessary for decision making absolutely we will do that.

19  
20 So, with that, we'll go any questions. You're light is still on Vice-Chair.

21  
22 Vice-Chair Summa: [off mic] Oh sorry, that was from earlier.

23  
24 Chair Lauing: Sorry, I have to turn it off here. So (interrupted)

25  
26 Jonathan Lait, Director of Planning: So, Chair?

27  
28 Chair Lauing: Yeah?

29  
30 Mr. Lait: We have... if it's helpful to the Commission, Amy has put together a couple of just  
31 orienting slides so we can maybe use that to frame your deliberation.

32  
33 Chair Lauing: Great.

34  
35 Amy French, Chief Planning Official: Hello, Amy French, can you see the screen? So, you've  
36 basically described what occurred back on March 30<sup>th</sup> I believe, to talk about why we're here  
37 again on April 20<sup>th</sup>. We went through Staff presentation, public input, applicant rebuttal and  
38 there were some straw polls on seven items. Back we are today, April 20<sup>th</sup>, and we have some  
39 discussion to take care of tonight. The remaining items were one through five on your screen;  
40 Text Amendment, enrollment increase, special events, TDM, parking reduction.

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2 I have a slide for each of the Council motions and this is in the green box and I have red text  
3 below related to the item numbers and what the Planning and Transportation Commission  
4 requested Staff to return with. So, we presented already on March 30<sup>th</sup>, but this is just to help  
5 guide the discussion. So, I have basically a slide for each one of these... to linger on. So, that's an  
6 example of what I have.

7  
8 Chair Lauing: Okay and the plan after general questions is to go through that list of about seven  
9 that we did last time and did some straw votes on. Well, those five and then at the end we'll go  
10 back and do some catch up on stuff that we... some of the small ones that we did... either said  
11 we don't want to address this, or we do seven to zero in 1-minute or something like that  
12 because that should be in the formal recommendation to the Council.

13  
14 So, which Commissioner would like to start off on any questions? Commissioner Hechtman.

15  
16 Commissioner Hechtman: Thank you, Chair Lauing. So, actually, I want to start with a question  
17 for our counsel Mr. Yang. Chair Lauing, I appreciated your reading the portions of the ordinance  
18 that describe the function of a CUP, but I was a little concerned when you talked about the City  
19 having total discretion to grant or deny a CUP. And just to properly frame this for our  
20 deliberation tonight, I was hoping that Mr. Yang might spend a minute talking about the  
21 relationship between substantial evidence and a factual basis for our decisions in relation to  
22 that exercise of discretion by the City.

23  
24 Mr. Yang: Thank you, Commissioner Hechtman. I was planning to make some comments along  
25 these lines as well. So, the City has the obligation to support any decision and any  
26 recommendation with substantial evidence. And that means that there must be a clear logical  
27 link between the facts that are in our record and the findings that are required by our Code and  
28 as well as the ultimate recommendation of approval or denial. And so, in that sense, there is  
29 not total discretion. We must... we are still bound by what is in the record before the  
30 Commission. And I'd guess I'd also like to comment that while there is no property right to a  
31 CUP before it is granted, there are important rights of the applicant to have a fair hearing and  
32 also to have a decision that is based upon substantial evidence. So, that's... I'm happy to answer  
33 any questions about that.

34  
35 Chair Lauing: This just would be a good time to interject a question that I had but it's right on  
36 those same lines, actually. At the public comment, last time an attorney spoke about the fact  
37 that he did not feel that we had enough connection to the evidence-based on the Staff report  
38 to connect that and that we didn't have the ability to make a recommendation to Council. So, I  
39 just want to raise that to get your view on that public comment.

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1 Mr. Yang: So, you know, one thing is about substantial evidence is that it's not a preponderance  
2 of the evidence. It's not that there needs to be the majority of evidence supporting any decision  
3 by the City, but there does need to be some real and... I'm having trouble using the word other  
4 than substantial but some real and tangible evidence to support our position.

5  
6 Staff have drafted some recommending findings that we believe are supported by substantial  
7 evidence as set forth in those findings. But these are issues where reasonable people may  
8 disagree, and the important element to keep in mind is just whatever decision is made, that the  
9 link to the evidence be set forth clearly.

10  
11 Chair Lauing: I'm sorry, the last thing you said was a link to the evidence is?

12  
13 Mr. Yang: Be clearly set forth.

14  
15 Chair Lauing: And the other thing that he comments on that I'm recalling is that he felt that the  
16 Commission should have independent counsel. Not City counsel advising us which of course we  
17 don't ever have so I just wanted to raise that one as well.

18  
19 Mr. Yang: I'm not sure I understand that issue. The Commission is an advisory body of the City  
20 and it is the work of the City Attorney's Office to provide advice to these sorts of bodies.

21  
22 Chair Lauing: Any other comments on that issue? Is your hand for that Commissioner Chang? I  
23 just wondered if you had a comment on that? No, okay, back to Commissioner Hechtman.

24  
25 Commissioner Hechtman: So, Chair Lauing, I do have some Staff questions but we have a  
26 number of discreet items that we're going to be talking about tonight. And so, for example, I  
27 will preview for you that I have some questions for Staff on the TDM Plan measures and I have  
28 questions for Staff on the parking options and adjustments. But other items like the Text  
29 Amendment, I don't have any questions for Staff and so I'm curious as to how you want to  
30 move through our process tonight? Do you want to go to a discrete topic and work through that  
31 too at least to the point where we're ready to make a recommendation and then move to the  
32 next one or is this just open forum?

33  
34 Chair Lauing: Yeah, it's... the plan was to go through each one of these original... well I guess it's  
35 down to five now from the seven as Amy just put forth. So, something if you have a question  
36 about the parking reductions, if that fits with one of those categories, fine. If it doesn't, you can  
37 ask it now or you can ask it after we are done with the five.

38  
39 Commissioner Hechtman: Okay, then I think I will hold the questions I have until we're in the  
40 discrete issue that the questions pertain to.

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2 Chair Lauing: Okay because we're not going to leave anything out as I said just a little while ago.  
3 Whatever is not in those five, we have to get back on all of those things for a formal  
4 recommendation to Council. Okay, Commissioner Chang then?

5  
6 Commissioner Chang: In that case, I was actually going to ask that process question. Whether  
7 you wanted the questions on all topics to be asked now or kind of within each topic? And so,  
8 I'm going to hold on my questions since they do pertain to each of the specific areas.

9  
10 Chair Lauing: I have a couple more but I can do that same thing. Any other general  
11 Commissioner questions? Okay, so the first item I believe is the Text Amendment.

12  
13 Ms. French: Yes, would it be helpful for me to show the screen?

14  
15 Chair Lauing: Probably, yeah and I do remember the original list is on Page 30 of the old Packet  
16 which I'm sure we all used. Yeah, Commissioner Chang?

17  
18 Commissioner Chang: So, I do have a question about the Text Amendment. So, I saw that the  
19 applicant had written a letter to the City and then the City had responded. In which the  
20 applicant questioned the need for a Text Amendment and the City said that the 50 percent  
21 requirement by City Council required that we do this in the form of a Text Amendment and so, I  
22 had a question for Mr. Yang. If you could just explain that a little bit more because I'm just not  
23 understanding it and I'm sure there are many others who are not understanding it as well.

24  
25 Mr. Yang: Sure, so the applicant argued in its letter that the Council did not direct that a Text  
26 Amendment be prepared. And their position is that our Code allows... not only allows below-  
27 grade parking but it already exempts below-grade parking from floor area... from Gross Floor  
28 Area in the R-1 Zone. And Staff believes that the Council clearly rejected that position and that  
29 interpretation of our Code in March 2021.

30  
31 Moreover, what the Council directed was that floor area for a below-grade parking facility could  
32 be exempt as long as no more than 50 percent of the on-site parking required parking was  
33 placed below grade.

34  
35 And one of the points that was made in the Staff response to the applicant's letter is that, that  
36 concept is... has... there's no way to find that our current Code as written supports that  
37 concept. That the below-grade parking should only be exempt if it's less than 50 percent of the  
38 required parking. That's a completely new idea and since the Council directed that we pursue  
39 that completely new idea, necessarily there has to be a Text Amendment to address that  
40 completely new idea. And so, in Staff's view, that disproves the applicant's contention that the

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1 Council didn't direct a Text Amendment here because the Council directed us to come up to  
2 enact something that is new and has no basis in the existing Code.

3  
4 Commissioner Chang: Thank you, Mr. Yang. So, then a follow-on question to that is that if we  
5 do not pass an ordinance with this 50 percent rule, would it still be possible just using Variance  
6 findings could the garage still be built? There would just be a greater GFA that would need to be  
7 allowed with a Variance.

8  
9 Mr. Yang: In theory yes, that would be possible and it's a question for the Commission and the  
10 Council whether they believe the findings could be made for a Variance at that higher GFA  
11 including the floor area of the garage.

12  
13 Commissioner Chang: Understood, thank you.

14  
15 Chair Lauing: Other Commissioners on this point? We can just take it to right through to  
16 motion. Do you want to do questions and motions on the same time we'll just do it.  
17 Commissioner Hechtman.

18  
19 Commissioner Hechtman: Sure, if no one has any more questions which I think those are useful  
20 to get out front. But if nobody does, I will start by weighing in with my thoughts on the Text  
21 Amendment and this really builds on some comments I made the last time we talked about  
22 this.

23  
24 What we're really... we're talking about the underground garages counting toward GFA and  
25 what we know in the City outside of the R-1 Zone is that underground garages are encouraged.  
26 They don't count toward GFA and they are desirable. There's actually an encouragement again,  
27 outside of the R-1 to have them located there and there are historical reasons for that. In this  
28 instance, the Council has determined that within the R-1 our ordinance doesn't say that and so  
29 we are left with a Text Amendment to address it. And I understand the Council's logic in that  
30 and I want to try to build on that.

31  
32 But my view of this Text Amendment is that it should be broadly applicable with the portion of  
33 the parking allowed to be underground that doesn't count toward GFA to be set in the  
34 development approvals based on the circumstances of that particular development. In other  
35 words, I'm talking about a generic Text Amendment that doesn't set a percentage and unique  
36 to Castilleja to use an example. Since the Council has made clear that they are interested in no  
37 more than 50 percent of the GFA... no more than 50 percent of the parking demand being met  
38 underground without tripping that GFA. My vision is that we would have a Text Amendment  
39 that is generically applicable and in a Condition of Approval, we would set that 50 percent  
40 amount if that's ultimately the Council's decision.

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2 And I think that flexibility is important because I think there are different circumstances in  
3 different developments. We saw in Kol Emeth for example, when that was approved and  
4 regardless of whether there was an error or not because we've seen some information Staff  
5 reports about that. But nobody is saying it didn't work well in that circumstance and I believe  
6 that's a... it's all underground and it works fine. I think about the JCC which maybe 2-years ago  
7 they took their surface parking lot and they basically put a roof over it that made it  
8 underground. So that they could have play fields above it and that I think works very well in  
9 that circumstance. But then I think about the mid-town YMCA where I am a member and  
10 they've got this big parking field and maybe if they wanted to expand their facility. That's  
11 surrounded on three sides by residential... by R-1 residential and maybe 100 percent  
12 underground would work well for that.

13  
14 And so, but I want us to have an ordinance that is flexible so that we can address, on an  
15 application by application, the right percentage based upon on set of criteria that the... that  
16 could be baked into the Text Amendment.

17  
18 So, my suggestion for the Text Amendment, and I'm of course interested to hear what my  
19 fellow Commissioners have to say with their views, is to some extent we simplify this. The...  
20 instead of the criteria that are stated in the draft Text Amendment, which we have and I'm  
21 going to be referring actually throughout my comments tonight to our Packet from March 30<sup>th</sup>  
22 because that was the one with all the attachments. And so, there are a couple of places where  
23 the Staff report tonight is identical to the Staff report from then. So, if I'm talking about Staff  
24 report, I'll try to give you the cite from tonight but otherwise, I'm going to be talking about  
25 March 30<sup>th</sup>. And everybody's nodding their head, so I think everybody is going to be doing that.

26  
27 So, I'm looking at Packet Page 181 which has the draft language that is proposed by Staff and I  
28 agree with the first criteria, are accessories to a non-residential use. On Criteria Number Two  
29 where Staff has recommended located on a parcel that is 6-acres or greater. I would change  
30 that to 1-acre because again, we want maximum flexibility. There may be 1-acre sites where the  
31 parking for a non-residential use in an R-1 Zone works best underground or some part of it  
32 underground. And so, I don't... I'm not finding any logic in having a larger starting size than 1-  
33 acre. I would not use historic resource as a criterion, and I would provide instead of a fixed  
34 percentage like the 50 percent in the draft ordinance on Page 181. That the percentage of  
35 allowed underground parking is the percentage set forth in the development [review]  
36 agreement.

37  
38 And then as a companion to that, when we get to the Conditions of Approval. We would need a  
39 new Condition of Approval or to add to one of the Conditions of Approval in the CUP a  
40 condition limiting their underground parking to the 50 percent or whatever percentage the City

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1 Council ultimately decides upon. For example, if they... if Council were to ultimately decide on  
2 the hybrid or Option D which I think has a... maybe it's a higher percentage than 50, right? Then  
3 that would be the percentage in the use permit Condition of Approval.

4  
5 That's my suggestion for how to tackle the Text Amendment and the companion modification  
6 to the Conditions of Approval. Thanks.

7  
8 Chair Lauing: Commissioner Chang.

9  
10 Commissioner Chang: Thank you, Commissioner Hechtman. I think that was a really interesting  
11 idea because I was really struggling with the ordinance and the choices as presented by... as  
12 presented in the Staff report. I felt that as written, it was written for one property which feels  
13 inappropriate. I don't want to spot zone in the Code, but then looking at the information on  
14 Packet Page 36 in the old Packet where there's a list of sites. That just wasn't enough  
15 information for me to understand the costs and the benefits of making changes. It's just a list of  
16 sites and I mean I saw that there's a categorization based on the acreage but as I thought about  
17 it, without knowing what costs or benefits we are trying to address with the ordinance or  
18 what's the purpose of the ordinance outside of this particular project. I thought it might... to  
19 slice and dice these properties or these parcels, it might be more appropriate to look at what  
20 type of road the property was on because that's a different type of implication. So, whether it's  
21 an arterial or a feeder or if it's a busier street it might be less destructive or more destructive. I  
22 don't know to have underground parking garage and so I was really struggling with it and  
23 couldn't find a reasonable way to look at ordinance.

24  
25 If... I'm now going to switch gears and piggyback on what Commissioner Hechtman has  
26 suggested. Commissioner Hechtman suggested starting at 1-acre and I wouldn't feel  
27 comfortable with that because I don't have any idea what the implications would be. There's  
28 no... I don't know how many parcels that would affect nor how many neighbors that would  
29 affect. And so, I would feel more comfortable with somewhat of a finite list as presented with  
30 2-acres if we were to do something like that.

31  
32 But then furthermore, I think I would want to specify that the underground garage is not  
33 exempt from GFA unless a percentage is a specified to be exempt in a development agreement.  
34 So, in other words, because we haven't been able to get... because this ordinance is buried  
35 within... because this legislative item is kind buried within a quasi-judicial item, I'm not sure that  
36 the broader public is aware that we are even considering something like this and so to make it  
37 the least amount of change but to still maintain flexibility. So, the least amount of change from  
38 what Council has publicly stated. If we were... my current thinking is that if we were to do  
39 something like what Commissioner Hechtman as suggested, that we start with the premise that  
40 the garage counts towards GFA unless exempted by a development agreement.

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Chair Lauing: Did you want other comments first Commissioner Hechtman or?

Commissioner Hechtman: I just want a clarifying question of what Commissioner Chang just said because you mentioned a couple times development agreement and I wonder if you meant Condition of Approval or if they were interchangeable? That the GFA counts unless the parking percentage that counts is listed in the Condition of Approval?

Commissioner Chang: I think I would defer to Mr. Yang about something like that. I don't know what our appropriate vehicle is. I understand the gist of what Commissioner Hechtman is suggesting though is to do these on a case-by-case basis.

Mr. Lait: So, I'll weigh in from Staff. We do not do a lot of development agreements, so our preference would be through a CUP or that would be one way to do it. Another way, I think Commissioner Hechtman said, through the development review which could be any process application type that we have, but I think perhaps we use a CUP as the mechanism if this notion goes forward.

Commissioner Chang: Sure, a CUP definitely seems the most appropriate and I believe all of these uses in an R-1 Zone require a CUP anyway, correct?

Mr. Lait: Yep.

Commissioner Chang: Thank you.

Chair Lauing: Commissioner Summa... Vice-Chair Summa?

Vice-Chair Summa: Thank you and I want to thank Staff for providing us... responding to us by providing the list on Packet Page 36. And but I agree with Commissioner Chang that that just wasn't... there wasn't enough information there to really understand the impacts and nor do I think we would be able to pursue that as a City-wide ordinance because it would be a big change. Before... well, in a timeline that was agreeable to the Castilleja applicants, because I think it would take quite some time to have a study session and for Staff to prepare it and go through the whole process. I did think along that it should be handled as a City-wide consideration and we really have no precedent for this now. Especially since City Staff confirmed that Kol Emeth was basically a mistake but I do see the need for this. And I think on a case by case... because two applicants now have asked for it and I think on a case-by-case basis we might want to consider this.

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1 I... the actual Text Amendment as proposed is troubling to me because it basically applies to  
2 one property and it looks like kind of a spot zoning special privilege situation. So, I think that my  
3 view is that there would be a better way to handle it and if Staff thinks it's a CUP. Then maybe  
4 that's better. I am not comfortable with the way it is, and I would love to have had a broader  
5 discussion about 4-years about this issue so we could apply it City-wide and understand the  
6 impacts, benefits, or drawbacks for these larger conditional uses in R-1 neighborhoods. So,  
7 that's where I am with this.

8  
9 Chair Lauing: Commissioner Templeton.

10  
11 Commissioner Templeton: Thank you, Chair. This has been a concern for me for many years and  
12 it's very good to see that Staff has brought it to us. I agree with comments made by some of the  
13 other Commissioners that this is a pretty big deal and changes... it's almost outside the scope of  
14 the application from Castilleja. Except that if it were already in place then the applicant could  
15 use it. So, I'm a little apprehensive about kind of pushing this forward in the current approach.  
16 That said since it's before us, I will provide some comments.

17  
18 When I look at the list on Packet Page 36, I'm very concerned. I'm not sure if it's in the best  
19 interest of the City to build underground garages or permit underground garages in all of these  
20 locations. They're... as I try and imagine it, it feels very different than what we have done and  
21 the areas which these properties are located are different than the areas that have  
22 underground garages already. And so, it... I have a serious pause when I read this list and try to  
23 understand how we want to apply [note – audio and video cut out]. And the JCC, that is located  
24 in an industrial area so I'm not sure it's a comparable point to bring up or I'm interested in  
25 hearing clarifying comments if it does apply.

26  
27 So, I'm not sure how we can move forward with it as part of this application but I do think it  
28 definitely needs to be addressed. We've been talking about this I want to say several years at  
29 this point because Koh Emeth was not... did not have a precedent when it went forward. So, I  
30 think that the case is going to need to be really thoroughly studied and that's because the  
31 nature of this is so very different. We... this would be a major change for Palo Alto so I just want  
32 to through that out there. That's where I'm leaning, thank you.

33  
34 Chair Lauing: Thank you. I have a couple of comments as well. First, I have a couple questions  
35 for Commissioner Hechtman. Clarification questions, so is your intent to primarily have any of  
36 these flexible things be adjudicated on a case-by-case basis you said relative to what below  
37 ground parking is coded as FAR?

38

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1 Commissioner Hechtman: Correct, correct, based upon... I mean if you want to look at Packet  
2 Page 36. If any of those uses applied for a redevelopment or a change that were proposing an  
3 underground parking garage. Then as a part of that approval process, the City would decide  
4 what percentage from zero to 100 percent of an underground garage would be excluded from  
5 GFA.  
6

7 Chair Lauing: Right and so, I mean that's a question which I know is not the right legal wording.  
8 That's your department, but isn't that more or less doing spot zoning for every project if  
9 somebody is deciding what percentage is going to count against FAR?  
10

11 Commissioner Hechtman: Well, in the sense you're asking it, then every condition imposed on  
12 the use permit is a case of spot zoning. For example, the TDM we have in the present case,  
13 we've never seen a TDM like that with all of those requirements. So, rather than use the term  
14 spot zoning (interrupted)  
15

16 Chair Lauing: I'll rephrase.  
17

18 Commissioner Hechtman: Tailored.  
19

20 Chair Lauing: Aren't you... to make sure that this applies fairly to all, why wouldn't you  
21 determine one percentage and that's it unless they get a Variance?  
22

23 Commissioner Hechtman: Well, in my view, because every piece of property is unique and  
24 that's why we don't for example have one set of Conditions of Approval for every CUP. Every  
25 use is going to have its own unique attributes and the struggle that we and the Council frankly  
26 have gone through on this item is to figure out, faced with the particular Castilleja issue that we  
27 have in front of us. What's the right percentage and I think the Council tried to do that in a  
28 knowing way. Rather than a haphazard way but on a different project they might come to a  
29 different percentage and it wouldn't be based on abstract. It would be based on factors that in  
30 my suggestion we'd have to develop the criteria that Staff would look at.  
31

32 Chair Lauing: That was going to be my next question. Otherwise, you're spot zoning because  
33 you're throwing something to Council or if it were down at the Director level. They would say  
34 well, this is like 30 percent, not 50 percent or these are good guys or you know, I mean it would  
35 have to be a real robust set of conditions if it were going to vary beyond the whatever number.  
36

37 Commissioner Hechtman: I agree it would have to be a set of criteria that looked at impacts of  
38 the underground parking on the particular location of the property which is what the exercise  
39 we've been going through here for 3-years.  
40

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1 Chair Lauing: So, a lot of my other comments are identical to what the other three  
2 Commissioners said relative to its still... the way it's written right now its spot zoning. Probably  
3 looking at combining this with the Variance that is being considered anyway for Castilleja would  
4 be the way out. I want to say that Staff did the first step of what we asked them to do in our  
5 feedback which is to give us some samples of properties that would be affected if we spread it  
6 out because we clearly all, all of us present, feel that there should be something applicable to  
7 the City if we're going to do it. Not just one property but as two of my Commissioners flanking  
8 me said, that doesn't really tell us the impacts on the area and so on.

9  
10 So, I think the creativity that Commissioner Hechtman has come up with is good. I don't think  
11 we're there yet. I'm not sure that it's going to get us there on this item that's tonight. That's the  
12 problem I have with it and the only way that I can think of, and this is just thinking off the cuff,  
13 is if we came up with some general process with consideration for Castilleja that we hope is  
14 going to flow into the other process but that's not the best way to make policy on something  
15 like this.

16  
17 This, from the direction of Council, you know we've been directed to come back with some Text  
18 Amendment and it seems like they are keen to get that but are already putting the judgment on  
19 it with the direction that came in the Text Amendment. That they'd rather only have part or  
20 none of it apply to the FAR. So, it seems like we could make that same individual judgment  
21 through the Variance without even dealing with this at this point. Is your hand up again? Okay,  
22 Vice Chair Summa.

23  
24 Vice-Chair Summa: Quick question for Staff, can you remind me? There's 52... can you remind  
25 me of the parking below grade that's being proposed and on-site at grade?

26  
27 Ms. French: Yes, Amy French, 52 spaces which is half of the 104 are proposed in Option E.

28  
29 Chair Lauing: In Option?

30  
31 Ms. French: E; excellent.

32  
33 Vice-Chair Summa: 52 in the garage and how many at grade?

34  
35 Ms. French: 37 which is the 26 surface spaces shown in Project Alternative Four plus 11 spaces  
36 added in Option E to the surface because of the pool adjustment to save tree 155 and the  
37 removal of the ramp.

38

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1 Vice-Chair Summa: And then there's also the 54 spaces in the public parking spaces on the  
2 three sides of Castilleja that are being proposed. And the reason I'm bringing that up is because  
3 when we talk about the... I think that... I'm not sure how we are proposing giving those to  
4 Castilleja. Right now, it's an informal arrangement and I bring it up now because it seems like  
5 the appropriate time but if they also have 54, I believe it is spaces that are public parking spots  
6 on their side basically the street. It... I wonder if we're giving them 54 free spaces and 50  
7 percent in the garage if that makes sense. And I don't know how to count the 54 and I don't  
8 know how we're going to handle their use of that. And in my thinking about it, I... so we don't  
9 give away a public resource permanently and I don't know if anyone has thought of this or if  
10 Council has really thought of it. But I was wondering if there would be something like an annual  
11 lease of those spots?

12  
13 Ms. French: If I could respond through the Chair?

14  
15 Chair Lauing: Yes.

16  
17 Ms. French: Okay, thanks. The... this application does not state that they have a right to those  
18 spaces. It's a gentle-person's agreement with the neighborhood that they are operating under.  
19 The City has not sanctioned as part of any use permit.

20  
21 Vice-Chair Summa: Right.

22  
23 Ms. French: This is something that they are doing that the neighborhood has come to some  
24 agreement about don't park on our side, we won't park on your side. It's not something the  
25 City is overseeing or giving away or anything relate to Conditions of Approval. This is something  
26 that's (interrupted)

27  
28 Vice-Chair Summa: Right but they're parking... they're counting on it in their parking plan.  
29 They're counting on those spaces.

30  
31 Ms. French: I think it's not necessarily a parking plan. It's a... they were... we asked them to do a  
32 study of the demand and so they were counting those street spaces in response to a request to  
33 understand what's happening in the neighborhood and the parking demand. So, that's why we  
34 got that report that talked about this.

35  
36 Vice-Chair Summa: Right, so they were included in Castilleja's parking demand. Okay, I  
37 understand they're not (interrupted)

- 
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1  
2 Ms. French: Not included in the project request.

3  
4 Vice-Chair Summa: Correct.

5  
6 Ms. French: Or project application.

7  
8 Vice-Chair Summa: But Castilleja feels that they need them. Okay, I was just wondering. I just  
9 wanted to ask because I wasn't sure when that would fit into the conversation. Thank you.

10  
11 Chair Lauing: Other comments, questions? Commissioner Hechtman.

12  
13 MOTION #1

14  
15 Commissioner Hechtman: So, I appreciate hearing from all of the Commissioners on my idea  
16 and I hope... I think hearing some of those comments helped me refine it a little bit. What I'd  
17 like to do at this point is actually make a motion. So, we can... so I can take all of your  
18 temperature on this and if it's not successful, then we'll look at a different motion. And so  
19 again, I'm looking at Packet Page 180-181 and I'm going to provide specific language for the  
20 language. But before I do, I wanted to point because this is an issue that Commissioner Chang  
21 had raised, and I think it's a good one. That unless in your approval there is a specific  
22 percentage set forth, then 100 percent of the underground garage counts as GFA and so I think  
23 Staff has actually done that part of the work already. If you look on Packet Page 180 and we're  
24 dealing in Section 18.04.030, subsection (a) (65) if you can believe that, subpart three. Carports,  
25 garages and below-grade parking facilities except as excluded in section (a) (65) (d)(8) shall be  
26 included in Gross Floor Area. So, I think... I mean that's exactly right, that's the way it should lay  
27 out and Staff has drafted it that way. So, I think that parts works fine.

28  
29 What I want to propose is new language for subpart roman eight which is on the top of Packet  
30 Page 181. Some of the language here I'm going to keep and I'm going to replace part and I'll  
31 point that out. So, I'd just like to go ahead and read my proposed language so in one coherent  
32 line.

33  
34 So, below-grade parking facilities that; number one, are accessory to non-residential uses; 2)  
35 are located on a parcel that is 2-acres or greater; and 3) do not provide more than the  
36 percentage of the base required on-site vehicle parking determined by the City and specifically  
37 set forth in the project approvals pursuant to section blank shall be excluded from the  
38 calculation of Gross Floor Area. A below-grade parking facility that does not meet all of these  
39 criteria shall be included in the calculation of Gross Floor Area in its entirety.

40

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1 So, that is the section, so you can see that I kept the language from shall be excluded and  
2 (interrupted)

3  
4 Chair Lauing: So, just to review, one is the same, two you substituted two for 6-acres, three is  
5 deleted and then four is more [unintelligible].

6  
7 Commissioner Hechtman: Right so three and four... right, three I deleted which made four  
8 become three and three I made into a generic... a non-specified condition that referred or  
9 percentage that referred to the project approval. And section blank, this is where we get to this  
10 criteria concept because I don't know where within the City's CUP regulations is the proper  
11 place to direct... to fill in that blank with the section and possible to build criteria depending  
12 upon what's in that section already because I do think our CUP provisions have a robust set of  
13 criteria for determining project impacts.

14  
15 So, that's the motion.

16  
17 Chair Lauing: Comments? Commissioner Templeton.

18  
19 SECOND

20  
21 Commissioner Templeton: I'll second it.

22  
23 Chair Lauing: So, now we can have discussion. I'll... seeing no lights right now, just a couple  
24 quick questions. You know I think changing it from one to two as opposed to where it was at six  
25 doesn't really address the questions that Commissioner Chang raised before which is that we  
26 don't know anything about those properties and is the intent that all if those would be in... all  
27 that would be in the Development Agreement or a CUP?

28  
29 Commissioner Hechtman: Right, right because that's when we're going to know all about the  
30 particular development is when they apply for the development. And that's when the decision  
31 of between zero and 100 percent would be made in the process of that approval. When we  
32 were analyzing that particular project. So, this... the language that I'm proposing doesn't give  
33 any of those 2-acres and above property a right to any parking garage that doesn't fully count  
34 against GFA. It's only if when they go through the process the City decides okay, that this  
35 percentage doesn't not apply to GFA. If you want anything more than that, it will apply to GFA.

36  
37 Chair Lauing: And the other question, so is your intent to do kind of what I was suggesting is to  
38 try to craft this for the applicant and then have the same section be workable for other  
39 properties in the future?

40

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1 Commissioner Hechtman: I'm not... ask me again?

2

3 Chair Lauing: If the... do you feel like the language there allows us to apply this to Castilleja and  
4 the same language allows future Councils with some criteria that you discussed before to apply  
5 to other properties?

6

7 Commissioner Hechtman: I do and in fact, the nice aspect of doing it this way right now is while  
8 in the long run, I think it would be useful to develop some specific criteria. We don't need that  
9 for Castilleja because the Council has already decided pretty much what that percentage is for  
10 Castilleja. And so, and again, maybe they'll be persuaded to some slightly different number or  
11 not but we don't really need the... the Council didn't need the criteria that we haven't yet  
12 devised to come up with the number for Castilleja. So, they can just plug that number into the  
13 Conditions of Approval if it's 50 percent and the Text Amendment that I've proposed works  
14 seamlessly with that. And then we can... Staff can get busy if in looking at our CUP Ordinance if  
15 we need some additional criteria because again, from Staff's perspective. This is a new concept  
16 because they had a different read on this ordinance historically. So, if they need think we need  
17 to build into some new criteria. I think we have the luxury of a little bit of time before the next  
18 underground garage in an R-1 by a non-residential use might present itself.

19

20 Chair Lauing: Commissioners Chang or Summa? I think Commissioner Templeton has a ghost  
21 hand up.

22

23 Commissioner Templeton: No, I don't. I have a new hand up.

24

25 Chair Lauing: Okay great, go ahead.

26

27 Commissioner Templeton: Thank you.

28

29 Chair Lauing: Then your hand was up first, go ahead.

30

31 Chair Lauing: Thank you. So, I guess one thing I'm just trying to understand. It looks like this  
32 change here we're talking about on 180-181 is just about calculating GFA and not whether or  
33 not garages should go in all these places? Are there... in other words, is this inherently all  
34 mashed together or is this separate?

35

36 Mr. Yang: May I (interrupted)

37

38 Commissioner Templeton: Yes.

39

40 Chair Lauing: Please do.

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Mr. Yang: So, it's Staff's view that below-grade garages are permitted for non-residential uses in the R-1. It's just a question of do they count toward GFA or not?

Commissioner Templeton: Thank you for that clarification, Mr. Yang. I... if I recall correctly, the discussion around that was rather complicated and the reason it was believed to be there is that it wasn't explicitly not there. And this is making it more explicitly there if that makes sense and so I don't have a problem at all with the calculation portion of the program. I'm just worried what are the implications of it and does that make it more likely that we're going to have many, many more very large underground garages through R-1 Zones? So, that's sort of where my thinking is right now. I'd love to hear anyone else's thoughts on that. Thank you.

Chair Lauing: Commissioner Chang.

Commissioner Chang: I echo Commissioner Templeton's concerns and while I think this is a good solution for Castilleja given the conundrum that we're facing, where I'm most concerned now about the proposal on the table is sort of how... I don't know that we've received adequate public comment on this because this new idea is very different from what was proposed. And I think like I said earlier, buried under the heading of Castilleja and so I worry about those larger implications.

On the other hand, what gives me a little bit of comfort is that we've talked about the actual number determination. I mean the... in my view, based on what City Council has said, it is legal for there to be an underground garage in R-1 and when Castilleja... if Castilleja builds one then it will already make that quite obvious that it's legal. So, what gives me a little bit of comfort with the motion on the table is that if it's done through a CUP process. That if I understand correctly, maybe this is a question also for Staff buried in my comments. That it needs to come before public comment... I mean needs to come and the public will be allowed to comment on any subsequent new development. So that we can better understand the impacts.

Chair Lauing: Mr. Yang, would you like to address that?

Mr. Lait: I'll take a cut at that first. So, the CUP process in Palo Alto is one that is reviewed by the Director and the... there could be a... we send a notice and there could be a request for a hearing by any member of the public. And there's no fee for that request and that hearing is held before the PTC, your Commission. And additionally, the Director also on his or her own volition schedule that hearing as well should there be community interest or desire to do so. When there is a hearing before the PTC, the item is then referred to the City Council who would either accept the PTC's recommendation on Consent or would pull it and they would have their own public hearing.

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1

2 Commissioner Chang: Thank you for that information. I'm still not quite sure what... it's a new  
3 idea so I'm not entirely sure how this sits with me but I don't think I could vote for the motion  
4 unless it were clear that an underground garage GFA exemption could not happen without a  
5 public hearing. Does that make... so in other words, not just a CUP because the CUP as Director  
6 Lait explained could be approved just by the Director. So, I would want an additional stipulation  
7 that it would have to... in order for this to be exempt from GFA would have to... there would  
8 have to be a public hearing of some sort but again, that makes me slightly more comfortable.  
9 I'm not still sure how I feel about the overall picture.

10

11 Mr. Lait: Well, the Director... you got to be suspicious of the Director. Understanding that but  
12 that also could be worded into the language or added to.

13

14 Chair Lauing: The Text Amendment language you mean?

15

16 Mr. Lait: Yeah.

17

18 MOTION #1 AMENDED

19

20 Commissioner Hechtman: Through the Chair, if I may? Yeah, I think I've looked at that and  
21 again, I think it's a fine idea. We want these publicly aired and so in the language that I  
22 proposed after my new language 'determined by the City'. If you just added the language "after  
23 a public hearing" and then continue with what I said "and specifically set forth in the project  
24 approve pursuant to section blank". That captures that idea and I think it's a good addition. So, I  
25 would accept that as a friendly amendment if it wanted to be offered that way. Understanding  
26 that you're not yet on board to support the motion.

27

28 FRIENDLY AMENDMENT

29

30 Commissioner Chang: Sure, I will offer it as a friendly amendment.

31

32 Commissioner Hechtman: And I will accept it as the maker of the motion.

33

34 Chair Lauing: Vice-Chair Summa.

35

36 Vice-Chair Summa: Yeah (interrupted)

37

38 Chair Lauing: Oh sorry, sorry, we need Cari Templeton to continue her second.

39

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1 Vice-Chair Summa: Oh sorry.  
2  
3 Commissioner Templeton: Commissioner Templeton approves.  
4  
5 Chair Lauing: Thank you.  
6  
7 Vice-Chair Summa: Question for Staff also, not counting... doesn't not counting it as Gross Floor  
8 Area effect Impact Fees? Aren't Impact Fees based on floor area?  
9  
10 Mr. Lait: The... give me one minute.  
11  
12 Mr. Yang: Yes, that's correct.  
13  
14 Vice-Chair Summa: Oh okay, thank you. So, I'm not... I mean I understand that this is something  
15 that Council wanted to do in this case for this applicant in this location and I'm just not  
16 convinced it makes sense in I don't know how many? 15 or 16 of the other locations that Staff  
17 offered which would fit in at two or more... 2-acres or more. I'm not sure since we haven't  
18 considered, as Commissioner Chang said, this is a new notion and we haven't really considered  
19 it. I don't feel comfortable making that decision this evening. I think if the Council still wants to  
20 do this for this applicant's locations. They should do it through the CUP or whatever vehicle  
21 Staff thinks is the best. So, I'm still not 100 percent on board with this.  
22  
23 Chair Lauing: And the other item that's there is I think, again as I understand your motion  
24 Commissioner Hechtman is that eventually, Council would pick a percentage that they would  
25 apply based on some new criteria relative to the CUP as to what percentage would apply. I  
26 mean it still seems to me without seeing those criteria a little bit arbitrary but so are Variances.  
27 So, I understand that point as well and what you're saying is that they kind of already know  
28 what they want to do on this. So, the analysis is going to be brief to get to where they want to  
29 go and then that sort of buys us some time to come up with the set of criteria for other  
30 projects. Is that about, right?  
31  
32 Commissioner Hechtman: Well, almost, the criteria may be sufficient in our existing CUP  
33 ordinances. I'm just not wanting to put Staff on the spot tonight to make a declaration yeah or  
34 nay. So, this is something that they can look at as this moves forward and if they decide that  
35 additional criteria is necessary for this specific process. Then they can suggest a Text  
36 Amendment to our CUP provisions directly related to this. And we have the luxury of a little bit  
37 of time for... to go through that exercise with Staff, with the PTC and the Council because we  
38 don't have, as far as I know, other pending applications for underground garages in the R-1.  
39

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1 Chair Lauing: Vice-Chair Summa?  
2

3 Vice-Chair Summa: Yes, I also had a look at our bible, the Comprehensive Plan and Policy L-3...  
4 no, Policy L-3.5, avoid negative impacts of basement construction for single-family homes on  
5 adjacent properties, public resources and the natural environment. And I notice... I know that  
6 we are, as a community, we have a sustainability goal that is based on reducing Greenhouse  
7 Gas Emissions and a basement... and underground basements use a tremendous amount of  
8 resources and they displace groundwater and aren't very desirable. So, once again, I think that  
9 the Council has made very clear what they want to do for this applicant in this location but I  
10 think it's going kind of the wrong direction to encourage more folks to do this for  
11 environmental reasons. So, I just thought I'd add that, thank you.  
12

13 Chair Lauing: Commissioner Chang.  
14

15 Commissioner Chang: Vice Chair Summa's comments both about the environmental impacts as  
16 well as about the Impact Fees I think have convinced me that I don't know enough about the  
17 implications of the motion on the table at this time to be able to vote for it. Thanks.  
18

19 Chair Lauing: So, it... the only... I guess I'm asking Mr. Yang but the only alternative to  
20 addressing this is just to basically go back to Council and say we think you should add this to  
21 any decisions you want on the Variance because it needs to... in our judgment, it needs to apply  
22 more broadly and we don't have enough data to make that motion tonight. So, I'm just kind of  
23 fishing for where could we go to meet the Council's request here?  
24

25 Mr. Yang: So, I guess in Staff's view Council's request was for a Text Amendment that would  
26 apply to this and Staff proposed that it apply very narrowly. And I guess what I'm understanding  
27 your question to be is can they apply it narrowly in a way other than the Text Amendment and I  
28 suppose it's possible through the Variance. But I'm not... I don't know if the Council would be  
29 able to make those Variance findings.  
30

31 Chair Lauing: Okay but it does seem that that's the only other recommendation that we could  
32 make is that since it's more or less spot zoning. They could handle it through a Variance instead  
33 of do the spot zone or try to establish this method that Commissioner Hechtman that as  
34 creatively come up with.  
35

36 Mr. Yang: I guess I would suggest that the ordinance... that the narrowly tailored ordinance is  
37 the best vehicle to accomplish this.  
38

39 Chair Lauing: You mean the text that you have here?  
40

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1 Mr. Yang: Right.

2

3 Chair Lauing: Commissioner Hechtman.

4

5 Commissioner Hechtman: Just to point out, this... my view is that a Variance is not a workable  
6 procedure for this issue and in fact, Castilleja is not applying... the Variance they're applying for  
7 is not an exclusion of underground garage Gross Floor Area. The Variance findings which we're  
8 familiar with from Castilleja are there has to be some unique circumstance justifying a  
9 departure from the generally applicable rule. And so, when you're thinking about any of the  
10 properties here on this list that are 2- acres or more. It's hard for me to envision a situation  
11 where the only way they could have parking is with an underground garage. Otherwise, they  
12 can't have parking on their site. Well, that's not going to be realistic because you're just going  
13 to need to revise your development and so I don't have any optimism that a Variance is an  
14 alternative solution here. I think it would leave us with no solution.

15

16 Just... and it sounds to me like at least a couple of the Commissioners what they really don't like  
17 is the fact that even if we do nothing under the Council's current interpretation. Our ordinance  
18 allows underground garages in R-1. They just count as GFA and all the impacts... environmental  
19 impacts that we're concerned about occur. They just count as GFA and apparently, we collect  
20 Impact Fees but those don't ameliorate the environmental impacts. Those impacts are still real  
21 and so if that's the issue that some of the Commissioners have. Then I think that's a message  
22 that should go to the Council but it's not the direction they gave us for tonight.

23

24 Chair Lauing: Other questions or?

25

26 Mr. Lait: Chair, from the Staff's desk?

27

28 Chair Lauing: Yeah.

29

30 Mr. Lait: So, we've been... so you have a motion on the table and we've been working based on  
31 the Commissions remarks to craft that motion and make some adjustments real-time. So, we  
32 can share that on screen for the Commissioners to take a look at it so you can see what exactly  
33 you're voting on. I'll ask Mr. Yang to share his screen and then you'll see that includes the 2-  
34 acres and the public hearing requirement. And I'll just again remind the Commission that at that  
35 2-acre level there are 16 properties that are subject to it. Again, there's a Discretionary  
36 Conditional Use Permit that's required, a public hearing that would be required and it  
37 necessarily would go to the City Council for final action based on that format. So, there's  
38 opportunities for public engagement, review and consideration. Mr. Yang, are you able to share  
39 your screen?

40

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1 Mr. Yang: Yeah, I'm sorry, just a moment. Can you see that?

2  
3 Mr. Lait: Yeah, and if you could maybe... yeah enlarge it a bit here. Maybe as much as you can  
4 go without compromising text. So, this picks up after that provision that Commissioner  
5 Hechtman noted where we're already saying before this it counts as floor area.

6  
7 Mr. Yang: So, I guess two things to clarify. One, this is Staff's suggestion on how to sort of save  
8 some words in the way that... from compared to Commissioner Hechtman's motion. And I just  
9 wanted to clarify that the language earlier that states that it counts as floor area unless it's  
10 excluded here. That is Staff's understanding of the current effect of our Code. So, that language  
11 is added above for clarification but we're not... we don't believe that's a substantive change  
12 from what the Council has directed as the interpretation of this Code.

13  
14 Mr. Lait: I'm sorry, just to note, that reference to Section 18.76.010 if this wasn't mentioned.  
15 That's to our Conditional Use Permit chapter.

16  
17 Chair Lauing: Commissioner Hechtman.

18  
19 Commissioner Hechtman: So, a question of Staff on the rewrite and I'm noticing in the third  
20 line. Really, I'm focusing on the language the parking specified in the project approval. That  
21 right there, the language that Staff had in the prior draft which I kept. It was the percentage of  
22 the base required onsite vehicle parking and that's been replaced in this draft with the parking  
23 specified; which I'm... maybe I'm comfortable with that but hearing some of the comments of  
24 my fellow Commissioner who maybe wanted more precision. I'm wondering if Staff... what  
25 Staff's reasoning for not using its former language of the percentage of base... the percentage  
26 of the base required onsite vehicle parking instead of just parking?

27  
28 Mr. Yang: Sure, I guess we're really just talking about a number... a certain number of parking  
29 spaces that we're comfortable with being excluded from Gross Floor Area. And so, whether that  
30 number is expressed as a percentage of another number or it's just a number on its own. We're  
31 really just talking about that number. Does that make sense?

32  
33 Commissioner Hechtman: Yeah, I understand that, I guess here's the dilemma. When one of  
34 these comes to the City if the City... and I'm just going to use an example... 100 parking spaces  
35 are required and the City decides that 60 count and 40 don't. Then the 60 and the 40 are both  
36 parking specified in the project approval. And so, so maybe again, I did like Staff's original  
37 language based on the percentage. I agree with your Mr. Yang that in the future decisions they  
38 might be described in terms of a percentage, or they might be described in terms of spaces and  
39 so maybe we can find a way to allow that flexibility while still providing this clarity.

40

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1 Mr. Lait: Yeah, no concerns from Staff. We can add that percentage language back in. We were  
2 just trying to streamline it.

3  
4 Commissioner Hechtman: Understood.

5  
6 Mr. Lait: But that's great, that's fine.

7  
8 Chair Lauing: Yeah, my concern on the motion, still it seems like it going to be quite arbitrary  
9 but it also seems like the existing application is also going to be approved basically arbitrarily.  
10 Meaning this Council decides that none of that counts so it doesn't count and the next project  
11 they could decide that 100 percent of it counts and I don't get how they make that decision. So,  
12 that's some concern that we can't create that tonight. So, we're kind of in a pickle because it  
13 seems to me that we either pass this one, pass another one with different language, or vote  
14 that we're not going to pass one and asked for a Variance and then we haven't addressed their  
15 direction really.

16  
17 Mr. Lait: So, I guess we see where the vote goes on the motion and you know, worst comes to  
18 worst we send a couple of options to the Council to consider. There's the Staff notion, there's  
19 this one. We can even maybe refine it a little bit if we need to between now and the Council  
20 meeting. If the Commission... and you know, this has happened before, right? If you had a 3-3  
21 vote or if you're... which you won't have tonight but if you don't forward a recommendation.  
22 We would still, Staff, say here's what was presented and here's our recommendation and that  
23 way Council can still consider those options and weigh in and make a decision on that.

24  
25 Chair Lauing: Yeah, and unfortunately, not on the table for us is our opining on what  
26 percentage of this should be counted or not? So, that's a hands-tied kind of situation because  
27 they're already decided that.

28  
29 Mr. Lait: Looks like the motion has been updated.

30  
31 Chair Lauing: I'm sorry?

32  
33 Mr. Lait: It looks like the motion on your screen has been updated to retain the percentage  
34 language.

35  
36 Chair Lauing: Would it be helpful to any of the Commissioners to change that two numbers on  
37 parcels which would therefore by definition restrict the number of parcels that this would apply  
38 to?

39

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1 Mr. Lait: And so, Packet Page 36 again has those breakdowns of properties that would be  
2 affected at different acreages and of the March 30<sup>th</sup> report.  
3  
4 Chair Lauing: Right so a 3-acres would affect four properties. Sorry, yeah four.  
5  
6 Ms. French: Sorry, can I correct that, please? At three or more acres it's a total of seven. Four  
7 properties (interrupted)  
8  
9 Chair Lauing: Sorry.  
10  
11 Ms. French: Plus, the three that are the 4-acre threshold.  
12  
13 VOTE  
14  
15 Chair Lauing: So, does any Commissioner want to change that number or not? Yeah, then I  
16 guess we're ready for a vote. Could you please call the roll?  
17  
18 Madina Klicheva, Administrative Assistant: Commissioner Chang?  
19  
20 Commissioner Chang: No.  
21  
22 Ms. Klicheva: Commissioner Hechtman?  
23  
24 Commissioner Hechtman: Yes.  
25  
26 Ms. Klicheva: Chair Lauing?  
27  
28 Chair Lauing: No.  
29  
30 Ms. Klicheva: Commissioner Reckdahl recused. Commissioner Roohparvar absent. Vice-Chair  
31 Summa?  
32  
33 Vice-Chair Summa: No.  
34  
35 [note – audio and video cut out – resumed at Commissioners speaking to their no votes]  
36 [note – Commissioner Templeton voted no on the motion]  
37  
38 MOTION #1 FAILED 1(Hechtman) - 4(Chang, Lauing, Templeton, Summa) -1 (Roohparvar absent)  
39 -1(Reckdahl recused)  
40

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1 Chair Lauing: Starting a line of people who would like to speak to their no votes. I will actually  
2 start that line. I understand the direction here, I understand what was trying to be  
3 accomplished. I really value Commissioner Hechtman's creativity on this. I think that without  
4 the criteria it's hard to make this a blanket resolution as we were trying to get to and also,  
5 without the criteria it kind of make it just for this property which the Council can, apparently  
6 has, done already. So, I think it should be either they decide to go ahead with this Text  
7 Amendment which they certainly can do or put it into their discussion about any sort of FAR  
8 Variance. Commissioner Chang.

9  
10 Commissioner Chang: I voted no for the reasons I stated earlier which is I think there are  
11 broader implications that we just don't know about probably since this is a relatively new idea  
12 and as well I'm unclear based on what... based on our Comprehensive Plan and sort of the bad  
13 effects of concrete if this is what we want to do to be in line with our Comprehensive Plan and  
14 finally, the implications about allowing development to happen without collecting Impact Fees  
15 is also a big negative for me.

16  
17 Commissioner Templeton: Thank you. I'm glad we had the discussion so that is why I seconded  
18 this motion, but I do not think that we are close to ready to recommend changes like this.  
19 Knowing our body and how we really want to do the thorough vetting before we make  
20 recommendations to Council. I don't think this is there yet.

21  
22 Chair Lauing: Okay, thank you. Oh, you're [unintelligible](interrupted)

23  
24 Mr. Yang: [unintelligible]

25  
26 Chair Lauing: Let's get Commissioner Summa's [note – Vice-Chair Summa] comments first.

27  
28 Vice-Chair Summa: Yeah, I don't think I need to repeat everything I said before but for all those  
29 reasons and also, I note that this was... you know Council was very clearly trying to contain this  
30 and we expanded it. So, it doesn't seem to be in the spirit of what the Council wanted and  
31 they're going to do what they want to do on this but thank you to Commissioner Hechtman for  
32 thinking about that so carefully.

33  
34 Mr. Lait: So (interrupted)

35  
36 Chair Lauing: Mr. Yang.

37  
38 Mr. Yang: Yeah, so just in the interest of time moving forward, we typically don't need to hear  
39 from no votes on a motion that fails. You know the purpose of providing opportunity for no  
40 votes to speak is so that the minority perspective is in the record.

- 
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1  
2 Chair Lauing: Yeah, I am aware of that. I think it was close enough in decision-making and there  
3 was some merit there, so I wanted to pass that on in the minutes to Council.

4  
5 Mr. Lait: Okay so just (interrupted)

6  
7 Chair Lauing: Director Lait.

8  
9 Mr. Lait: Yeah, just a question then as far as what the Commission would like to do then with  
10 this ordinance? Is it... we can move on to the next item but is the Commission saying that you  
11 need more time to consider the ordinance or you are just going to move forward no  
12 recommendation on the ordinance?

13  
14 Chair Lauing: I think it's, as one Commissioner, its no recommendation which is another reason  
15 I thought that we should just give our comments as to the no votes but other Commissioners  
16 agree with that or? No, Commissioner Hechtman?

17  
18 Commissioner Hechtman: Well, I didn't want to cut off dialog. I think that among the four of  
19 you there may be another motion. Maybe you like the Staff version or maybe you want to  
20 recommend that they don't do a Text Amendment. So, I didn't want to necessarily cut off the  
21 dialog. I'm comfortable going forward with no recommendation on this but that isn't  
22 necessarily what we have to do.

23  
24 Chair Lauing: Totally correct. I was reading the tea leaves from the comments after the votes.  
25 Commissioner Chang.

26  
27 MOTION #2

28  
29 Commissioner Chang: Well, then I can make a motion because I believe kind of based on our  
30 prior discussion that we think that a Text Amendment that applies only to one property is  
31 inappropriate. So, therefore my motion would be that we don't make a Text Amendment and  
32 handle it through the Variance process.

33  
34 Chair Lauing: Second for that? No second.

35  
36 SECOND

37  
38 Vice-Chair Summa: Oh, I thought you seconded. I'll second.

39

- 
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1 Chair Lauing: No, no, okay. Vice Chair Summa, okay. Other discussion on that? On the motion,  
2 yes. Go ahead.

3  
4 Commissioner Hechtman: So, I won't be supporting the motion for two reasons. First, the  
5 Council on March 15<sup>th</sup> specifically directed that there be a Text Amendment. So, this is  
6 inconsistent with their direction and second, as I mentioned before, this is not an issue that  
7 realistically can be handled through a Variance consistent with State Law because in almost  
8 every circumstance. The findings for a Variance... well, I don't know for every circumstance but  
9 in most circumstances that I can think of. You won't be able to make the findings for a Variance  
10 for an underground garage on a new build.

11  
12 Chair Lauing: Other comments? As I said before, I don't actually think it's necessary because we  
13 contained our comments and I think that what Council will do is go ahead and do their own  
14 Text Amendment. So, I don't really feel like it's really relevant so I don't want to vote for it, put  
15 it that way. Other comments? Question, sure.

16  
17 Vice-Chair Summa: Correct me if I'm wrong Director Lait, didn't you say this would be better  
18 handled as a... in the CUP? Condition... rather than a Variance? That it could be handled in the  
19 CUP.

20  
21 Mr. Lait: I don't recall expressing an opinion about that, but I think I was making a distinction  
22 relative to Development Agreement or CUP and of the two, definitely the CUP. But I do think a  
23 CUP is an appropriate vehicle.

24  
25 FRIENDLY AMENDMENT

26  
27 Vice-Chair Summa: So, maybe the maker would change it from Variance to CUP?

28  
29 Commissioner Chang: Sure, I'd be happy to change it to CUP instead of Variance.

30  
31 Mr. Yang: I'm sorry, I'm not sure that our current Code would allow this to be handled through  
32 a CUP. For the CUP to determine what counts or doesn't count as floor area.

33  
34 Mr. Lait: Right, no, it would require a Text Amendment for sure.

35  
36 Mr. Yang: Yeah.

37  
38 Mr. Lait: Otherwise (interrupted)

39  
40 Mr. Yang: Along the line of the motion that failed.

- 
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Vice-Chair Summa: Okay then (interrupted)

Mr. Lait: Right.

Vice-Chair Summa: If there is no... so, what Staff is saying is there is no other way to achieve this?

Mr. Lait: Yeah, I think we've... excuse me... I think we've... that's... I think we're at yes. Mr. Yang laid that out, the Council... the Staff's perspectives, the Council overturning that. I think it's pretty clear that it's allowed in the R-1 Zone but that counts as floor area and to exempt it from floor area we need a Text Amendment.

SECOND WITHDRAWN

Vice-Chair Summa: Okay. I think in that case I will withdraw my second.

MOTION #2 WITHDRAWN

Commissioner Chang: Then I withdraw my motion too.

Vice-Chair Summa: I think we should just leave it as it is, and I think we've had a robust conversation so thanks.

Chair Lauing: Okay, it's 8 o'clock. Should we take a short break and you know, take a sniff of fresh aid or whatever? Let's see, I've got about 12 after. Could we go to like 20 after, is that alright? Okay, we'll be right back.

[The Commission took a short break]

Chair Lauing: Welcome back. I think we still have all of our technology. Always a good thing. So, we finished that item and then moving right on down the list and so the next one is enrollment. So, I'd like to start discussion on enrollment Commissioners. Commissioner Chang.

Commissioner Chang: I don't have any questions on this but it didn't seem like anybody else had questions either so I thought I would launch us right into the discussion in the interest of time.

So, since the December 15<sup>th</sup> PTC meeting, I don't believe the PTC has received any new information that would cause me to change my thinking on enrollment. However, since that

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1 meeting, I did also carefully reread the Fehr and Peers parking study which is dated July 23,  
2 2021, and I looked at the study in the context of parking garage Option E which seems to be the  
3 parking option that we've been circling around. So, parking Option E reduces the parking  
4 requirement from 104 to 89 spaces based on a robust TDM. And that's a big reduction but with  
5 that reduction, note that based on the Fehr and Peers study, somewhere between an  
6 enrollment of 450 and 460 it's a little difficult for me to see from their charts. Peak demand will  
7 already exceed both the onsite parking of 89 spaces and the street parking that Castilleja was  
8 using in their study. So, to reiterate, somewhere between enrollment of 450 and 460, Castilleja  
9 will run out of parking and that includes the gentlemen's agreement parking. So, it's like a  
10 more... you know there's more parking spaces included in that calculation.

11  
12 So, that study's information that the City Council did not have at the time it suggested the PTC  
13 discuss how and when enrollment should increase starting from 450 with this CUP. And so  
14 given neighborhood concerns about enrollment and given the disruption that will occur during  
15 construction with additional trips made by construction vehicles. I really don't think it wise or  
16 appropriate to increase enrollment beyond 450 in the manner of this table was suggesting  
17 because there's been new information.

18  
19 Further, there's other concerns that I have mentioned... that have been mentioned in public  
20 comment including the density of students on Casti's site already relative to other schools and  
21 precisely because of Castilleja's small site surrounded on all sides by residential  
22 neighborhoods... and residential neighbors in close proximity. And in that way, Castilleja does  
23 seem unique based on the schools that were shown in a table in this Packet. That it's the only  
24 high school on such a small site with neighbors on all sides. Because of that uniqueness, I feel  
25 like we really have to make sure the neighborhood concerns are addressed and trust has been  
26 severely eroded over the last ten years and it's time to make an agreement that will help our  
27 community heal.

28  
29 I also remain concerned about the timeframe in which TDM violations can be readily  
30 remediated with this kind of step-function increases that's on the screen right now. And so, the  
31 table for increases is really aggressive in an environment when trust between the school and  
32 the neighbors is probably at the lowest it's ever been. And it's also really aggressive at 25  
33 students per year when historically we've been increasing only 30 students every 10-years with  
34 the CUP.

35  
36 So, the 450 is a number that everybody agrees on. The City Council agrees, the neighbors agree  
37 and there have been some comments, public comments, that I wanted to address.

38  
39 that it would be ridiculous to ask the applicant to go through the CUP process again in order to  
40 get a future increase and I agree this process has been really lengthy. Yet, we are where we are

- 
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1 because of the complexity of the CUP. Right because it's not only an enrollment increase. It  
2 combines a major construction project with a large GFA Variance with also an enrollment  
3 increase that's more aggressive than any that has been asked of the City in the past. I think a  
4 future CUP application would be much simpler, especially after Castilleja's has met its TDM  
5 goals for a few years and trust with the community has been restored.

6  
7 So, really think we need to start at a place where we can heal because this is a contentious  
8 issue. And so, I do have a motion I'd like to make but I see that there's another Commissioner  
9 with some discussion.

10  
11 Chair Lauing: That's alright, you can do a motion (interrupted)

12  
13 Commissioner Chang: I can make a motion anyway?

14  
15 Chair Lauing: [unintelligible]

16  
17 MOTION #3

18  
19 Commissioner Chang: So, the motion I'd like to make because I am interested in just putting a  
20 motion on the table so that we can just discuss it. I think that really helped last time with the  
21 last issue. So, my motion would be to increase enrollment to 450 immediately via this CUP but  
22 to put a moratorium on enrollment increases until construction is completed. At which time the  
23 applicant can again apply for an enrollment increase that could be more of a step function table  
24 that's on the screen. I just think now is not the time.

25  
26 SECOND

27  
28 Vice-Chair Summa: I can second that.

29  
30 Chair Lauing: Okay, moved and seconded but we'll go to... well, I guess I need to address the  
31 seconder if you want to speak now or we can go to Commissioner Templeton first.

32  
33 Vice-Chair Summa: No, please go to Commissioner Templeton.

34  
35 Chair Lauing: Okay, Commissioner Templeton.

36  
37 Commissioner Templeton: Thank you so much Chair. I'm surprised that you encouraged the  
38 maker to go forward without discussion. Given that we did have discussion and we have a  
39 history of having discussion before we have... one round of discussion before we have motions.  
40 However, given the circumstances, it is what it is.

- 
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1  
2 I'm concerned about the verbiage that we've heard tonight labeling an enrollment chart of  
3 students as aggressive is confusing to me and it's a loaded word. Also, challenging the trust in  
4 the applicant is curious as well. Stating that everybody agrees on what the number should be,  
5 also curious. I certainly don't agree with that.

6  
7 As I stated before, the CUP process is extremely cumbersome and costly for the City and does  
8 not promote healing because it would carry this out for a long period of time. So, I don't  
9 support the motion.

10  
11 One comment that I did want to make before this was given the way that the Bay Area and our  
12 City specifically is going to be adding housing. We do have to think about adding capacity in  
13 schools and I know this is something that other Commissioners have mentioned as an  
14 important priority. I recognize that this isn't a public school but understanding that many of our  
15 schools will need to grow and many schools in the area will need to expand. I'm not decided,  
16 certainly not decided on 450 so I won't support this motion. Thank you.

17  
18 Chair Lauing: Vice Chair Summa, did you want to discuss your second or the motion in general?

19  
20 Vice-Chair Summa: Sure, just briefly. I found the analysis of the Fehr and Peers and  
21 Commissioner Chang compelling and also the fact that the Council did not have the benefit of  
22 that document when they made this... remanded this back to us. And I also think the 450  
23 number, I don't think the intention was to say everybody agreed with it but it's certainly a  
24 number right now that the PTC can be comfortable with, that the neighbors... the concerned  
25 neighbors are comfortable with and it allows for movement. But it also allows for... it sends a  
26 message really that it's giving them more students, it is an increase and it is an increase. The  
27 last time they had a really big increase was in the 90s and that was because... and but the  
28 campus increased size at that time because that's when they were given Melville Street.

29  
30 So, I think this is a prudent and good way to go. I think it shows goodwill towards the neighbors  
31 and I think the Council will be comfortable with this. And as we have said in the past, many of  
32 us, there's not to preclude them from coming back and asking for a CUP. And in the absence of  
33 a CUP and a Variance and a construction project all being approved at one time and maybe a  
34 Text Amendment. It will be a much simpler process so I'm comfortable with this for everyone.

35  
36 Chair Lauing: Commissioner Hechtman.

37  
38 Commissioner Hechtman: Thank you, Chair. I would like to start with a question. Commissioner  
39 Chang referred to the Fehr and Peers study. And I appreciate her digging deep and in finding  
40 that but it made me curious because I haven't looked at that study in this round of preparation.

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1 But I wanted an understanding of in that study what was, as Commissioner Chang explained it,  
2 somewhere between 450 and 460 students. They will run out of parking and that includes the  
3 street side parking. And so is there a member of Staff who can tell me what, if anything, Fehr  
4 and Peers predicted would happen when they reached that point because my belief is Fehr and  
5 Peers looking at a possibility of an enrollment of 540 because that was the application amount.  
6 So, the parking study logically would run to 540 so for example, was there a statement in the  
7 Fehr and Peers that once you got past 460 people are going to park in the neighborhood? What  
8 was their conclusion? What happens after 450 to 460?

9

10 Ms. French: We do have... we can pull that study up on the screen but we also have Sylvia from  
11 Office of Transportation.

12

13 Mr. Lait: So, thank you, Commissioner Hechtman. There... I do need to probably spend a minute  
14 just to refresh my memory on the chart. I do see that it goes up to 540, the demand and they  
15 indicate a point where there's the... where the parking demand and supply exist. But I believe  
16 my understanding, and again I need to double-check this, is that the TDM plan, the robust TDM  
17 plan would serve to mitigate those numbers. That's the idea is that there'd be less trips, less  
18 parking and less demand but I need to spend some moments and look at that again.

19

20 And I'll note, it may be Chair that the applicant's... Fehr and Peers may be represented this  
21 evening too. So, if, through the Chair, you want to ask that question of the applicant. That  
22 might a more efficient way.

23

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

25

26 Mr. Lait: It's on Page... it's in the report that was prepared I want to say mid-2021.

27

28 Commissioner Chang: So, it's Figure Six in the Fehr and Peers study and they have all sorts of  
29 charts in the study. Some that show with the full 104 required onsite spaces and they have  
30 other charts that show what happens with like a 20 percent reduction. They didn't do the actual  
31 14.4 reduction but the charts still show... they do have numbers on the sides. So, I can't tell  
32 exactly where the point is and then they do show how many spaces shortfall there is.

33

34 Commissioner Hechtman: Let me just ask a follow-up question. In the either the mitigation  
35 measures or the Conditions of Approval, is there any kind of prohibition of a requirement that  
36 Castilleja ensure that their students and faculty not park in the neighborhood? Do we have...  
37 are there controls like that?

38

- 
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1 Ms. French: There are conditions regarding that and as part of the TDM Plan that have  
2 restrictions on that and it's part of the education of the campus students, staff, etc. as to don't  
3 do this, don't do that parking-wise in the neighborhood.

4  
5 Commissioner Hechtman: Thank you, thank you and I think I remember from not our most  
6 recent set of meetings but from meetings earlier in the process where it was explained to us by  
7 representatives of Castilleja. That they have information sheets and contracts and all sorts of  
8 communication methods where they make clear to the people who are coming to campus that  
9 that is not allowed. And of course, we have people who live in the vicinity of Castilleja who are  
10 very sensitive to this issue and would certainly let us know if they saw Castilleja students  
11 parking in front of their houses and then hiking the 2-blocks to campus.

12  
13 So, I guess... thank you for answering the question. So, I'm going to talk substantively about this  
14 motion and really, I want to start with going back to what we started talking about. Taking the  
15 queue from Chair Lauing on the fact this is a discretionary approval and building onto that Mr.  
16 Yang's reminding us of the nature of the decision and the requirements that we have in order  
17 to make it.

18  
19 Now, we have an application in front us for 540 students. It's not for 450, its for 540 and the  
20 motion that is in front of us is to make a recommendation to essentially deny that request at  
21 540 but to grant it at 450. And so, to support that motion we need to be thinking about what  
22 evidence do we have in the record that shows a justification for not allowing 540 but instead  
23 limiting it to 450. So, let me just run through some of them.

24  
25 Do we have a justification in traffic? No, because we have a mitigation measure requiring a  
26 TDM that provides for no new net trips. That's at 540 and it's true at 540 and in fact, we've got  
27 this elaborate set of requirements for the three-time a year testing until 2-years after  
28 construction. And then two time a year testing after that to ensure that they don't exceed the  
29 current net trips and any time they do that stifles the growth. And so, it can't be a traffic impact  
30 that justifies pushing this down from 540 to 450. Alright, what about noise? No, we don't have  
31 information that shows any kind of appreciable noise difference between 450 students and  
32 540. How about construction impacts? No, the motion does not include some sort of shrinking  
33 of the campus. So, all of the... in fact, it premises the future application on construction being  
34 completed and so the... all of the impacts of the construction for this campus that can house  
35 540 people are still going to be impacted. We're just going to limit enrollment, the capacity,  
36 onsite to 450. Parking, again I think that is a... first of all, it's a minor impact to require a 90  
37 student limitation but our TDM provides that that's not going to be an issue. And again, if any  
38 of these... if that becomes an issue going forward as we go to 450 and 475 and so forth. What  
39 happens is the City retains all of its powers to say hey that TDM isn't working and we're going  
40 to bring you in for a modification/revocation hearing. So, that is built into this process.

- 
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1  
2 I don't think that again, we've been thinking about this idea of 25 students per year being too  
3 aggressive. What is the substantial evidence that shows there's some impact from growing that  
4 quickly? I believe that there is any and I've never understood this notion of the density of this  
5 campus. I've seen the tables but I told everybody 2-years ago, I went to a law school in San  
6 Francisco with 1,500 students on an acre of ground. Right, that's a lot more dense and so what?  
7 the issue is what impacts are generate by the people on that campus and here if can't be traffic,  
8 it can't be noise, it's not the construction, it's not the parking. Then I don't see any basis for  
9 limiting them to 450. Instead, I think we have a well-prepared mitigation plan and TDM.

10  
11 And frankly, when I look at Page 50... Packet Page 50 of the last... of our March 30<sup>th</sup>. We have  
12 this table where... and I appreciate the applicant providing the timeline. I thought it was very  
13 useful. It answered some questions that the Commission asked last time, but in the best-case  
14 scenario. Best case scenario, which means they meet every... they have no exceedances, it's 6-  
15 years to achieve maximum enrollment. Not... I think that's reasonable and if they don't hit... if  
16 they have exceedances. Then it can take them many years longer. It will stretch out the process.

17  
18 So, I do support the phasing enrollment increases as set forth in the Conditions of Approval and  
19 mitigation measures. I don't believe that the Council will change its mind from the  
20 recommendation it made before the Fehr and Peers report based on the Fehr and Peers report.  
21 I don't think that parking was their primary or paramount concern and I think that they have  
22 been made to understand by Staff that the parking is addressed in the TDM plan.

23  
24 And finally, and I've said it before, I think it's the absolute wrong idea to bring Castilleja back for  
25 a series of incremental CUP modifications to grow their campus. I think that it will just... it will  
26 not be a simple process because the biggest things that we have heard the neighbors debating  
27 are enrollment and traffic. And so, what we're talking about is bringing that... those are the  
28 issues that we'd be bringing back on an occasional basis. So, I don't want to inflict that on the  
29 neighborhood and I think it's the City's job not to do that. I think it's the City's job to make a  
30 forward-thinking decision with appropriate protections.

31  
32 So, based on all those reasons I will not be supporting this motion.

33  
34 Chair Lauing: I have a number of comments on this and enrollment is the biggest issue of  
35 concern in the CUP I think for everybody because it drives the most future risk to the  
36 community and that's been one of our primary resistibility as PTC to consider. And the Council  
37 rejected the PTC proposal on enrollment that we sent to them in November of 2020 which I  
38 was a minority in that vote. Their directive to us indicates there's support for 450 students and  
39 among other things. No net new trips which we instigated and was not in the plan until we did  
40 instigate that in November of '20 but I think there are two substantial problems with going

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1 above 450 right now. So, I agree with the motion and I actually think that Commissioner  
2 Chang's use of the healing is actually quite appropriate because I think it is time for this thing to  
3 close. And it is time for the... some approval to be made and there's an effective way to do that  
4 around this 450 number for now.

5  
6 The problem is when you look at the 540 number. Yes, that's the applicant's number, but they  
7 have a lot of numbers around a lot of things and it's not the requirement of the City to give a  
8 CUP giving them every number of everything they want. As I said before, it's always a  
9 compromise, but the request for 540 students now. Granting them that now and getting there  
10 to me is looking at the whole process top-down which to me is kind of upside down.

11  
12 This is the number the school wants because the head of school says it's the highest number  
13 they can request and probably still make the TDM. So, I appreciate that in sight and the TDM  
14 success rate to date has been excellent at Castilleja. Kudos to Casti for that. We've all said that  
15 before. To me, that success predicts absolutely nothing about future success with respect to  
16 enrollment because every jump up is just another thing that has to be taken care of and it just  
17 gets harder. So, I think that there... I appreciate their candor also on admitting how difficult it's  
18 going to be when they responded to that under questioning.

19  
20 Council Member Filseth said at the Council meeting that the TDM has to be result based not  
21 efforts based and Council Member Cormack agreed and I agreed. I agree. You know, I think the  
22 efforts are admirable but I'm not sure they're going to make it because nobody knows if they're  
23 going to make it. And if they don't and the school is over-enrolled by 25 people or more.  
24 There's no way of reducing that violation quickly and that's a problem for the City because all  
25 we can do then is fine them, right?

26  
27 The 540 enrollment goal doesn't really have a sell-by date to it. I don't think there's a deadline.  
28 I understand the ideal but there's no deadline to that and as I've said before from this dais and  
29 the Zoom dais. A TDM mitigation is a plan. It's not reality. Not every plan works. We approved a  
30 pilot for a workforce housing on El Camino and Page Mill. And luckily it was a pilot and very  
31 small because we put it up and it's not working so, we wouldn't do that. Wouldn't it be nice to  
32 have some time to evaluate a little bit more slowly that what was proposed.

33  
34 And secondly and maybe this is not politically correct, but it might be the most important right  
35 now is to underscore that Casti's existing track record of trust and transparency during the  
36 current CUP has not been good. There's a trust gap that's existed for many years due to over-  
37 enrollment which was well known inside the school. So, with that track record so far, why  
38 would the City now automatically award a 30 percent enrollment increase before the school  
39 establishes a valid track record of compliance via the TDM performance and other CUP issues at

- 
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1 the 450 number? Because, as I said before, all we can do now is instigate a penalty for poor  
2 performance around TDM, events, noise, etc.

3  
4 A striking comment was made by a member of the public last week last meeting. She testified  
5 that the school was very well aware of the CUP violation. It was commonly discussed at the  
6 school in her present... in her presence as a new parent even a year among Staff and parents  
7 before it was publicly revealed. That head of school has not changed. As a parent of three girls  
8 who attended Casti for 21-years and loves the education, but she pleads with us not to approve  
9 the project due to lack of transparency, and her view that they will not follow the rule or have  
10 open dialog and the City can't trust them in the future.

11  
12 Another member of the public called it an urban myth that the school self-disclosed ongoing  
13 over enrollment and there's no record that that's the case and the trust gap is not just a relic  
14 from the past. The compromise required on any CUP has run into resistance I think multiple  
15 times from the applicant and yet there's much evidence that the project has been improved  
16 from a lot of hands-on community activity. In some cases, kind of pushing back on some of the  
17 terms requested. I just... to name one excellent example, now 12 protected oaks and redwoods  
18 trees had been saved as well as six other significant trees. That wasn't in the original project  
19 plan and maybe could have been with better community dialog on the needs of Canopy in the  
20 neighborhood.

21  
22 Also, in the public comment, I was really surprised to hear at our last meeting that a number of  
23 people saying the goal posts are being moved or had been moved. I don't really get that  
24 because I don't know that they were saying that saving trees is an example of that. There's  
25 really only one goal post which is how we interrupt the CUP application. All other items are  
26 applicant-requested project items to be negotiated.

27  
28 Transparency issues continue. I saw on April 8<sup>th</sup> a full-page ad in the Palo Alto Weekly in  
29 support of the project. Perfectly fine. Stating that the facts speaks for themselves. For time  
30 reasons, I'm just going to comment on one of the five facts stated in the headlines which was  
31 "fewer cars". So, at least I read it, maybe I got it wrong, but as I read it. It was trying to suggest  
32 that fewer cars will be driving to Casti with the new project, but if that's the claim. It's just not  
33 correct. It's one of those alternatives facts but there are zero expectations by anybody in the  
34 City with any point of view that this new project with enrollment growth is going to reduce the  
35 current number of car trips. So, why not just say we're going to make our best efforts to hit the  
36 goal of no net new apps and this kind of overhyping of things is just kind of frustrating to read.

37  
38 So, at this late date and this laborious process, the trust gap remains and, in this environment, I  
39 don't think the City should proactively pre-approve a plan for 30 percent student increase. So,

- 
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1 that the second important reason but I think that with this motion we can sort of take a breath  
2 here. I think we can focus on this 450 number and make the new CUP work.

3  
4 And there's all kinds of concessions being considered for Casti right now. Including a Variance  
5 on FAR, underground garage leniency, parking reductions and more. In the past, they've been  
6 given extensive FAR above current standards. Some say by Staff mistake but nonetheless,  
7 there's very high FAR and likely in current today's value. Million of dollars of land in the Melville  
8 project... Melville segment that they were allowed to have. I think this is plenty so if all we're  
9 asking them to do is be cautious and start with 450. I don't think that's a big ask to come out  
10 with a pretty good result on this CUP.

11  
12 So, what happens after that? I really don't know where the supercharge notion enter the fray  
13 that a new CUP would be required going forward for each 25 new students which I think is what  
14 Commissioner Hechtman was addressing. I reviewed every set of minutes that had any  
15 reference to this and it's just not there. No Commissioners made that statement. My own  
16 proposal at the 1/19 meeting was to monitor results for 2-years after hitting 450. Just to have  
17 time to make things work because things don't always work and with a good track record ask  
18 for a CUP revision. With trust repaired with City, the school can request any enrollment they  
19 want. It doesn't have to be in increments and it's a one-time request for if they want 600 and  
20 that's what they want to prove that they can do. Then that's what they ask for. There's no  
21 Variance, no ARB, no modeling, no reconstruction. It might even be able to go to the Director of  
22 Planning.

23  
24 So, I just feel that granting a very high enrollment right now under the conditions that I just  
25 outlined, regardless of any contingencies attached, is just not a necessary risk or a good policy  
26 for Council to take right now. And I mean our obligation is to make recommendation to Council  
27 which are in the best interest of the City. And for this CUP I think the enrollment number works  
28 for the parties and reduces the high risk in the project, allows them to expand now and gives  
29 the City just a bit of time to evaluate compliance and transparency. So, I'm happy to support  
30 that motion and ask for continued comments. Commissioner Templeton.

31  
32 Commissioner Templeton: Thank you so much. Chair, just a clarification. I thought that the  
33 coming back for modification to the CUP was part of this motion.

34  
35 Chair Lauing: I'm sorry, I didn't hear you.

36  
37 Commissioner Templeton: I thought that the CUP coming back to change the CUP and having  
38 hearings all over again was part of this motion, but you just said it was not. Can the maker  
39 please clarify and then I have other comments?

40

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1 Commissioner Chang: You're right, yes. It... my motion is that this CUP specifies an enrollment  
2 of 450 and then that subsequent enrollment increases could be addressed in another CUP. But  
3 it didn't say that every enrollment increase had to be addressed in a new CUP. The next time,  
4 maybe that's when we would approve a more step function increase based on kind of  
5 ministerial meeting of... a ministerial increase based on meeting certain requirements. So yes,  
6 that hope... does that answer your question?  
7

8 Commissioner Templeton: Yes, I just want... the Chair contradicted that so I just want to make  
9 sure that it's clear that everybody knows what's in the motion. Thank you.  
10

11 Commissioner Chang: I'll let the Chair speak for himself but I don't think that he was  
12 contradicting it. I think he also said that they could come back for a CUP amendment.  
13

14 Commissioner Templeton: Oh, thank you. I thought he said specifically I never heard anyone  
15 say that we had to change the CUP or come back for a new CUP process. Anyway, I'll continue  
16 with my remarks.  
17

18 So, I appreciate what the Chair was saying about the timeline and if the timeline, that as I  
19 understanding being proposed here by the applicant, has a baked-in review process where  
20 currently they're on a 1-year at a time review process. But... well, the reporting compliance  
21 periods are actually three times a year but that they would increase on a per-year basis. You  
22 know, I... if that's too fast we could always change the number of years between enrollment  
23 changes or propose that. I don't think it's productive or healing or helpful to have to revisit the  
24 number of students every year. I'm very concerned about that approach so I'd be open to other  
25 kinds of changes such as putting more distance between the enrollment increases and things  
26 like that. Thank you.  
27

28 Oh, one more thing, Mindie Romanowsky had her hand up for about half an hour.  
29

30 Chair Lauing: So, yes, now the Chair will speak for himself. The specific thing that I said is that  
31 nowhere in the minutes has anyone on this Commission said that it has to come back every  
32 year for a CUP for 25-students and that was never my intention given the text that I read. It was  
33 recorded in the minutes where I suggested 2-years and then kind of a waiting period and then  
34 they could come back for any kind of CUP that they want on any issues. But if it's just  
35 enrollment, based on a good track plan... a good track record instead of a highly questionable  
36 one. I don't know that it would be controversial or long whatsoever. So, again, I guess I have to  
37 underscore it. I don't understand where this 25-students per year has come in. Probably just  
38 got picked up from the proposal that was actually rejected by Council but that's not what I'm  
39 saying at all. I'm saying we need a waiting period to make sure not just that 1-year after 450 it  
40 works but 2-years and that that is not an onerous condition for the school and it's really a risk

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1 reduction for us. So, that we don't have to deal with potential overages if the TDM doesn't  
2 work. Hope that clarifies for all listeners. Commissioner Hechtman. Where you first? You're  
3 suppose to be poking me if I don't see you on my right. Okay, we'll go (interrupted)

4  
5 Vice-Chair Summa: Thank you. I did want to point out, I know the study... this project did not  
6 have to do VMT study for CEQA. It missed the dates that was started but there was a traffic  
7 impact study done for the expansion. And that study I think is Page 20... 37 showed that the  
8 enrollment increase could cause a 23 percent increase in VMT, Vehicle Miles Traveled. So, I was  
9 wondering how... I was wondering how that fits in with no net new trips and how we can think  
10 about that? And I did want to point out that there are impacts shown from the enrollment  
11 expansion and that's one of them.

12  
13 And I don't think... I don't quite understand it so maybe Staff can explain how... I mean if every  
14 project in the City increased VMT by 23 percent. We'd be in a pretty situation with regards to  
15 Greenhouse Gas reductions. And it's not even clear how trip... it's not clear to me anyway how  
16 trip is defined and how we would even capture some of the what I would consider a trip like a  
17 drop-off that didn't trigger a hose count going onto the school's property. A drop-off a couple  
18 of blocks away or something, how that would even be counted? So, I did want to bring that up  
19 as one of the impacts and maybe... I know three was a little discussion about this in your last  
20 meeting but it didn't seem to answer those questions for me.

21  
22 And I also think I wanted to say that I appreciate the Chair's thoughtfulness on this issue and to  
23 reiterate that the school can come back and ask for any number of students they want. And if  
24 there's no impact, I don't see why anyone would care how many students there were there  
25 except potentially the parents sending their kids to that school. So, I don't know if Staff can help  
26 me understand that.

27  
28 Mr. Lait: Yeah, I guess we can certainly ask our consultant to come forward and talk about more  
29 about the environmental analysis that was and traffic studies. I think that may take a moment  
30 to pull that together if it's relevant and necessary for your discussion related to enrollment. I do  
31 think the... well, there's been a lot of further discussion on the TDM plan which is before you  
32 tonight as well and to that extent I don't know how much of that's been incorporated into that  
33 earlier VMT analysis. But we do have Kathrine Waugh I think on deck that can help us with that.  
34 She may need a few minutes to just get to that section of the report. So, if there's a need for  
35 that we can speak to that. I see that she's got her camera on. Katherine are you prepared to  
36 answer that question about the VMT analysis?

37  
38 Katherine Waugh: I will need a couple minutes to pull those files up.

39  
40 Mr. Lait: Okay, so Chair if you can... if that's important to the dialog then we can do that.

- 
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1  
2 Chair Lauing: Did you have other comments Vice-Chair Summa or should I go to Commissioner  
3 Hechtman? Okay, Commissioner Hechtman.

4  
5 Commissioner Hechtman: Thank you, Chair. First of all, I did want to clarify that I did not  
6 understand Commissioner Chang's motion to propose future CUP modification applications be  
7 limited to 25 per application. I didn't... if I said that, it was a misstatement and I apologize for it.  
8 But by the same token, I think we all need to recognize the reality of the situation.

9  
10 This is an application that was filed I think in 2016. We're now in 2022 and the motion on the  
11 floor, in the face of their request to increase their enrollment by 125 students from 415 which  
12 is their current CUP to 540. The motion on the floor, after 6-years, is to give them 35, additional  
13 enrollment of 35. Now that leaves 90 to their goal of 450 and so if anyone believes that if the  
14 motion... if this recommendation passed and the Council did it and the construction was  
15 completed and they came back and applied for 90. If anybody believes that there would not be  
16 the same pressure from all of the voices that we've heard for 6-years that that's too much. It's  
17 too fast and you're going to have to... and we would probably have Commissioners say oh gosh,  
18 you know we're going to have to break that up. Maybe we'll give you half of that now, 45 and  
19 come back after... you know in a few years after some other milestone. That's really what I was  
20 talking about is this we're really setting in motion by giving them such a small permit now. The  
21 writing to me is on the wall that the expectation going forward was the next time they won't  
22 get the 90 to get from 450 to 540. So, that's my concern there but I'm sorry if I misstated the  
23 motion earlier.

24  
25 I did have a question of Mr. Yang on the form of the motion which I'm going to paraphrase as  
26 best I can which is to allow an increase in enrollment to 450. And then to have a moratorium  
27 prohibiting application for a CUP amendment to expand enrollment past 450 until after  
28 construction is completed. So, that was my understanding of the motion and my question for  
29 Mr. Yang is just wanted to confirm before the vote whether as a Condition of Approval we can  
30 preclude an applicant from asking for a modification at a time of their choosing?

31  
32 Mr. Yang: That's something that I'll have to look into. Yeah, I'm sorry, I'm not able to provide a  
33 definitive answer on that right now. Can you hear me?

34  
35 Chair Lauing: Yeah. Did you have other questions Commissioner Hechtman?

36  
37 Commissioner Hechtman: No, that's it for this round.

38  
39 Chair Lauing: Is Ms. Waugh ready, or no?  
40

- 
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1 Mr. Lait: So, she can turn her camera on if she's ready. We've done some research on our own  
2 also just kind of taking a look at that and relative to the report and the number of trips that are  
3 being represented. It's... that analysis was done in a way that is not how we would do that VMT  
4 analysis today under SB 743. So, it's, as you noted, that requirement predated the VMT analysis  
5 and since that requirement has come into play. We've refined our analysis of how we would do  
6 that and specifically, that 23 percent increase does not take into account TDM measures that  
7 could be reduced... serve to reduce that number. So, it's not a fair representation of what the  
8 number would be today if we were to do that VMT analysis for the project.

9

10 Vice-Chair Summa: So, the date of that analysis was done before the TDM was created?

11

12 Mr. Lait: No, it was... so, as you noted, the law that requires VMT analysis instead of the LOS  
13 analysis came into effect after the project had started and this project was not analyzed under  
14 the way that we would do it today with that... with implementation of that State Law.

15

16 Vice-Chair Summa: But aren't we... but we did an analysis (interrupted)

17

18 Mr. Lait: We did.

19

20 Vice-Chair Summa: Of VMT which showed this increase which I don't think is insubstantial and I  
21 understanding we're hoping that the TDM will take care of it but we still are going to consider  
22 that impact aren't we?

23

24 Mr. Lait: Well, I think that's what is before the Commission. I mean you've... we've done the  
25 environmental analysis and we've concluded that there's no unmitigable impact and so you've  
26 seen that environmental document. You still have your CUP findings that you're analyzing and  
27 so to the extent that while it may not rise to the level of environmental impact. You may have  
28 your CUP findings that you need to consider relative to the project.

29

30 Vice-Chair Summa: I'm sorry, can you... I couldn't quite hear you. You're CUP findings, is that  
31 what you said?

32

33 Mr. Lait: You made a statement I believe that there are impacts associated with the proposed  
34 project and what I was saying is the environmental analysis concluded that there are no  
35 unmitigable impacts.

36

37 Vice-Chair Summa: Oh.

38

39 Mr. Lait: Okay, so from a CEQA standpoint, we believe the project is not environmental  
40 detrimental. So, you have your CEQA findings... your CUP findings where you may need to...

- 
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1 where you are analyzing the project relative to those findings and even though it may not rise  
2 to the level of a CEQA impact. You may have some concerns that you're expressing from a CUP  
3 perspective. That's all.

4

5 Vice-Chair Summa: Oh okay, thank you for that answer.

6

7 Mr. Lait: Sorry, I don't know if it's (interrupted)

8

9 Chair Lauing: Her camera's on.

10

11 Mr. Lait: Yeah, I see so if you want a (interrupted)

12

13 Ms. Waugh: Thank you.

14

15 Mr. Lait: A professional response to that and you have that option as well.

16

17 Ms. Waugh: Thank you, I'll do my best. Good evening, this is... I'm Katherine Waugh with  
18 Dudek. Excuse me, we're the City's environmental consultant and I mean I agree with what Jon  
19 has stated. And unfortunately, I can't quite pull up the specific study that was referenced so I  
20 would be able to provide a better response if I can pull that up, but I can't quite figure out  
21 which document that came from. So, I wanted to just say that... though that Jon's correct that  
22 we evaluated the VMT... excuse me, VMT based on existing travel patterns and did not take into  
23 account the positive benefits from the TDM plan. And so that was presented as a worse case  
24 analysis of how the additional trips could contribute to VMT region-wide.

25

26 Vice-Chair Summa: Thank you for that answer and then maybe... and I know there's like a  
27 bazillion documents for the Casti project, so I'm not surprised you didn't have that at your  
28 fingertips. And maybe it would be good to provide that to the Council though so they could take  
29 a look at that.

30

31 Ms. Waugh: Certainly.

32

33 Vice-Chair Summa: Yeah and that... instead of putting you on the spot right now so thank you  
34 for that.

35

36 Ms. Waugh: Thank you.

37

38 Chair Lauing: I just want to make one comment to your comments Commissioner Hechtman,  
39 which is that I think the point of difference here is that the way you phrased your last  
40 comments, is that you're trying to make 540 now be an inevitable number that's going to be

- 
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1 achieved and that's not where I am. Where I am is to say that there have been some problems  
2 in the last number of years. So, come up with a track record that shows that you're successful  
3 with this new increase and then we can plan from there. So, I think that's the substantive  
4 difference between our perspective here and as I said before, that wish as opposed to 440 or  
5 480 or whatever other number is on a long list of stuff with a lot of things that we are probably  
6 listening to Council going to grant them. And this is one that I think we need to hold back on  
7 and it's not injurious in the context of the entire project with all the concessions they're going  
8 to get so that's my position. Any other Commission comments or Staff? Okay, let's take this one  
9 to a vote.

10

11 Ms. Klicheva: Commissioner Chang?

12

13 Commissioner Templeton: Could you please restate the motion? Thank you.

14

15 Mr. Lait: So, I'll (interrupted)

16

17 Chair Lauing: Yes, good add, thank you, Commissioner Templeton.

18

19 Mr. Lait: As Staff has is enrollment would be established at 450 students at the time of CUP  
20 approval and future increases would require a Conditional Use Permit amendment.

21

22 Commissioner Hechtman: Excuse me, Chair? That was not the totality of the motion because it  
23 didn't reference this (interrupted)

24

25 Chair Lauing: The 2-year.

26

27 MOTION #3 RESTATED

28

29 Commissioner Hechtman: Moratorium... actually it wasn't a 2-year in the motion. I heard you  
30 mention 2-year but the motion was a moratorium prohibiting an application for a CUP  
31 amendment to expand beyond 450 until after construction was complete. And Commissioner  
32 Chang, of course, you'd tell me if I misstated that but that's what I wrote down.

33

34 Commissioner Chang: That's correct and I'm open if at the time... if we find out that that is not  
35 a legal motion, I'm happy to change it to what Director Lait suggested but until we get that  
36 information, I'd like to keep the motion as it is.

37

38 Mr. Lait: Yeah, and we can research that between the Commission and the City Council and if  
39 we find that there's an issue, we could make that note and correction for the Council's  
40 consideration.

- 
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1  
2 Chair Lauing: Okay, thanks for your help on that.  
3  
4 Mr. Lait: And I've updated my notes, thank you.  
5  
6 VOTE  
7  
8 Chair Lauing: [unintelligible] with the motion... with the roll call.  
9  
10 Ms. Klicheva: Commissioner Chang?  
11  
12 Commissioner Chang: Yes.  
13  
14 Ms. Klicheva: Commissioner Hechtman?  
15  
16 Commissioner Hechtman: No.  
17  
18 Ms. Klicheva: Chair Lauing?  
19  
20 Chair Lauing: Yes.  
21  
22 Ms. Klicheva: Commissioner Reckdahl recused, Commissioner Roohparvar absent. Vice-Chair  
23 Summa?  
24  
25 Vice-Chair Summa: Yes.  
26  
27 Ms. Klicheva: Commissioner Templeton?  
28  
29 Commissioner Templeton: No.  
30  
31 Ms. Klicheva: Motion carries 3-2.  
32  
33 MOTION PASSED 3(Chang, Lauing, Summa) -2(Hechtman, Templeton) -1(Roohparvar absent) -  
34 1(Reckdahl recused)  
35  
36 Chair Lauing: Thank you. If people would like to speak to their no votes, please light up.  
37 Commissioner Hechtman.  
38  
39 Commissioner Hechtman: Just briefly, I've tried to tee this issue up right after the motion was  
40 made and then I listened carefully through all of the dialog. And what I didn't hear was

- 
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1 references to evidence of the impacts that are generated beyond 450 based on our  
2 administrative record that are not present at 450. So, that was part of the reason for ultimately  
3 my vote no after listening to the comments of my fellow Commissioners. Thanks.

4

5 Chair Lauing: Commissioner Templeton.

6

7 Commissioner Templeton: Thank you. I also did not find that the motion was based on evidence  
8 presented by Staff and that it created unnecessarily heavy process; which would replace what's  
9 already baked into the gradual enrollment increase based on actual data findings of whether or  
10 not they met their commitments. That was brought up as a concern but that was already baked  
11 into the original proposal. So, I did not find that this was necessary, nor did it have any grounds.  
12 Thank you.

13

14 Chair Lauing: Thank you. So, the next item is the TDM.

15

16 Mr. Lait: Chair? I'm sorry we have... yeah, special events is next one on deck if that works for  
17 you but we can pivot too?

18

19 Chair Lauing: The motion is up so we can do events if we'd like. It's not quite the same batting  
20 order but.

21

22 Mr. Lait: Your choice, Chair.

23

24 Chair Lauing: That's fine. It's up, we're going to do them both (interrupted)

25

26 Mr. Lait: Okay, special events.

27

28 Chair Lauing: Tonight, tonight. So, we see the direction, direct Staff and PTC to evaluate 5 major  
29 events and between 50 and 70 special events without Sunday events and there's detail on the  
30 slide.

31

32 Ms. French: If I can explain? The red shows what the Planning and Transportation Commission  
33 had requested Staff come back with this detail and the details below.

34

35 Chair Lauing: Any discussions or motions? Either one. Commissioner Chang, is your light on  
36 here?

37

38 Commissioner Chang: Yes. So, I was concerned by the number... if I look at Packet Page 71  
39 which has the language of the CUP. I was concerned about Item Six (b) which says that inclusive  
40 of all special events the maximum number of weekday evening special events after 6:00 pm

- 
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1 shall not exceed 32 events. My concern is that that is too many based on public comment about  
2 noise and traffic in the neighborhood and so when I think about how many weeks of school  
3 there are, there's somewhere probably between 36 and 40 weeks of school, like 54 weeks in a  
4 year, 12 weeks/3 months of summer and then there's also winter break and stuff. So, 40 weeks  
5 at the upper end but then you have to subtract spring break, winter break, whatever those are  
6 and 32 events comes out to something like almost one per week. And so that's my concern  
7 because we have heard a lot from public commenters about noise and so I think that one  
8 solution would be to reduce the number of weekday evening events.

9  
10 And when I looked at the comparison between other schools, there was the example of  
11 Pinewood which I think is the only one on the list where we could sort of see acreage as well  
12 as... unfortunately the table... thank you Staff for gathering the information but it's not... it's  
13 difficult to gather the information. And so, there's not a lot of examples that have the full table  
14 completed in terms of acreage, number of students and the CUP requirements because the CUP  
15 requirements are not always publicly available or easily available. And so, I looked at what else  
16 is a high school or middle school and high school because high schools are different than say  
17 elementary schools. Elementary schools don't have sporting events, etc., etc. So, I looked at  
18 high schools and I looked at Pinewood which is in a residential neighborhood on a relatively  
19 small acreage because for a school with large acreage, if they're holding an event in the middle  
20 of the acreage, the noise and the impact of that doesn't really quite spill out the same way and  
21 Pinewood has many fewer events. I think it was only 12 a year if I remember correctly.

22  
23 So, I would suggest that we try and rather than 70 events as proposed in the current Staff  
24 Packet Page 71. That we reduce that number primarily in the form of these weekday evening  
25 events because that's where the impact is to the neighbors. So, I mean, I'm not going to make it  
26 a motion yet but I... my thought was maybe 50 events and half the number of weekday evening  
27 events. So, 16 instead of 32 because that is where the pain point is for the neighbors. Thank  
28 you.

29  
30 Chair Lauing: Commissioner Hechtman.

31  
32 Commissioner Hechtman: So, actually I wanted to start with a clarification. In the Staff report,  
33 Packet Page 42 of the last one and 21 of this one is the clarification. The breakdown which is  
34 actually shown on the screen right now you know with the five and 14, 68 and the 10. And I just  
35 wanted to... and I appreciate Staff categorizing the information, but it was a little confusing to  
36 me because it makes it look like there are more than 75 events. Right because you could add  
37 them up and so I just wanted to clarify with Staff that in this table. There's a fair amount of  
38 overlap and you've just categorized as we requested but there's a lot of overlap (interrupted)

39  
40 Ms. French: Yes.

- 
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1  
2 Commissioner Hechtman: And it still only adds up to 75.  
3  
4 Ms. French: Correct.  
5  
6 Commissioner Hechtman: Okay, good.  
7  
8 Mr. Lait: 70.  
9  
10 Commissioner Hechtman: 70 plus five.  
11  
12 Mr. Lait: Oh, 70 plus the five.  
13  
14 Commissioner Hechtman: Right, right.  
15  
16 Ms. French: Five major plus 70 not major.  
17  
18 Commissioner Hechtman: Okay, so I studied the comprehensive analysis Staff put together  
19 regarding what other Bay Area schools did. That's Attachment G to the March 30<sup>th</sup> Staff report  
20 and while I appreciate that people on either side of this issue can cherry-pick a school here or  
21 there that supports their position. What I drew from these tables is that most schools don't  
22 appear to have limits on special events and that apparently, that's not a significant problem in  
23 the neighborhoods where nearly all of these schools are located. I think the applicant's initial  
24 request was for 96 plus five. We have pushed that down to 70 plus five and they've explained  
25 to us what those 70 plus five are and why they are important. And I'm frankly comfortable with  
26 that 70 plus five.  
27  
28 You know, we use this term events but it's... I think that it's a way to label it, but these are  
29 opportunities. These are teaching moments. These are important aspects of the... some of  
30 them are important aspects of the school operation in order to educate their students and  
31 other are important aspects of the education that these students are receiving.  
32  
33 And I don't know from our record that these nighttime activities involve a lot of noise. I think a  
34 lot of them are taking place inside and they don't have a lot of noise. I don't know from other  
35 than anecdotal contentions that the traffic is somehow overwhelming the neighborhood when  
36 these evening events occur. And again, having put kids through schools here in Palo Alto from  
37 pre-school through high school. And I've attended plenty of nighttime events, Saturday events  
38 and all of those schools bordered residential because that's what our public school... that's  
39 where they're all located. They're all in R-1 neighborhoods and so while I appreciate and I'm  
40 not discounting the concerns of the neighbors. I think here is a particular situation where we

- 
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1 have to balance the importance of the educational experience to the student with the impact  
2 that happens when you live in the vicinity of a high school. Of a school that includes a high  
3 school, so I would support the 70 plus five.

4

5 Chair Lauing: Commissioner Templeton.

6

7 Commissioner Templeton: Thank you so much, Chair. I am also comfortable with the 70 plus  
8 five number and some of the concerns that I've heard are kind of along the lines of what we  
9 learned in some business training called PUD, peer uncertainty and doubt, and we can't know  
10 everything. But that doesn't... we can't let ourselves have that fear deprive these students of  
11 these opportunities to compete, to celebrate, to study, to choose the school or not choose the  
12 school.

13

14 If you read the list here on Packet Page 71 from the March 30<sup>th</sup> Packet. These events are all  
15 kinds of things; student performances, showcase social events, parent group meetings,  
16 admission, orientation, alumni and donor events. Athletic competitions, celebrations, like it's  
17 really shocking that we could want to limit these for a school in Palo Alto. Our community  
18 celebrates these kinds of things. It is unthinkable that we would restrict these to such a minimal  
19 level. So, I would encourage us to accept that the lower number of 70 is acceptable as a  
20 compromise because it has already been significantly reduced from the previous number of  
21 events so thank you.

22

23 Chair Lauing: Vice-Chair Summa.

24

25 Vice-Chair Summa: Thank you. Well, their CUP allows them eight events as I read it because  
26 there are five major foundational events which of course they should have, and it says several  
27 others. So, jumping from eight to 70 or 75, 70 plus the five events would be an increase of like  
28 940 percent and I think that's correct because I didn't do the math. So, it's a tremendous  
29 increase and I think that sure, you can call it cherry-picking but to look at comparable schools  
30 kind of helps to understand it. Some schools, regardless of how many students are there, a lot  
31 of schools have a lot of space around them and a buffer zone. This school, you know, is going to  
32 have a swimming pool that's 20-feet from the sidewalk and I think nobody wants to limit the  
33 events that students need for their education. Such as athletic events and plays or concerts or  
34 those kinds of things. These are all... this wouldn't eliminate any kind of small groups getting  
35 together or parent-teacher conferences or anything like that.

36

37 But I wonder... and Castilleja has so many more events than most schools and I wonder if that's  
38 because... and I don't know the answer to this but there are some events that don't need to  
39 happen at the school. And those would be alumni events and you could have smaller groups of  
40 alumni that wouldn't even trigger event things come to the school. Because they seem like very

- 
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1 loyal alumni and but you don't have to have big fundraising events at the school. A lot of  
2 schools do that at venues such as hotels, banquet rooms and things.

3  
4 So, I mean I am definitely not in support of 70 plus five. I... it's another case where the school  
5 just recklessly sort of pursued such an extreme number of events over what their CUP allowed  
6 and maybe eight was too few. So, I think they surely need more than that but I think 50 is still a  
7 huge jump and I could support it. But I probably would have been interested in even more  
8 limitations myself because of looking at the types of events that don't involve students and  
9 their families directly which could take place elsewhere.

10  
11 And then there's this shared use of Casti, it's on Page... Packet Page 72, Item Seven. I just had a  
12 question about this. Does this go both ways? Can... this is about (interrupted)

13  
14 Mr. Lait: With PAUSD?

15  
16 Vice-Chair Summa: Yeah.

17  
18 Mr. Lait: Yeah so, I'm sorry what was the question? Does... can... you want to know if events  
19 could happen at PAUSD?

20  
21 Vice-Chair Summa: Yeah.

22  
23 Mr. Lait: Yeah.

24  
25 Vice-Chair Summa: If it goes both ways?

26  
27 Mr. Lait: It does, that's actually the reason it's there is that PAUSD can handle larger events that  
28 Castilleja might be able to do at PAUSD in exchange for the volleyball team or something  
29 coming over and using the gym. And so, it's intended to be a benefit really to the school and to  
30 the neighborhood by allowing some of the larger events to take place at one of the high schools  
31 and when needed they could use the gym and it doesn't happen very often.

32  
33 Vice-Chair Summa: It doesn't? Okay.

34  
35 Mr. Lait: No and what we're getting hung up on was the Temporary Use Permit requirement  
36 which was a process that would take weeks and usually these things need to... may come up on  
37 short notice. So, we're just trying to allow for that to take place a little bit more fluidly.

38  
39 Vice-Chair Summa: Okay, thank you for clarifying that.

40

- 
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1 Mr. Lait: Sure.

2

3 Vice-Chair Summa: So, if we're going to limit our discussion between 50 and 70. I have heavily  
4 leaning toward 50 and I think that's a really huge increase as it is. Thanks.

5

6 Chair Lauing: I just want to ask one question before we go second time to you Commissioner  
7 Templeton. Is there any sort of... I don't know what the formal term is but I'm directing this to  
8 Ms. French. Is there any sort of sync-up period? You know, a year into this where some group  
9 sits down and says hey, this part's working pretty well but you know, I mean there's no noise  
10 problems but there's some noise occasionally from all of the events or how does that work  
11 once the CUP is granted?

12

13 Ms. French: Well, Conditional Use Permits work and this one, in particular, has this requirement  
14 for meetings with the neighborhood. We have Conditions of Approval that are about  
15 enforcement. It's a Conditional Use Permit so by its very nature (interrupted)

16

17 Chair Lauing: Right, I'm actually talking about friendly discussion not you're in violation. You  
18 know, to sit down or the school... we pick 30 events to pick a number and they say no we need  
19 70 and 6-months into this they go we really need 70. We were right the first time and here's  
20 why. And it would have to either be a change to the CUP or some outside agreement and it  
21 seems like there should be a... somehow that should be in there.

22

23 Ms. French: I guess depends on what the Council does with your 450. You know, I mean 450, I  
24 don't know how that works with the events so.

25

26 Mr. Lait: Yeah.

27

28 Chair Lauing: No, I'm just saying if there's any sort of negotiating room on anything after the  
29 CUP is out but some of these things like events. It would be pretty easy to change the events.

30

31 Mr. Lait: So, you would need to embed that into your conditions and it would... you would do  
32 something like you have 50 events per year subject to an increase of X number of events  
33 subject to the Director's approval. Or if you didn't want it to go... if you wanted it to be  
34 administratively it would be to the Director's decision. Otherwise, you've got to amend the  
35 CUP.

36

37 Chair Lauing: Okay. Commissioner Templeton.

38

39 Commissioner Templeton: Thank you. I was just hoping for clarification because we seem to be  
40 having different information and I just wanted to find out. What kind of eight events do they

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1 have and are all of the things listed in number six that I just listed off included in those eight  
2 events? And I have a follow-up question after that.

3

4 Chair Lauing: You're asking about the eight events in the current CUP?

5

6 Commissioner Templeton: Yes, I want to know if those... what kind of events? Are those the  
7 very large as in the 70 plus five? Are those the five or do they include every kind of event that's  
8 listed in point six? I'm not asking... I'm asking Staff so.

9

10 Ms. French: Yeah, Staff does not have a list of eight events because that's not how the  
11 Conditional Use Permit reads. This is something that Vice Chair Summa posited for the  
12 discussion.

13

14 Commissioner Templeton: I see because she did say it was reckless and extreme of us to  
15 consider something that would be so much larger. So, I'm trying to figure out what... like if...  
16 those are alarming words, and my ears are perking up. So, I want to know what we're talking  
17 about. Can you explain... is this just apples and oranges? They're completely different things?  
18 Are these events comparable the way we're trying to compare them in this discussion?

19

20 Mr. Yang: So, I think we can provide the language in the existing CUP on events, so there are  
21 several requirements. One is that Castilleja will review its event scheduling process to try to  
22 plan major functions, so they don't occur on consecutive weekends or bunched on consecutive  
23 nights. And then they have the five major events and then the CUP describes that there are  
24 several other events during the year that require groups from 50 to 100. And the requirement  
25 under the existing CUP is that a list of these events will be published annually and distributed to  
26 the neighbors.

27

28 Commissioner Templeton: So, we don't necessarily know what they are?

29

30 Mr. Yang: Well, we do have those lists. I think they are available on the project website.

31

32 Mr. Yang: Do you know if it's eight items or an order of magnitude larger than eight?

33

34 Mr. Yang: It's an order of magnitude larger than eight.

35

36 Commissioner Templeton: Okay.

37

38 Mr. Yang: Yes.

39

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1 Commissioner Templeton: That's all I wanted to clear up because it was a concern, and you  
2 know I take what Vice-Chair Summa's seriously, so I wanted to find out and understand. So, it  
3 sounds to me like maybe that eight and that 70 are different... counting different things. I see  
4 another hand has gone up. If it's an answer to my question if the Chair wants to call on Ms.  
5 Romanowsky but then I have more questions.

6  
7 Chair Lauing: I think the eight is an estimate because my recollection of what the CUP said in  
8 the basic one is it's five regular and several others or something like that and there was no  
9 definition of several.

10  
11 Commissioner Templeton: I mean I'm looking at their calendar right now Chair and there's  
12 something relatively every day.

13  
14 Chair Lauing: I know but the point is that the CUP was not defined very narrowly and so they  
15 didn't do five plus several. They did something every day.

16  
17 Commissioner Templeton: Did you want to call on Ms. Romanowsky and come back to me or  
18 should I continue?

19  
20 Chair Lauing: Who... does the Staff not have information on this?

21  
22 Mr. Lait: On what specifically Chair? I'm sorry.

23  
24 Chair Lauing: On the current meetings... I'm sorry, events allowed in the current CUP?

25  
26 Mr. Lait: Well, so I think... we're going back several Staff reports now but I mean even before  
27 the Council weighed in on this. The language in the current CUP, and I'm doing this all from  
28 memory, but it sounds like Mr. Yang may have it in front of him. It is... this is an area where the  
29 City and the applicant have a disagreement as to what... how many events are allowed by the  
30 CUP and we were hoping that the new CUP would clarify that. So, depending on who's view you  
31 want to follow on that. It's constrained or unlimited to some degree. So, I think what we're  
32 trying to understand or what we've come to understand through this process is that Castilleja  
33 relies on a number of events. Operational, social, you've seen the list and they've articulated  
34 that 96 or whatever it was before was their desire. The Commission before you had considered  
35 this last time before it went to the Council asked them to reduce it to the bare minimum that  
36 they thought they could handle. They had suggested 70 with the five which is the  
37 recommendation that the Commission sent forward to the Council and the Council said can you  
38 look at somewhere between 50 and 70. So, that's kind of where we are.

39

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1 Commissioner Templeton: Thank you. I think in terms of the question which was do they only  
2 have eight events and don't have any sporting events, plays, etc. They clearly are having those  
3 now so it's not such a significant change as the CUP... the old CUP might imply. Is that a good  
4 summary?  
5

6 Chair Lauing: It seemed to me like the math says that... the math that they were sort of allowed  
7 last time versus the math that they would be allowed this time. That is a big increase, but I  
8 think what you're saying is that they were... they're already having those events anyway so it's  
9 not a big increase. I think that might be the difference.  
10

11 Commissioner Templeton: Well, partly. I think that what they were counting as an event was  
12 different in the previous CUP versus now. And so yes, in a net perspective it's not going to be a  
13 significant change or a multifold increase and that's good to get clarity on.  
14

15 The other question that was just brought up and I just want clarification from Staff on. What  
16 are these 20 events that we're talking about? I heard a comment that well, it wouldn't be  
17 reducing chess tournaments and sports... athletic competitions and school plays, things like  
18 that. Is... are those in the 20 that we're talking about or not?  
19

20 Mr. Lait: Thank you, Commissioner Templeton, for that. The... we did ask the applicant to  
21 provide us with the list of events that would be reduced and we have that posted on our  
22 website. We can look for that and we can share our screen (interrupted)  
23

24 Commissioner Templeton: That'd be great.  
25

26 Mr. Lait: When we have that.  
27

28 Commissioner Templeton: I think that would be very informative.  
29

30 Mr. Lait: So, we just need a moment to locate that.  
31

32 Commissioner Templeton: Happy to wait and Chair, I don't know if you want to call on Mindie  
33 while we wait? She's had her hand up several time. It's down again.  
34

35 Chair Lauing: First, Vice-Chair Summa had a clarification, I think.  
36

37 Vice-Chair Summa: Sorry, I just wanted to let everyone know that my best recollection is that  
38 the CUP says five major events which are their foundational events and several others. I take  
39 the plain English meaning of several to be three approximately and that's why I said eight. And I  
40 also clearly stated I didn't think that was enough and they were having way more, but I just

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1 wanted to clarify that. I wasn't trying to mislead anybody. I believe that's what the current CUP  
2 says.

3  
4 Commissioner Templeton: Thanks for clarifying. That makes sense. I'm just trying to figure the  
5 order of magnitude. You know, is it really an order of magnitude more or not because it is  
6 material. It's a good point to discuss.

7  
8 Chair Lauing: Staff, you're still looking?

9  
10 Commissioner Templeton: Mindie has her hand up.

11  
12 Ms. French: I thought it was in the 2022. I'm looking back in 2021.

13  
14 Mindie Romanowsky: Can I speak, please? I represent the applicant and I have information  
15 about their existing CUP that can answer this question. Am I able to speak?

16  
17 Chair Lauing: Stand by, we have a Commission that wants to speak while we're doing this.  
18 Commissioner Chang. Oh no?

19  
20 Commissioner Templeton: I thought it was still my turn.

21  
22 Chair Lauing: It is but you asked me to have Ms. Romanowsky speak.

23  
24 Commissioner Templeton: Oh, I asked well, if we wanted to have her speak while we wait for  
25 my turn to complete. However you want to do it Chair. That's fine.

26  
27 Chair Lauing: So, Ms. Romanowsky, you're speaking to the number of events in the prior CUP?

28  
29 Ms. Romanowsky: Yes.

30  
31 Chair Lauing: Okay.

32  
33 Ms. Romanowsky: So, what I want to clarify is that the prior CUP that was issued has language  
34 about events but it very unclear, in terms of specificity beyond certain words. And I'm going to  
35 quote from it and one of the reasons we were working so hard on this CUP application the  
36 enumerated events that you see in your Packet and throughout the record. Is so that you, the  
37 City and everyone in the community would have clarity around what is an event, how many  
38 events can there be, when can they occur. So, we agree that the prior CUP, the one we're  
39 operating under right now was written many years ago and is vague. But nonetheless, it's all  
40 we've had to go with. And so, what it says is that we can have these five major functions which I

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1 think are not in dispute tonight but where there is some confusion that I'm hearing is over this  
2 language. Its Condition where it's listed that the CUP allows for several other events that  
3 require groups of 50 to 100 people. Examples of these events include and then it gives a very  
4 long list. Volunteer meetings, student seminar evening, parent receptions, open houses, parent  
5 group meetings, guest speaker, dancers, dances, school performances, sports events, science  
6 exhibitions, etc.

7  
8 So, as you can imagine, that is not two more events. They've given a list of at least 10 different  
9 things with an etc. and so we have held these events to run our school and our programs over  
10 the years. And then, of course, the CUP does not specify anything about events over 100  
11 people. So, we have endeavored over the years to report (interrupted)

12  
13 Chair Lauing: Okay.

14  
15 Ms. Romanowsky: Our events. I believe we were at 93 and then we requested the 90 and now  
16 of course we're down to this number of 70 that we can think we can operate under. Even  
17 though it does constrain our programing so that hopefully answers your questions.

18  
19 Chair Lauing: Thank you.

20  
21 Ms. Romanowsky: These conditions are found in our existing CUP but again, we're asking to  
22 have this new CUP so there can be the clarity.

23  
24 Chair Lauing: Thank you. Back to Commissioner Templeton.

25  
26 Commissioner Templeton: Thank you, Chair and thank you Ms. Romanowsky. That was really  
27 helpful, so it looks like we're not talking about an order of magnitude increase in events. But we  
28 are increasing the specificity of what the events will be, and I think that will help all the parties  
29 because it sounds like the previous CUP was just not very clear.

30  
31 So, now we're back down to the numbers and Staff, were you able to find out what kinds of  
32 events would be removed if we went with the lower number versus the higher number?

33  
34 Ms. French: I'm sorry, I'm still searching because I feel that it might have even come back as far  
35 back as a couple of years ago when this was all being discussed.

36  
37 Commissioner Templeton: That's okay, if it's that old, that's fine. I mean what's in front of us... I  
38 think I'm just asking look at what's in front of us here. All the events would be qualified under  
39 this list right that's on point six on Page 71, Packet Page 71? Because that's all that's allowed so  
40 they have to be removed from that list. Is that correct?

- 
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Mr. Lait: Yes, that's right. If it were 50, we'd have to remove 20 from this list.

Ms. French: And my recollection is the applicant sent in a document in this year, the last year, or the year before saying how they would get it down to 50 because this was conversation the Planning and Transportation Commission had before it even went to Council. So, that's the trouble is to go back that far.

Commissioner Templeton: That's okay. I think we get the idea so the things that would be cut would be sporting events, student performances, social events like dances, parent group meetings, admission orientation, alum and donor events, athletic enrolled... athletic competitions, celebrations and other activities where students are together on campus.

So, looking at that and thinking about all the different types of events that are offered to the different types of students that might be enrolled with different interests. I think it would be very harmful to the student community to take away 2/7<sup>th</sup> of their opportunities for social interaction. If we've learned nothing else in the COVID year of students having limited ability to interact in person in social situations; to gather for dances or athletic competitions and things like that. You know, that's my number one takeaway is how hard that was on the students that I'm the parents of and I've heard that from many other parents. So, I'd be very, very cautious about reducing that number. It's already been reduced, and my sense would be to go for the larger number and happy to make a motion to that effect if there's not more discussion.

Chair Lauing: Commissioner Chang.

Commissioner Chang: Thank you. So, in response to what Commissioner Templeton is mentioning. The 70, I looked at the project website at the current list of 70 or 75 events and it's not all student events. There's alumni events, there's parent information sessions, there are other things there and so I would certainly hope that if we reduced... speaking from memory because I don't have that sheet printed out. It's one of those that doesn't print out so well on an 8 1/2 by 11. And I would hope that if we reduced the events that those would be the first to go.

Again, because we had asked for the table to kind of mark things out and say which ones are what category of events. Are these for students? Are these not for students? Are these in the evening or not? I hadn't done the analysis myself, but I did kind of take a quick look and go, you know we wouldn't want to obviously eliminate plays and performances and dances. But it did seem doable that were some evening events that quite frankly that other schools do. I don't know how many exactly because that's not quite for me to determine but there were definitely some events that other schools will do off-campus entirely. Or that the pandemic has taught us

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1 could be done over Zoom and done to great effectiveness in fact because it enables parents to  
2 participate more easily from wherever they are rather than having to come to campus. So, I  
3 would hope that we... that Castilleja would make the decision if we reduce the number of  
4 events to eliminate those that are not impacting the student experience or if we kind of shifted  
5 the number, they could move the timing of them so I think that things could be done.

6  
7 Chair Lauing: Commissioner Hechtman.

8  
9 Commissioner Hechtman: So, let's start with the existing CUP which Staff, will you remind me  
10 when that was adopted?

11  
12 Ms. French: The year 2000 and then there was the 2006 CUP for the gym building that was  
13 constructed.

14  
15 Commissioner Hechtman: Okay and was it the 2000 that had this five plus several language?

16  
17 Ms. French: Yes.

18  
19 Commissioner Hechtman: Okay, so by the year 2000 Casti is what, 90-years old? They've got a  
20 track record, they're doing things and they're coming in because the laws have changed and  
21 now they need a CUP. But they had an operation going on and they had events and that CUP  
22 said five plus several and while I agree that several can mean anything more than a couple. In  
23 interpreting rules, including CUP conditions, you have to take it in context, and it seems unlikely  
24 to me that if Castilleja in 2000 was doing many more than eight events. Five large and three  
25 small, that several was meant to be three because I think since the Council was clearly able to  
26 write the number five for the number of major events. If three is what they meant instead of  
27 several. They could have put three and so... and what we know though is that's not really the  
28 test for on this issue. It's not how many did they use to have in their old CUP versus how many  
29 they're asking for now. The issue here is how many they're asking for now and is there  
30 substantial evidence supporting not giving it to them?

31  
32 So, it doesn't matter the theoretical numerical increase and I think part of the evidence that we  
33 need to consider is the fact that they have been holding significantly more than eight events  
34 per year since 2000 and yet, we did not hear a history. For example, we heard a history from  
35 the neighbors that sometime after 2012 there was a debate about whether the... Castilleja  
36 brought it to [unintelligible] attention... our attention the over-enrollment or was it the  
37 neighbors. But the neighbors grabbed onto that and they let us know. I have not heard the  
38 same history that since 2000 the neighbors have been regularly up in arms complaining to the  
39 police, complaining to City Hall about these events. So, we have a long history of these events  
40 and the proposal before us tonight is a reduction. I think I hear Ms. Romanowsky saying 93, my

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1 memory is 96, but if it's 93. That's a 23 percent reduction from what they've been historically  
2 doing and so I think we have to take that into account.

3

4 And so, when we look at that and we look at whether we should trim from the 70. You know,  
5 I've reviewed all of these and Ms. French, I think what you're looking for is the January 19<sup>th</sup>,  
6 2022 Staff report. I'm actually... I've got the pages here in front of me. I don't think it was an  
7 attachment, I think it was a link to the January 19 and it lists... it first lists the 50 that they would  
8 keep if they were limited to 50 plus five. And then it lists the 20 that if they had to eliminate  
9 they would and so I just want to... I'm just going to read you the 20 and not all of them are  
10 individual. Some of them are multiples and again, I think this is from the January 19<sup>th</sup> from this  
11 year and I have to use my magnify glass because it's such a dense list that I can't read this tiny  
12 print. Alright, so we've got admission tours, athletic parent/guardian meeting, US swim meet  
13 water polo meet, CSA parent meeting/speaker event, global week speaker, CSA holiday lunch,  
14 grade 8 through 11 curriculum and course registration, senior dinner, grade level parent dean's  
15 meeting, 8<sup>th</sup>-grade show case. That's it. Now none of those sound to me like... those are the  
16 ones that they'd cut if they had to but none of those sound like horrible things to inflict on a  
17 neighborhood. They sound like school events to me and they seem useful and I don't see a  
18 reason to eliminate them.

19

20 Now, the Council gave us a charge though to look at these events more closely and see if we  
21 could recommend... if we would recommend eliminating up to 20 of them because they gave us  
22 that range of 50 to 70. And so, from... my position is I've done the work that the Council asked  
23 and Castilleja, with Staff's help, provided us the information we needed to do that. And what I  
24 am concluding is that it would be presumptuous and a micromanagement of us by us of the  
25 operators of a school that's been doing what it does extraordinarily well for over a century. For  
26 us to tell them don't do this or don't do that or you know, take the easy way out and don't tell  
27 them what not to do. Just tell them you can't do all 70. You have to some lesser number. You  
28 pick the things to sacrifice. So, I'm hoping that my fellow Commissioners will support the 70  
29 plus five.

30

31 Chair Lauing: Commissioner Chang.

32

33 MOTION #4

34

35 Commissioner Chang: So, I just wanted to respond to some of the comments that  
36 Commissioner Hechtman made because I know how important events are to every school. But  
37 again, we're not talking about reducing to eight. We're talking about... thinking about 50 to 70  
38 and I do clearly remember a number of public comments talking about the impact of events  
39 which were something to the effect of... now I can't... I don't have them in front of me but I'll  
40 paraphrase them. Something to the effect of we've got doors slamming at all hours, even in the

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1 evening every night of the week and voices as kids are walking out from their events into the  
2 neighborhood to their cars. And I remember hearing that in public comments or reading it in  
3 public comments. I can't remember exactly where. So, excuse me, those... that's the impact of  
4 some of these events. Particularly, the evening events after 6:00 pm that I'm... that were the  
5 ones that really caught my eye because it's approaching one a week.

6  
7 And so, at this point... and then also, you read off a list of things and while Castilleja certainly  
8 cannot eliminate admissions tours. Those were eliminated in COVID and I think that right now  
9 the definition of events... special events in the CUP is 50 to 100. As long as they keep the  
10 number of tours... number of people going a tour at one time to less than 50 they're fine. So, I  
11 think that some of these things like open houses and admission tours. There may be ways to...  
12 for example, another one that you listed. Course registration, that's a prime example of  
13 something that's actually really well executed over Zoom. That's something that we didn't miss  
14 out on at all during COVID. In fact, allows greater participation where all the parents can join in  
15 too and they don't have to go to campus. Same thing with the parent's dean's meeting where  
16 I've heard over and over again and this is anecdotal evidence but I've... and we've seen here in  
17 the PTC that more people participate and are able to come because it can be done over Zoom.

18  
19 So, I do think that there's way that some of these events are not critical to the student  
20 experience and to student learning and there may be ways to modify.

21  
22 And so, after all this discussion because it is late I'm going to put... I would like to make a  
23 motion and suggest that you know the City Council asked us to look between 50 and 70 special  
24 events. So, I would suggest this modification to the language where the first line of the events  
25 text in the CUP on Packet Page 71. So, Item Number... Condition Number Six, where instead it  
26 could say... my motion would change that language to read: 'the school may schedule up to a  
27 maximum of five major events and 50 additional special events' and I would say 'each calendar  
28 year beginning August 1<sup>st</sup>' because I think we want to capture the summer and anything that  
29 might happen in there. 'As described', so that's how I would change the first sentence and then  
30 make additional modifications. So, for Item B, I would change it to read 'inclusive of all special  
31 events, the maximum number of weekday evening special events after 6:00 pm shall not  
32 exceed 16 events'. And then for G, 'that the school shall have special events on no more than  
33 two consecutive evenings and shall minimize special events on consecutive days and for larger  
34 events occurring on consecutive weekends'. And I did take a look at the proposed list of 75  
35 events and it seemed doable because if you're running a play. You need to have Thursday night,  
36 Friday night, Saturday matinée or something. That seems to be what Castilleja has already been  
37 doing. So, that would be... that's my motion.

38  
39 Chair Lauing: Is there any second?

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1 SECOND

2

3 Vice-Chair Summa: I'll second.

4

5 Chair Lauing: Vice-Chair Summa seconds. Other discussion? Commissioner Templeton.

6

7 Commissioner Templeton: Oh, thank you. I had my hand raised to make the motion I said I  
8 would like to make earlier. However, there's another motion on the table so we'll go with that.  
9 My comments on this motion are that it doesn't seem to have any basis. The numbers that  
10 were chosen appear to be arbitrary and regarding the noise that is made by living on a street  
11 where parking is available. I just wanted to speak to that as well having lived on at least two  
12 streets in Palo Alto where parking is available. You do have noise from that from the neighbors  
13 at all times of the day and evening. So, that doesn't strike me as a compelling reason to change  
14 the request from the applicant so drastically. Thank you so much.

15

16 Chair Lauing: I don't see any other immediate comment. Oh, Commissioner Hechtman.

17

18 Commissioner Hechtman: I won't be supporting the motion for the reasons I stated earlier but  
19 one aspect that I did like in the motion is and I'm just... is Commissioner Chang, at the beginning  
20 of her motion suggested that that first line of Condition Six refer to five plus 50. That was her  
21 motion. Right now, it doesn't refer to the five. The five is provided a little bit lower where it's  
22 called a major special event. It's not as clear in the existing six, that the five is an addition to the  
23 70 rather than it makes it look like it's part of it. So, while I won't support the motion, I do  
24 appreciate that effort to clarify the distinction.

25

26 Commissioner Chang: Yeah and that was intentional because as it says right now it's 70 events  
27 and the five, as I read it, are included. There's... special events is anything more than 50. If it has  
28 500, that's definitely more than 50 and so I'm proposing a reduction of 15 from the current  
29 language, not 20.

30

31 Chair Lauing: Were there any aspects to that motion Commissioner Hechtman that you wanted  
32 to split out and vote on separately or no?

33

34 Commissioner Hechtman: I think let's take the motion as proposed and see if passes then that  
35 thing that I liked is going to be part of it.

36

37 Chair Lauing: I see.

38

39 Commissioner Hechtman: And so, let's try it that way.

40

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1 Chair Lauing: Okay.  
2  
3 Mr. Lait: So, Chair?  
4  
5 Chair Lauing: Yes, Staff?  
6  
7 Mr. Lait: I think we got 2/3rds of the motion recorded so I think we need the last piece. Just to  
8 reiterate we got the change to the first part of the condition that says five major events and up  
9 to 50 special events. And then changing B, the number 32 becomes 16 and then Commissioner  
10 Chang, can you just tell us the third (interrupted)  
11  
12 Commissioner Chang: Sure, for G, there's an addition of a few words. So, the school shall and  
13 this is the addition, have special events on no more than two consecutive evenings.  
14  
15 Mr. Lait: The school shall have no more than... I'm sorry can you just one more time?  
16  
17 Commissioner Chang: The school shall have special events on no more than two consecutive  
18 evenings and shall minimize special events. That... the rest of that is the same and I just wanted  
19 to make sure that you captured in the first part of the motion. That the school may schedule up  
20 to a maximum of five major events and 50 additional special events each calendar year rather  
21 than each academic year because I do think that that is an important distinction. But I say  
22 calendar year beginning August 1<sup>st</sup> because obviously, Castilleja needs to... Castilleja plans its  
23 events out on an academic-year basis.  
24  
25 Mr. Lait: Starting August 1<sup>st</sup>, got it.  
26  
27 Commissioner Chang: Yeah.  
28  
29 Chair Lauing: Have you got it now?  
30  
31 Mr. Lait: Yeah and just on that last G item, you said two consecutive days or evenings?  
32  
33 Commissioner Chang: Evenings. I'll read what I have on my piece of paper here. The school shall  
34 have special events on no more than two consecutive evenings and shall minimize special  
35 events on consecutive days and for larger events occurring on consecutive weekends.  
36  
37 Mr. Lait: Great, thank you. So, we're clear now Chair, thank you.  
38  
39 Chair Lauing: I'm still interested in this idea of we're putting together, I can't remember what  
40 we called it last time, but some sort of a group to talk over things. What do we call that? You

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1 know it was going to be some members of the school and some neighbors and things like that.  
2 In the last meeting, we talked about putting together that thing.

3  
4 Commissioner Chang: I think that was specific to the TDM. TDM Oversight Committee?

5  
6 Ms. French: Oh, if you're talking about TDM Oversight Committee, that's in the slides and  
7 (interrupted)

8  
9 Chair Lauing: So, I... since we're already doing something (interrupted)

10  
11 Ms. French: In the conditions.

12  
13 Chair Lauing: Like that, I was wondering if we could roll into it this which is obviously part of the  
14 CUP and the concept is whatever that's going to be. If six people sit down and say oh yeah, we...  
15 no problem we want 10 more. If it's sort of like you know the unanimous approval of the TDM  
16 and events committee. We want to change it in one direction or the other. Then just set it out  
17 to the Director and you modify the CUP. I don't know. I'm just trying to conceptualize a way  
18 that if this CUP sits there for 5-years. That we're not stuck with this number forever if it's  
19 proven with enough data from either side of the negotiation that we want to make a shift. Or  
20 we can just suggest that as an idea to Council as part of the motion or we can skip it. Any  
21 thoughts from Commissioners? I mean if people think it's valid. If you think it's not valid then  
22 let's just shoot it down but I'm just trying to have a little bit of an escape valve for new data  
23 that comes up in the next two to five years.

24  
25 Commissioner Chang: I'd be open to an amendment if you want to try and restate that  
26 somehow.

27  
28 FRIENDLY AMENDMENT

29  
30 Chair Lauing: I'll try and it would be something like 'and create a committee mechanism of  
31 community members and school members that meet periodically to evaluate events and make  
32 recommendations to the Planning Director for changes'.

33  
34 Commissioner Templeton: Feels super out of scope though. I mean (interrupted)

35  
36 Chair Lauing: Sorry.

37  
38 Commissioner Templeton: It feels out of scope to do that for this and not for anything else in  
39 the CUP. Like it should be broad-reaching if we're going to do something like that.

40

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1 Chair Lauing: Well, what they said is we are doing that for the TDM, so I'm just trying to roll it  
2 into the TDM Committee.

3

4 Ms. French: That was direction from the Council to explore the TDM Oversight Committee, so  
5 that's why we brought that back.

6

7 Chair Lauing: Yeah, I think probably for the same reason that if something new comes up. That's  
8 good and then we or if something bad comes up. That's good and we talk about it and figure  
9 out where to go.

10

11 Mr. Lait: So, [unintelligible] Commission to deliberate on this and make any recommendation  
12 you want. I am wary of another committee. We've got the TDM Committee, we've got the  
13 community meetings.

14

15 Chair Lauing: I roll it into that and make that part of their review.

16

17 Mr. Lait: And okay so I don't know. I just (interrupted)

18

19 Chair Lauing: I'm fine. I'm just trying to find a way to not chip into stone for 10-years because I  
20 think things can change in the event world one way or another and with some corporation  
21 which we're trying to get anyway in the new CUP.

22

23 Mr. Lait: Yep and no reason it couldn't be part of a... when they come back with a CUP  
24 amendment for their academic enrollment increase. They could ask for an increase in events  
25 too.

26

27 Chair Lauing: Yeah, I was just trying to do it faster because if we come up with a number and  
28 everybody agrees that hey, we came up with the wrong number. Then why should they be  
29 stuck with it either way?

30

31 Commissioner Chang: Well, there was another alternative because I'm sensitive to what Staff is  
32 saying about managing committees. I think Director Lait had suggested something about we  
33 could leave it up to the Director's discretion. So, we would make it... write that into the CUP.

34

35 Commissioner Templeton: Chair, I don't know if you can see my hand.

36

37 Chair Lauing: I'm sorry, it's just hard to see all these various locations at once.

38

39 Commissioner Templeton: It's okay.

40

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1 Chair Lauing: I've been ignoring our Vice-Chair tonight until she pokes me so go ahead.

2

3 Commissioner Templeton: So, I guess why I was saying that the scope seems out of whack  
4 because we have several numbers that you have shown an interest in getting collaborative  
5 decision making on and I don't know why it should just be TDM. Why not also events? Why not  
6 also enrollment? So, if you're going to do this, I would suggest making the scope appropriate  
7 and have all the things that we've been kind of trying to narrow down on the right quantity and  
8 have that escape valve for all of these numbers.

9

10 FRIENDLY AMENDMENT WITHDRAWN

11

12 VOTE

13

14 Chair Lauing: Yeah, I think I'm going to pull the idea because there's not enough enthusiasm.  
15 Just a quick answer to you is that because I think that the... we're going to have data pretty fast  
16 on meetings and the decision can be made pretty fast on and off. That's totally different than a  
17 TDM program so that's why but I'll just withdraw that and we'll go to the motion.

18

19 But let me just comment before we go to the motion because I haven't actually spoken to that  
20 yet. I think the 50 to 70 is the right range and probably Council could have picked it. I think it is  
21 hard. I mean I do agree with Mr. Hechtman that it's hard for us to sit here and do that but  
22 both... all Commissioners have looked at the numbers. And I think we don't want we're getting  
23 into, so being a little bit cautious is probably okay which is also why I wanted to have kind of a  
24 release valve if we get too cautious. So, I'll leave it at that, and we'll call the roll.

25

26 Ms. Klicheva: Commissioner Chang?

27

28 Commissioner Chang: Yes.

29

30 Ms. Klicheva: Commissioner Hechtman?

31

32 Commissioner Hechtman: No.

33

34 Ms. Klicheva: Chair Lauing?

35

36 Chair Lauing: Yes.

37

38 Ms. Klicheva: Vice-Chair Summa?

39

40 Vice-Chair Summa: Yes.

- 
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1  
2 Ms. Klicheva: Commissioner Templeton?  
3  
4 Commissioner Templeton: No.  
5  
6 Ms. Klicheva: Motion carries 3-2.  
7  
8 MOTION #4 PASSED 3(Chang, Lauing, Summa) – 2(Hechtman, Templeton) -1(Roohparvar  
9 absent) – 1(Reckdahl recused)  
10  
11 Chair Lauing: Okay thank you. Which item do you have up next Ms. French?  
12  
13 Commissioner Templeton: Chair?  
14  
15 Chair Lauing: Yeah?  
16  
17 Commissioner Templeton: Would you like us to speak to our no votes?  
18  
19 Chair Lauing: I would, thank you.  
20  
21 Commissioner Templeton: Thank you. I think that the reduction has already been made from  
22 over 90 to 70. I think that this is going to far. One of the Commissioners said it might be kin to  
23 micromanagement and that sounds in alignment with how I’m feeling about it. I would really  
24 like to have all of our discussions focus on the community engagement and not do things that  
25 would be harmful to the student population. Including depriving them of opportunities to  
26 socialize, get on campus, meet their teachers, etc. So, that’s why I oppose this. I would like to  
27 have seen the number be higher. Thank you.  
28  
29 Chair Lauing: Thank you.  
30  
31 Commissioner Hechtman: Chair, I did want to point out it's 10:15 and I don't know if you want  
32 to do a check-in.  
33  
34 Chair Lauing: I do. That’s exactly what I was going to do. Did you pick another topic, Ms.  
35 French?  
36  
37 Ms. French: [unintelligible – off mic] Sorry, I’m not on mic.  
38  
39 Chair Lauing: Yes, so we are at 10 o’clock and our rules say that we need to check-in. You know,  
40 we really try to get this thing done but we have technical difficulties and as I said at the

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1 beginning. It's high risk that this won't get to Staff if we don't finish or sorry, to Council if we  
2 don't finish it tonight. But as you know, I'm always on record of saying we can't be doing our  
3 best work at midnight. So, sense of the group is to press on a little bit but check in again?  
4 Commissioner Templeton.

5  
6 Commissioner Templeton: Yes, I was wondering if we can just call a special meeting and try and  
7 finish this if there's another opportunity? I don't know what the lead time is if that's an option  
8 or not. I am tired and I would like to see my children tonight but if we have to carry on, we do  
9 have to carry on.

10  
11 I will note that it was of high concern a few weeks ago when we rescheduled this to a special  
12 meeting. That we have more... maximize our Commissioners and that might be something to  
13 consider.

14  
15 Chair Lauing: Maximize what?

16  
17 Commissioner Templeton: The number of Commissioners that can be present, so that's  
18 something to consider as well.

19  
20 Chair Lauing: Yeah, I mean we definitely expected to have six tonight and there was a late  
21 cancellation just for the record. Very late cancellation, actually. Any other comments?

22  
23 Vice-Chair Summa: I am all for pressing on and getting this to Council (interrupted)

24  
25 Chair Lauing: Commissioner Hechtman.

26  
27 Vice-Chair Summa: In a timely fashion.

28  
29 Chair Lauing: Commissioner Hechtman.

30  
31 Commissioner Hechtman: So according to my notes I think we have three issues... three items  
32 left. One is the RPP which I think is a 5-minute max item. The other two are TDM plan measure  
33 and the parking options. It's D, E or the hybrid. Is that all that's left or (interrupted)

34  
35 Chair Lauing: That's all that's left from this (interrupted)

36  
37 Commissioner Hechtman: And then there's this catch-all, anybody want to talk about anything  
38 else.

39  
40 Chair Lauing: That's right, that's correct.

- 
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1  
2 Commissioner Hechtman: Right, right, so other than the RPP. I think these are really meaty  
3 issues and I think they're going to take us a long time. I think that if we take these on, we're  
4 going to be here well past midnight. That's just my sense because the... I think these are the  
5 two most challenging. The underground parking issue and controlling the traffic. Although with  
6 a limitation to 450, maybe that's not such a big deal. Of course, the Council may not agree with  
7 us on that.

8  
9 So, if it's the will of the Commission I will stay up and do it, but I would also be supportive of  
10 setting a special meeting. Coming back when we're fresh and where we have six Commissioners  
11 because as Commissioner Templeton pointed out. Part of the reason we moved from April 13<sup>th</sup>  
12 I think to today is so that we could pick up an additional Commissioner. And of course, it's  
13 nobody's fault that it didn't work out that way tonight with Commissioner Roohparvar not  
14 being here. But it's an opportunity to have her weigh in on two of these important issues.

15  
16 Chair Lauing: Well, it's not midnight yet so I think we should jump in on one of these big items  
17 and see where we get.

18  
19 Commissioner Templeton: Can we take a break?

20  
21 Chair Lauing: I'm not sure... I'm not... yeah, just a second. I'm not sure the... which one is this?  
22 Yeah, TDM, so my view on this one is we did great work last time on this, as did Staff. So, I'm  
23 not sure how long that's going to be and on the parking one. Again, we've talked about it so  
24 much last time. That might not be either, so I'm slightly more optimistic and I'm the guy who  
25 doesn't like midnight meetings. So, we do have a meeting next week. We do not have time to  
26 call a special meeting before that. So, we would just have to roll part of this agenda item into  
27 that which means that Council isn't going to get it until August and that's not good for Casti  
28 frankly. So, that's kind of why I want to... I totally agree with them and everybody else that this  
29 has gone on too long and so I'm trying to get it to the finish line so that they get an answer so.

30  
31 Commissioner Hechtman: Could I suggest we, as Commissioner Templeton said, let's take a 5-  
32 minute break and then when we come back. I love to cross things off lists and if we could do  
33 RPP first.

34  
35 Chair Lauing: Just what I was going to say. That's what I was going to say.

36  
37 Commissioner Hechtman: Oh, didn't mean to steal your thunder, so then whichever the other  
38 two that you want to take on.

39  
40 Chair Lauing: Okay, 5-minute break, thank you.

- 
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1  
2 [The Commission took a 5-minute break]  
3  
4 Chair Lauing: Alright, the RPP, we discussed that last time and last time we decided there was  
5 no need for an RPP unless it was demanded. So, that was the religious statement when we left.  
6 Is there any differences in that?  
7  
8 Commissioner Hechtman: No, I'm just wondering if we need a motion for a recommendation or  
9 [unintelligible] (interrupted)  
10  
11 Chair Lauing: [unintelligible]  
12  
13 Commissioner Hechtman: I mean it's clearly stated in the Staff report so I think maybe  
14 (interrupted)  
15  
16 Chair Lauing: I agree, I agree. I was just saying if that was tenor then we can vote (interrupted)  
17  
18 Commissioner Hechtman: Right, I'm just asking Staff if they think we need a motion?  
19  
20 Chair Lauing: We do, we do.  
21  
22 Mr. Lait: Sure, yeah, Council gave you... asked for direction and why not have a motion?  
23  
24 Chair Lauing: Go ahead.  
25  
26 MOTION #5  
27  
28 Commissioner Hechtman: Should I make a motion, Chair? I move that the PTC recommend to  
29 the City Council that an RPP for the area surrounding Castilleja should be resident initiated  
30 rather than fold it into the TDM mitigation measures or Conditions of Approval.  
31  
32 SECOND  
33  
34 VOTE  
35  
36 Chair Lauing: Second. Any comment from anybody? Okay, let's call the roll on that.  
37  
38 Ms. Klicheva: Commissioner Chang?  
39  
40 Commissioner Chang: Yes.

- 
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1  
2 Ms. Klicheva: Commissioner Hechtman?  
3  
4 Commissioner Hechtman: Yes.  
5  
6 Ms. Klicheva: Chair Lauing?  
7  
8 Chair Lauing: Yes.  
9  
10 Ms. Klicheva: Vice-Chair Summa?  
11  
12 Vice-Chair Summa: Yes.  
13  
14 Ms. Klicheva: Commissioner Templeton?  
15  
16 Commissioner Templeton: Yes.  
17  
18 Ms. Klicheva: Motion carries 5-0.  
19  
20 MOTION PASSED 5(Chang, Hechtman, Lauing, Summa, Templeton) -0 -1(Roohparvar absent) -  
21 1(Reckdahl recused)  
22  
23 Chair Lauing: Thank you. Okay, maybe the parking options next.  
24  
25 Ms. French: So, last time we were in March, Commissioner Hechtman had wanted to see a  
26 comparison, but that motion failed. Yet, we brought back a CEQA document regarding that.  
27 That's Attachment H, so if anyone wanted to comment on it.  
28  
29 Chair Lauing: I'm sorry, what did you say failed?  
30  
31 Ms. French: The motion that Commissioner Hechtman said he would like Staff to come back  
32 with a comparison and so it failed but we did it anyways because we're like that. We're  
33 thorough with our CEQA documentation. So, but you didn't want to see it, but it's here anyways  
34 and then let's see, easement relocation clarification was just something because a member of  
35 the public did not like how brief I was in my response. So, this was a clarification, basically that  
36 this was part of the architectural review application, the easement shift. That the departments  
37 had reviewed it and prepared approval conditions regarding the process of that easement  
38 adjustment. So, I just shared that with this group. Anyways (interrupted)  
39  
40 Chair Lauing: So, so, (interrupted)

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1  
2 Ms. French: I would move on to the [unintelligible]. This was the parking reduction. Again, you  
3 didn't need the comparison but here it is. Parking E, Option E, it does these things. Parking  
4 Option D does these other things, so if you need to reference that at all. There's other images  
5 and things like that shows where the additional 11 spaces are with Option E and the pool move  
6 with the little blue square there and the trees that are improved in their conditions; which was  
7 the whole point of Option E was moving the pool and eliminating the below-grade ramp to save  
8 that tree 155. And so maybe this is helpful, I don't know. What else? This is the memo,  
9 Attachment H, CEQA memo talks about improving. That was the conditions that are in the ARB  
10 application for the relocation of the easement and that was all I had.

11  
12 Chair Lauing: Okay, so the first thing is just what they in the (interrupted)

13  
14 Ms. French: [unintelligible]

15  
16 Chair Lauing: Council minutes it says PTC to review an underground parking facility allowing 50  
17 percent of required parking spaces on site below grade.

18  
19 Ms. French: Yes, without counting as floor area. We already covered that in Item One. Basically,  
20 that whole Text Amendment discussion but clearly, Option E has only 50 percent of the  
21 required parking spaces below grade. So, that's why Staff recommends that one.

22  
23 Chair Lauing: Right.

24  
25 Ms. French: It's more in line with what Council directed.

26  
27 Chair Lauing: So, as I recall where we left this is that we knew that Staff... I'm sorry, that Council  
28 wanted this parking underground and Option E was what Staff's recommendation was.

29  
30 Ms. French: That is the one that adheres to Council direction.

31  
32 Chair Lauing: That was very helpful for the protected trees.

33  
34 Ms. French: Right.

35  
36 Chair Lauing: So, that was the beginning of the discussion. Any other discussion on these points  
37 that you want to bring up? So, she's got the first part of it up right here which is to review that  
38 parking facility.

39

- 
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1 Ms. French: Yeah, Parking Option E is the one that Staff recommended as more in line with  
2 Council's motion. This is what Parking Option E does in words, with a 14.4 parking adjustment.  
3 Parking reduction of 15 spaces from onsite parking.  
4  
5 Chair Lauing: So, I don't know if Staff wants to comment but I don't read review as tell them not  
6 to put in a garage. So, (interrupted)  
7  
8 Ms. French: No.  
9  
10 Chair Lauing: It just says review that option and [unintelligible]. It's not too specific.  
11  
12 Ms. French: So, we've reviewed it.  
13  
14 Chair Lauing: Right, so I mean I don't know that (interrupted)  
15  
16 Ms. French: So, we're ready for a (interrupted)  
17  
18 Chair Lauing: Commissioner Hechtman, did you have a (interrupted)  
19  
20 Commissioner Hechtman: I'm trying to understand your line of questions to Staff here. Are you  
21 (interrupted)  
22  
23 Chair Lauing: Well, it just went away.  
24  
25 Commissioner Hechtman: I mean... okay but my understanding of this Item Five is we're going  
26 to deliberate on the possibility of Alternate D or Alternative E or (interrupted)  
27  
28 Chair Lauing: That's right.  
29  
30 Commissioner Hechtman: The so-called hybrid. Are we still planning to do that?  
31  
32 Chair Lauing: Yeah, that's what we're doing.  
33  
34 Commissioner Hechtman: Okay.  
35  
36 Chair Lauing: But the first part of it I thought was do we want to do... they've already decided  
37 they want to do an underground garage. What I'm saying is I don't think it's on the table here to  
38 debate whether or not we agree with that.  
39  
40 Commissioner Hechtman: I agree.

- 
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1  
2 Chair Lauing: Okay.  
3  
4 Commissioner Hechtman: I agree.  
5  
6 Chair Lauing: So, yeah, I think on both parts of this I'm open to open to discussion. Did you want  
7 to take the floor?  
8  
9 Commissioner Hechtman: Actually, I'd like to start with some questions.  
10  
11 Chair Lauing: Sure.  
12  
13 Commissioner Hechtman: And then let somebody else... see if there are other questions or if  
14 somebody else wants to start with discussion.  
15  
16 Commissioner Chang: [note – off mic] I think [unintelligible].  
17  
18 Chair Lauing: Oh, Commissioner Templeton has her hand up too.  
19  
20 Commissioner Hechtman: Commissioner Templeton, do you have something to do before my  
21 questions?  
22  
23 Commissioner Templeton: No, I have questions too.  
24  
25 Chair Lauing: Okay.  
26  
27 Commissioner Hechtman: Okay. So, let's see, the... so looking at the Dudek report... well  
28 actually, at our last meeting on this. There was a discussion of an acoustic fence and I think that  
29 that was... I don't remember hearing discussions of that before. So, was that a new design  
30 feature? You know as we move from the fully underground to the partially underground. That  
31 affected the pool location and I think that's... and so it was only when we started to see Options  
32 D and E that we started... that I first heard about this acoustic fence and so I'm a little unclear  
33 on that. Is it proposed for both D and E?  
34  
35 Ms. French: No.  
36  
37 Commissioner Hechtman: Or just one or the other?  
38  
39 Ms. French: Just E.  
40

- 
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1 Commissioner Hechtman: Just E and that (interrupted)  
2  
3 Ms. French: And that's (interrupted)  
4  
5 Commissioner Hechtman: And E is the Staff recommended, Council... meeting the Council's 50  
6 percent option, right?  
7  
8 Ms. French: Correct, below grade and improving upon the tree preservation.  
9  
10 Commissioner Hechtman: Right, yeah.  
11  
12 Ms. French: So, tree 155.  
13  
14 Commissioner Hechtman: Other benefits too but (interrupted)  
15  
16 Ms. French: Yes.  
17  
18 Commissioner Hechtman: Alright, so sorry, the acoustic fence is part of E but not D.  
19  
20 Ms. French: Yes, correct. That was ARB reviewed that design of the fence. It's along that Kellogg  
21 parking lot because now the deliveries stay at grade instead of going below grade with Option  
22 E.  
23  
24 Commissioner Hechtman: Okay and I'm not familiar with acoustic fences. I mean is that like the  
25 thing that Caltrans build between a freeway and a side street or is it (interrupted)  
26  
27 Mr. Lait: So again, so there's a design, we can show it to you. If you... this is something that I  
28 think you really, through the Chair, might want to ask the architect to explain. I mean we can  
29 show you where it is and some of the parameters but just to reiterate. This has been reviewed  
30 by the Architectural Review Board as well.  
31  
32 Ms. French: The ARB reviewed it on December 2<sup>nd</sup> and then again on March 17<sup>th</sup> with additional  
33 plant materials to... between the acoustic fence and the sidewalk.  
34  
35 Commissioner Hechtman: And Staff has reviewed it and (interrupted)  
36  
37 Ms. French: Yes.  
38  
39 Commissioner Hechtman: Is satisfied that it will perform its function of attenuating noise from  
40 the pool?

- 
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1  
2 Ms. French: Yes, we had an acoustic consultant review it. Not from the pool. That was a fence  
3 that already existed in plans. This is a fence near the parking lot on Kellogg (interrupted)  
4  
5 Commissioner Hechtman: Oh sorry.  
6  
7 Ms. French: Because that's where the deliveries are coming through instead of (interrupted)  
8  
9 Commissioner Hechtman: My mistake. Right, right and the reason we talk about that regarding  
10 Option E but not Option D is because with Option D the deliveries and garbage are still  
11 happening underground.  
12  
13 Ms. French: Correct.  
14  
15 Mr. Lait: Correct.  
16  
17 Commissioner Hechtman: Okay and from the work that you did with the noise consultant. How  
18 effective is that acoustic fence that's part of Option E? Does it eliminate the noise like you  
19 would never even know that the garbage truck was there or does it soften it? Do we  
20 (interrupted)  
21  
22 Ms. French: I don't know degrees, but I mean it's an existing condition because deliveries are  
23 currently happening there. So, it's all a matter of with CEQA impacts, it's improving upon what's  
24 happening now noise-wise.  
25  
26 Commissioner Hechtman: And I agree that that makes sense to me. I'm curious about the  
27 difference in noise between Options D and E. And so here we're comparing underground  
28 activities in D versus this noise attenuating fence for E.  
29  
30 Ms. French: Correct.  
31  
32 Commissioner Hechtman: And so, if... I don't know if we have the right consultants here at this  
33 late hour but if we do. I would be interested in understanding how effective this acoustic fence  
34 is.  
35  
36 Mr. Lait: So, Kathrine if you could just turn your camera on and help us respond to that  
37 question.  
38  
39 Commissioner Hechtman: You're muted.  
40

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1 Ms. Waugh: Sorry, yes, thank you, sorry. So, Katherine Waugh with Dudek. The... I actually  
2 haven't looked at the noise study itself but, in either case, there are ways to engineer the  
3 appropriate sound barrier quality of that noise barrier. So, if you have the deliveries  
4 underground then you have much less noise but if you have the deliveries at grade. Then as  
5 long as the acoustic fence meets the appropriate engineering standards. Then you'll be able to  
6 regulate that noise.

7  
8 Commissioner Hechtman: I'm trying to get a sense, in regulating that noise, is it realistic expect  
9 to expect with proper design that the sound from a garbage truck behind the acoustic fence will  
10 be similar to the sound of the garbage truck underground? Or is there going to be some noise  
11 but it wouldn't be considered significant?

12  
13 Ms. Waugh: So, I'm not an acoustician as our noise specialists like to call themselves but yes.  
14 No, I'm sorry, the answer is no. If it's underground, it's going to be much quieter. But on the  
15 other hand, if it's above ground or at grade, you'll be able to design a, excuse me, an acoustic  
16 fence that appropriately controls the noise to meet the City standards.

17  
18 Commissioner Hechtman: Okay, alright, that's very helpful. Alright, my next couple of questions  
19 are about trees. So, we have a lot of trees on this site and they're numbered. And we've been  
20 talking about, for example, preserving tree number 155 and what I couldn't quickly find is  
21 what's the... how many trees are there? What's the last number in our list of trees that includes  
22 tree 155?

23  
24 Ms. Waugh: Since my videos on, I'll answer. I don't know but I think we're approaching 200 or  
25 maybe a little bit over but I can look that up.

26  
27 Mr. Lait: Again, so sorry Commissioner, so just trying to... so you're... I get that you're asking  
28 questions to sort of maybe lead up to something. It is late and we probably don't have  
29 everybody lined up for that type of precision type of question. I mean I think we know what  
30 trees are potentially vulnerable and may require a little more protection. And that's what  
31 Option E attempts to achieve and that has been reviewed by the City's Urban Forester as well  
32 as a number of arborists. So, is there... clearly, Option E adds more benefits to the existing that  
33 are there.

34  
35 Commissioner Hechtman: Okay and we'll get to that. I was just trying to understand how many  
36 we had since I know we have at least 155. So, I could understand it in the context of we're  
37 going to save this one tree and have a smaller encroachment into these two other trees. Those  
38 are three trees out of how many? I wanted that context.

39

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1 The hybrid, can somebody help me understand? The hybrid came up after D and E and it was  
2 explained to us a little bit last time and I didn't really grab it totally. So, can somebody explain  
3 that?  
4

5 Ms. French: Sure. So, the Architectural Review Board on March 17<sup>th</sup> of this year recommended  
6 a combination, a hybrid, of Option D, 69 parking spaces below grade with a parking reduction of  
7 9 percent and Option E at surface. So, that pool moves like you're seeing in this picture, tree  
8 155 is saved, tree 89 and tree 87, the two circles next to the pool, are improved upon because  
9 the pool moves farther away from their Tree Protection Zone. So, that's the hybrid.

10

11 Commissioner Hechtman: Okay and sorry, the hybrid keeps or loses tree 155?

12

13 Ms. French: Keeps tree 155.

14

15 Commissioner Hechtman: So, like E?

16

17 Ms. French: Like E.

18

19 Commissioner Hechtman: Okay. Alright, and does the hybrid have the trash and deliveries  
20 downstairs or up?

21

22 Ms. French: Up.

23

24 Commissioner Hechtman: Up, okay so it has the acoustic fence?

25

26 Ms. French: Yes.

27

28 Commissioner Hechtman: Alright and I think I just had one other... no. Those are my questions,  
29 thanks. So (interrupted)

30

31 Chair Lauing: Commissioner Templeton?

32

33 Commissioner Templeton: Thank you. I was just wondering and I apologize if this is in the  
34 documents. I can't find them so if somebody knows the answer that will be satisfactory to me.  
35 Does this smaller pool still have a competitive lane length? So, 25-yards or 50 meters or  
36 whatever?

37

38 Ms. French: My understanding is yes. The pool size hasn't changed. It's the pool location that's  
39 been adjusted over towards Kellogg away from Embarcadero. So, if you're seeing that blue on

- 
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1 the screen, that's a shift from where it was before. That was closer to tree 89 that is the green  
2 circle near Embarcadero.

3

4 Commissioner Templeton: Okay so it still has the same utility as it would in the other design?

5

6 Ms. French: Yes.

7

8 Commissioner Templeton: Great, that's what I wanted to know. Thank you.

9

10 Chair Lauing: Other questions or motions? Commissioner Chang.

11

12 Commissioner Chang: I just wanted to address a question that was asked in written public  
13 comments that I also had. What is the exit treatment for the parking garage going to be  
14 because the public commenter mentioned something about lights and noises? You know to  
15 warn folks on Bryant. And so, I'd just like clarification on what the treatment will be to  
16 understand how it will make it safe for pedestrians, cyclists and cars and to understand any  
17 disruptions for the neighbors living right across the street. And also, is there any difference in  
18 parking treatment... that exit treatment D versus E versus hybrid?

19

20 Ms. French: So, I'll take the last one first. The exiting of the below-grade garage up to Emerson  
21 is the same with E and D. The noise and whatever, the noise... the beeping is happening below  
22 grade at the start of the ramp where the garage is. So, it's not happening right on the street. It's  
23 happening below grade from my understanding.

24

25 Commissioner Chang: Thank you.

26

27 Chair Lauing: So, just to be clear, you still favor E or you favor the hybrid?

28

29 Ms. French: We can only recommend E due to the Council's direction to Staff. To only have 50  
30 percent of the required parking space below grade.

31

32 Chair Lauing: Because E hybrid doesn't work?

33

34 Ms. French: It's too many spaces below grade.

35

36 Chair Lauing: Okay, got it.

37

38 Ms. French: We only can recommend 52.

39

40 Mr. Lait: Yeah, we feel to be responsive to the Council's direction that Option E is that.

- 
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1  
2 Chair Lauing: Vice-Chair Summa.  
3  
4 Vice-Chair Summa: If my colleagues are done with their questions, I can make a motion.  
5  
6 Chair Lauing: Go ahead. We can still ask questions in the motion too unless you had a question  
7 Commissioner Hechtman?  
8  
9 Commissioner Hechtman: I don't but I'm appreciating the comment Commissioner Templeton  
10 made before that it's nice to get a round of comments out before a motion. I have... I've held  
11 my comments, I just wanted to get the questions out first. So, that would be my preference is  
12 to have a round of comments and then make a motion.  
13  
14 Chair Lauing: Okay, she's on hold. Go ahead. She said that's okay, go ahead.  
15  
16 Commissioner Hechtman: Oh, you want me to make my comments?  
17  
18 Chair Lauing: Yeah.  
19  
20 Commissioner Hechtman: Let's see, I did review the Dudek memorandum, Attachment H to the  
21 March 30<sup>th</sup> Pages 191 to 199, and I actually thought it was very informative. And I really  
22 appreciate that Staff took the extra step of having it done because I think it's important and  
23 useful information that really is a necessary part of the environmental evaluation of the project.  
24 So, and what that does is it compares both Scheme D which is the 69 and E which is the 52  
25 spaces underground are both compared to Alternate Four which is the 83 spaces that the  
26 environmental document had already found would cause less than significant impacts  
27 measured across all of the environmental measures. And what this additional memorandum  
28 shows is that both D and E reduce the impacts in virtually every category compared to the full  
29 underground 83 spot garage. Except regarding noise, where as our consultant just discussed  
30 and answered to a question. E or sorry, D which... sorry, E is the 52, right?  
31  
32 Ms. French: Yes.  
33  
34 Commissioner Hechtman: Which could have more noise impact than the fully underground  
35 because it's moving the trash and deliveries to the surface and trying to address those noise  
36 with this acoustic fence.  
37  
38 Ms. French: And I would just say it's not moving them, it's keeping them because that's where  
39 the trash is currently, is at grade.  
40

- 
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1 Commissioner Hechtman: Correct.

2

3 Ms. French: Just a nuance.

4

5 Commissioner Hechtman: Right, so you're right, so actually the current noise is above ground.  
6 The new noise would be above ground with an acoustic fence which would make the noise less  
7 than under the existing but not less... my comparison was with Alternate Four. Right?

8

9 Ms. French: Correct.

10

11 Commissioner Hechtman: Okay. Alright and that's really the focus I was looking at first was  
12 comparing both options to the fully underground versus and what the differences is. So, they're  
13 both environmentally better options than the fully underground.

14

15 So, then I wanted to compare D and E to see what the differences were and again, this was  
16 addressed in the Dudek memorandum. So, E saves one more tree than D. It saves tree number  
17 155 but that's an interior tree and what the page... what it says on Page 194 is Scheme E...  
18 under Scheme E one additional tree would be retained on site. However, this tree, 155, is  
19 located interior to the campus and is not a distinct visual element in views of the campus from  
20 the adjacent public street. So, I think that's relevant information when we are looking at the  
21 differences between D and E. E saves this tree but it's not a visually prominent from off-  
22 campus. E also reduces encroachment into the TPZ of two more trees which are number 87 and  
23 89; but both D and E avoid... and that's a... it reduces the encroachment and I think... I can't  
24 remember the number. It's something from like 39 down to 27-feet or something. So, it still  
25 encroaches but less but both D and E avoid the TPZ for eight more trees than Alternate Four.  
26 So, it's another reason why either of these alternatives is better environmental than the fully  
27 underground version. But I just want to make clear, invading the TPZ doesn't mean you're  
28 creating a scenario with certain death for a tree. These are kind of balancing risks and odds and  
29 the less invasion the better but there's no evidence that 87 and 89 would die if D was selected  
30 by the Council instead of E. D requires a smaller parking reduction at 9 percent than E which I  
31 think is 14.4 percent. So, that actually supports D, to some extent and D, the larger  
32 underground, requires more truck trips. And according to my numbers, it's 185 round trips and  
33 the associated emissions with the construction. Those are short-term impacts and that's  
34 something to consider too but they are short-term impacts and in my thinking you... the short-  
35 term impacts need to be tolerated if they reduce long-term impacts. And finally, noise, D, by  
36 moving the trash and delivery underground reduces noise impacts long term compared to E.

37

38 So, now I understand that the Council was looking for 50 percent and so I think like Staff has  
39 said. The... we have to recommend E. I... like I said I had the... if you could see my notes here I  
40 had to change them and I didn't get to that one. So, we need to recommend E because that's

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1 the 50 percent and that was the direction from the Council. But I'd like to include in that  
2 recommendation a request that the Council consider that D would have lower noise impacts  
3 and require a smaller parking reduction. Sorry... okay, we have to recommend E but that I'd like  
4 to include in that recommendation a request that they consider that D, 69 spaces underground,  
5 would have lower long-term noise impacts and a smaller parking reduction. So, I'm not making  
6 a motion, I'm just getting all of my thoughts out on the table. Thank you.

7  
8 Chair Lauing: Any other comments first? Any other ones Commissioner Templeton? Okay. You  
9 had your light on before Vice-Chair.

10

11 MOTION #6

12

13 Vice-Chair Summa: I would be happy to make a motion if everybody is ready for it and that  
14 would be to recommend E to the City Council.

15

16 SECOND

17

18 Commissioner Chang: I'll second that.

19

20 Chair Lauing: Does Staff need any more detail on the motion other than that? Okay. Discussion  
21 on the motion? Commissioner Hechtman, I see you're reaching. I see that before the light.

22

23 FRIENDLY AMENDMENT

24

25 Commissioner Hechtman: So, as I just indicated, I am interested in including in the motion a  
26 suggestion that they consider that D would have lower noise impacts and require a smaller  
27 parking reduction. So, I guess my first question is whether the maker of the motion would  
28 consider a friendly amendment to that effect and failing that, I'd like to understand how to  
29 make an alternate motion; which is something that we did at the last meeting or maybe it was  
30 the one before that.

31

32 Chair Lauing: I think the answer to your second question if it doesn't... if it's not accepted then  
33 you would make an additional motion because our rules don't allow substitute motions. So, you  
34 could add the motion you just said as a separate motion.

35

36 Commissioner Hechtman: Actually, I think what Mr. Yang is about to tell us is, could actually  
37 make a motion to add the friendly amendment if it wasn't voluntarily accepted and that's the...  
38 that gets voted on.

39

40 Chair Lauing: Yeah, you could do an unfriendly amendment.

- 
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1  
2 Commissioner Hechtman: Unfriendly amendment, that's the term I was looking for. Okay, well  
3 I'd hate to be unfriendly that way so I'm going to ask the maker of the motion if they'd be  
4 willing to include that language in their motion.  
5  
6 Vice-Chair Summa: I'm not necessarily against it. However, I really, actually believe it's  
7 unnecessary. I think the Council already knows those things and they weighed it and they  
8 selected E. So (interrupted)  
9  
10 Commissioner Hechtman: Just... if I could respond?  
11  
12 Vice-Chair Summa: Sure.  
13  
14 Commissioner Hechtman: And this following up on something we heard on another issue  
15 regarding the Fehr and Peers report that was issued in December. The Council did not have the  
16 Dudek report which has been issued in the last 3-weeks when they gave us this direction. So,  
17 they don't have this environmental comparison of D and E. So, it's not information that they  
18 already know unless they've read our Staff report and have this. So, that's why I was thinking...  
19 because it's a good point, but that's why I was thinking this is new information and adding that  
20 language to the motion highlights for them that this new information may impact their  
21 thinking.  
22  
23 Vice-Chair Summa: Okay so you would like to add... just state it again for me, please.  
24  
25 FRIENDLY AMENDMENT RESTATED  
26  
27 Commissioner Hechtman: Sure, sure. So, our recommendation in addition to your motion  
28 recommends that the Council consider that Option D would result in lower noise impacts than  
29 Option E and require a smaller parking reduction than Option E.  
30  
31 FRIENDLY AMENDMENT DECLINED BY THE MAKER OF THE MOTION  
32  
33 Vice-Chair Summa: I think it's better to just keep it simple. I'm sorry.  
34  
35 Chair Lauing: Do you want to proceed with an unfriendly amendment.  
36  
37 Commissioner Hechtman: I suppose that's the next thing to do.  
38  
39 Chair Lauing: So, an unfriendly amendment needs a motion and a second and then discussion  
40 as normal.

- 
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UNFRIENDLY AMENDMENT

Commissioner Hechtman: So, let me, if I may make the unfriendly... the motion for an unfriendly amendment? That the pending motion include at the end of it 'and that the City Council consider that Option D would result in lower noise impacts than Option E and require a smaller parking reduction than Option E'.

UNFRIENDLY AMENDMENT DIES DUE TO LACK OF A SECOND

Chair Lauing: Okay, is there a second for that motion? Seeing no second then that unfriendly amendment does not go forward. So, let's go back to the original motion. If any other... oh, Commissioner Templeton.

Commissioner Templeton: I would be happy to discuss that as an independent motion. I don't see any need to have it as an unfriendly amendment. I... yeah, I'm also intrigued by that new report and I would like to hear the comments from other Commissioners who have stated noise and environmental impacts as their primary concerns for other aspects of the votes we've taken tonight. So, I hope you do bring that up as a second independent motion.

VOTE

Chair Lauing: If there's no further discussion we'd like to take this to a roll call vote, please.

Ms. Klicheva: Commissioner Chang?

Commissioner Chang: Yes.

Ms. Klicheva: Commissioner Hechtman?

Commissioner Hechtman: Yes.

Ms. Klicheva: Chair Lauing?

Chair Lauing: Yes.

Ms. Klicheva: Vice-Chair Summa?

Vice-Chair Summa: Yes.

- 
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1 Ms. Klicheva: Commissioner Templeton?

2

3 Commissioner Templeton: Yes.

4

5 Ms. Klicheva: Motion carries 5-0.

6

7 MOTION #6 PASSED 5(Chang, Hechtman, Lauing, Summa, Templeton) -0 -1(Roohparvar absent)  
8 -1(Reckdahl recused)

9

10 Chair Lauing: Thank you. Did you want to make an additional motion? Bet I can guess what it is.

11

12 MOTION #7

13

14 Commissioner Hechtman: Yeah, and really, I just want to set the context for it by recognizing  
15 that on that last motion I, at least as one Commissioner, felt that my hands were tied. I know  
16 that there is a request by the applicant for Option D. I know that the ARB has showed support  
17 for this hybrid which includes aspects of Option D, but I know that the Council sent us a very  
18 specific direction. To give them a 50 percent option and Option E is the only one of those  
19 alternatives that fits that. So, I think we've fulfilled the mandate of the Council, but I would like  
20 for the Council to understand the possible unintended consequences of the line that they drew  
21 at 50 percent. Because I think that there's a lot of potential positive about particularly the  
22 hybrid.

23

24 And so, to alert the Council to that I would like to make this follow-up motion that the PTC  
25 recommend to the City Council that it consider that Option D would result in lower noise  
26 impacts than Option E and require a smaller parking reduction than Option E.

27

28 Chair Lauing: Is there a second to that? Commissioner Templeton.

29

30 SECOND

31

32 Commissioner Templeton: Sure, I'll second it.

33

34 Chair Lauing: Okay and then discussion on that? Commissioner Chang.

35

36 Commissioner Chang: Thanks Chair. So, I won't be supporting this motion and I do value  
37 Commissioner Hechtman's careful reading of the impacts in terms of the noise. My concern is  
38 related to... the reason why I won't support this motion is because of the questions that I asked  
39 at our last meeting. In which I asked how much closer does the garage then get to all these Tree  
40 Protection Zones and so, the larger garage with its 69 spaces goes right up against the Tree

- 
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1 Protection Zones on two additional sides. And I think... I mean I can't remember the exact  
2 difference, but it was instead of being 25-feet it's now 2-feet away from a Tree Protection Zone.  
3 And while I know that meets the letter of the law, the reason Council sent this back to us with...  
4 part of the reason Council sent this back to us with 50 percent is that there's some hope of  
5 saving a lot of trees and not impact the many hundreds of trees. And so, E to me is the safest  
6 option with respect to tree. Even though there is the above-ground noise issue. So that is why I  
7 won't be supporting the motion, but I do understand why you are making it.

8

9 Chair Lauing: Commissioner Templeton.

10

11 Commissioner Templeton: Yes, I would encourage everybody to reconsider if you are opposing  
12 this motion because we did something similar earlier where we just asked Staff to make sure  
13 that Council has the opportunity to view current information. I don't think that... we've already  
14 made our recommendation on E. I think we've... you've... those who favor E have already had  
15 that victory. So, making sure that they are... that Council's fully informed and encouraging Staff  
16 to share the latest report with them is very much in line with the actions you've already taken  
17 earlier today. Thanks.

18

19 Chair Lauing: My comments are two-fold. One, they're very close to what Commissioner Chang  
20 just said. I've actually spent quite a bit of time digging into this tree issue and while your  
21 discussion of the tree location on E versus D is absolutely factually correct. The problem with  
22 trees is that the working part of that tree is underground and so the Tree Protection Zone is not  
23 a specific circle. That's not how the trees go, and they go where the water is. And the one major  
24 one on E is... the one major tree, I can't remember the name, is definitely protected, and the  
25 second part that you mentioned of one being more interior. That doesn't do anything about the  
26 canopy. I mean you still get all the canopy for that, so I mean there's just no question that the  
27 trees are better protected and further away from the tree zone on E.

28

29 With respect to the parking reduction comparison, I don't think that's material at all. If we're  
30 going to do a parking reduction, it's just a few, so I don't see that as being material.

31

32 I do like your idea of dealing with the most useful information but having heard what that most  
33 useful information is. That wouldn't have changed my vote on the first one, so I don't see this  
34 one as being necessary. Staff can obviously give them the new Dudek report. Any other  
35 comments? Commissioner... Vice-Chair Summa?

36

37 Vice-Chair Summa: Yeah, my thoughts are along those lines. I'm very concerned about tree  
38 protection and I don't... I personally think there's a great potential for the trees to be damaged  
39 by D because it comes so close to the roots. And I know at one point they were talking about

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1 doing, I forget what it's called. A process to look under the ground and see where the roots are  
2 for some of these trees and I don't know if they've done that.

3

4 Chair Lauing: It's kind of radar.

5

6 Vice-Chair Summa: It's not (interrupted)

7

8 Chair Lauing: It's kind of like radar.

9

10 Vice-Chair Summa: Yeah, but it's called something else which I can't think of what it is right  
11 now. So, I don't think we (interrupted)

12

13 Ms. French: Ground penetrating radar.

14

15 Vice-Chair Summa: Have that information and I do think that the... I mean I don't think  
16 anybody's expectation is that garbage trucks are going to be underground. So, I think that will  
17 be pretty much the same or hopefully better because of the acoustic wall. So, and I'm sure that  
18 this report will be included for Council to look at also, so I don't think it's necessary.

19

20 Chair Lauing: Other comments? Commissioner Hechtman.

21

22 Commissioner Hechtman: Nope.

23

24 Chair Lauing: You're mic light was on. I thought that was your new signal for me so.

25

26 Commissioner Templeton: Commissioner Hechtman (interrupted)

27

28 Chair Lauing: Commissioner Hechtman... I mean Commissioner Templeton.

29

30 Commissioner Templeton: Thank you, what an honor to be confused with Commissioner  
31 Hechtman. Commissioner Hechtman, given the comments that you've heard, would you like to  
32 change the motion in any way? Such as asking Staff to include the report, remove the  
33 recommendation language? Sounds like you might get more support that way. Just a thought.

34

35 Commissioner Hechtman: If I may, Chair? So, I'm not seeing a way to salvage these points in a  
36 successful motion. I do know that Staff is going to be forwarding the Dudek memorandum to  
37 the Council and I was hoping to highlight a couple of ideas that might give them pause. I know  
38 that they're going to know about the trees. I do... I'm careful to talk about trees because none  
39 of us here are tree experts and the people who are experts have come up with the TPZ zones  
40 which are designed to be an area to protect trees. And so, I get nervous when I hear us

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1 speculating that well maybe those aren't accurate, maybe the roots go farther and maybe you  
2 need to stay farther away within the official area. So, I don't know that I can change the  
3 motion. Let's just go ahead and vote on it and up or down.

4

5 Commissioner Templeton: Can you please restate it?

6

7 MOTION #7 RESTATED

8

9 Commissioner Hechtman: I move that the PTC recommend to the... sorry, I've lost it here. There  
10 we go. I move that the PTC recommend that the Council consider that Option D would have  
11 lower noise... would result in lower noise impacts than Option E and require a smaller parking  
12 reduction than Option E.

13

14 VOTE

15

16 Chair Lauing: Okay, please take the roll.

17

18 Ms. Klicheva: Commissioner Chang?

19

20 Commissioner Chang: No.

21

22 Ms. Klicheva: Commissioner Hechtman?

23

24 Commissioner Hechtman: Yes.

25

26 Ms. Klicheva: Chair Lauing?

27

28 Chair Lauing: No.

29

30 Ms. Klicheva: Vice-Chair Summa?

31

32 Vice-Chair Summa: No.

33

34 Ms. Klicheva: Commissioner Templeton?

35

36 Commissioner Templeton: Yes.

37

38 Ms. Klicheva: Motion fails 2-3.

39

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

3  
4 Chair Lauing: Thank you. Now I know the next one is big. It's 11:10 but what I would like to start  
5 with on TDM is just for Staff to kind of outline in executive summary format changes that we  
6 haven't seen since last time. So, we can just kind of get a feeling of sort of scope of work  
7 relative to get conclusion and then we can make some decisions from there.

8  
9 Ms. French: We didn't make any changes since March 30<sup>th</sup> if that's what you mean by last time.

10  
11 Chair Lauing: Okay. What about... in March 30<sup>th</sup> because we didn't vote on this. Well, yeah, we  
12 did do it. We did do a straw vote on this, right?

13  
14 Ms. French: Yeah, so the red text down below says what Planning Commission directed Staff to  
15 do which was hypothetical schedule of correction actions under the TDM program, and TDM  
16 plan adjustment to eliminate inconsistencies regarding the word cumulative for clarity and  
17 consistency. So, that's what we did.

18  
19 Chair Lauing: So, you feel what you have done now, the document that if we said do this. That  
20 is goes to Council and answers all those questions?

21  
22 Ms. French: Well, it was to try to help understand. This Attachment A to the report was to  
23 illustrate how that would go because it was muddy to understand and I don't know if it's clear.  
24 It's very complex.

25  
26 Chair Lauing: So, like on the second bullet point there, a certain enrollment schedule instead of  
27 TDM measures that may be modified. That was in the Packet last time, right?

28  
29 Ms. French: Yeah, we have not changed the contents of the Packet from March 30<sup>th</sup>. So, you  
30 have already seen all of this.

31  
32 Chair Lauing: Right and was this... this was standard plan that was going to be applied to every  
33 year of the increase, correct?

34  
35 Ms. French: It's just about the corrective action. What happens if they don't meet the targets,  
36 the prescriptive measures.

37  
38 Chair Lauing: Okay so the question is, do we feel like we've already done this, or do we feel like  
39 we have to do a deep dive and it's going to take an hour or how are people feeling about this?

40

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1 Mr. Lait: So, yeah, I'm sorry, that was a question to your colleagues, yes?  
2  
3 Chair Lauing: What's that?  
4  
5 Mr. Lait: That was a question to your colleagues.  
6  
7 Chair Lauing: Yes, it was. Commissioner Hechtman.  
8  
9 Commissioner Hechtman: I don't know if it's called a deep dive but I do have some questions on  
10 the language of Condition... particular Condition 34 and possibly some suggestions for  
11 clarifications.  
12  
13 Chair Lauing: Are these literally language things that you could do offline?  
14  
15 Commissioner Hechtman: Well, they're... I would at least have to have the questions answered  
16 now so I can understand. Sometimes I see language that seems like it's doing the same thing  
17 but its different language in two different places. And I need to... I want to take the time now to  
18 understand why it was done that way.  
19  
20 Chair Lauing: I guess my question is, do you think that the language would change what's there  
21 or clarify?  
22  
23 Commissioner Hechtman: I'm looking to clarify [note – audio and video cut out] arguing years  
24 from now about words like several and what they mean.  
25  
26 Chair Lauing: I totally admire that and agree with that. But what I'm thinking ahead is that if you  
27 are literally just trying to clarify the wordsmithing of a legal document. I don't know if you need  
28 all of us to sign off on that after you do it is where I'm going with this.  
29  
30 Commissioner Hechtman: Well, why don't I ask my questions? I mean again, we decided we  
31 wanted to get through this tonight, and I do but these are the rules that are going to apply to  
32 Castilleja permanently. And so, we need to take the time to do them right and there's a lot. If  
33 you look on Packet Pages 84, 85 and 86 of the March 30<sup>th</sup> report. You'll see a whole lot of  
34 underlining and that's all-new language. And I think Staff did a really good job, but I've got a  
35 few questions and I want to... and maybe this will help make it better.  
36  
37 Chair Lauing: Yeah, I mean I'm just putting on the table not something that's illegal. I'm putting  
38 something on the table that might be efficient or not; which is that we can go over this but if  
39 we're going to go through 10 pages of wordsmithing. Then we probably don't want to do this  
40 tonight so.

- 
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1  
2 Commissioner Hechtman: Well, it's not 10 pages, it's again Condition 34 and probably maybe  
3 half of the questions could have been answered in the time that we've discussing whether or  
4 not I should ask them.

5  
6 Chair Lauing: Great, okay, good.

7  
8 Commissioner Hechtman: So, let me just roll into them and let's get to it. Okay, so I am on  
9 Packet Page 84 and I'm looking at 34 (a). Alright and (a) starts between CUP approval and the  
10 attainment of maximum or near-maximum enrollment for two consecutive years. You see that  
11 language?

12  
13 Chair Lauing: Yes.

14  
15 Commissioner Hechtman: Alright so my first question is it says maximum rather than a number  
16 and I just want to confirm. I think the reason Staff did that is because as we sit here tonight, we  
17 don't know what that is. It could be 450 if your recommendation from earlier, it could be 540 if  
18 the Council decides, it could be another number. Is that why we have maximum rather than a  
19 particular number?

20  
21 Mr. Lait: I think our intent was the 540 number, but it achieves the same (interrupted)

22  
23 Chair Lauing: Albert is on.

24  
25 Ms. French: It's also (interrupted)

26  
27 Mr. Yang: I can clarify, it's because under the set of conditions in the Packet. The maximum  
28 enrollment would be changing over time. It would be increasing. I suppose it could be clear if it  
29 said the then maximum enrollment.

30  
31 Commissioner Hechtman: Okay, thank you. Next question, right next to it, it says near  
32 maximum. Can you tell me exactly how many that is and if not because to me it seems vague?  
33 And I think that it's... rather than use a subjective term with so many eyes on this. That maybe  
34 we should have a quantitative term.

35  
36 Mr. Lait: Sure.

37  
38 Commissioner Hechtman: That says what we mean is that... what is that within 2 percent of the  
39 maximum or some other figure but?

40

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1 Mr. Lait: Yeah, so understood. We... the reason that was in there is if the number was 475 as  
2 the max and they got to 474 then... because it said maximum. The idea was to get at that  
3 window so certainly, we can add a percentage or a number. But we... it's not intended to be a  
4 big number but a number close to the maximum.

5  
6 Commissioner Hechtman: Okay so I'm just... just to have a number. I understand the purpose  
7 and I get it so maybe I would say within three students is an idea. And I guess... I don't know if  
8 we want to collect a bunch of these in a motion or just give this direction to Staff. I think it's a  
9 weakness, but I would suggest within three students of the maximum enrollment. That gives a  
10 figure that everyone knows is hit or not.

11  
12 Mr. Lait: Yeah, understood.

13  
14 Commissioner Hechtman: Or some (interrupted)

15  
16 Mr. Lait: I think that... I guess I don't have the same concern about having that be so specific,  
17 but I hear your comments. I think it's okay that there's some interpretation there.

18  
19 Commissioner Hechtman: Well, again, I've been reading a lot of mail from a lot of neighbors  
20 who don't seem to agree on what things say and I don't... somebody could be pushing you  
21 when it's 10 below. That's pretty close near-maximum, so I would like to quantify that.

22  
23 Alright, yeah, do not use that rule, please. In (a)(1) we've got the... when there's a first  
24 exceedance. The next TDM... the first TDM that gets added is decided by the Director in  
25 consultation with the Chief Transportation Officer. But in another place, that's not in the  
26 condition and maybe it's in the Staff report. It says that the consultation is with the Chief  
27 Transportation Official and Castilleja and I think that's right. I think Castilleja needs to be in that  
28 discussion, but it's not stated here, and it's not stated in the same place in Item Two.

29  
30 Mr. Lait: Sure, understood and this goes to show where the authority to make the change lies  
31 and you're right. In the course of developing that, we would seek input from the applicant, and  
32 we would welcome feedback from the public as well. So, there are opportunities to receive that  
33 feedback and this condition is drafted to just be clear about where that authority lies to make a  
34 change.

35  
36 Commissioner Hechtman: So, it is actually the source where it says it differently is in the TDM  
37 Table that they revised where it explicitly states that it's in consultation. So, I didn't want an  
38 inconsistency between the two. Alright, let's see, next one, in Item (a)(3) we talk about the last  
39 sentence is added. It's a multi-line sentence. It talks about restoring student enrollment and I

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1 didn't really understand that. I mean for example if I get to 450 but then have to reduce to 430.  
2 Can I restore that 20 in 1-year or I mean I didn't understand (interrupted)

3  
4 Mr. Lait: Yes.

5  
6 Commissioner Hechtman: How it worked.

7  
8 Mr. Lait: That's how that would go. The lesser of 25 students or the number of students  
9 positions that were reduced through that enforcement effort. So, if you have 450 and you  
10 reduced it to 420. The most you can restore is 25.

11  
12 Commissioner Hechtman: Okay, thank you. Alright, then we get down... actually, we're on the  
13 next page, (b)(5). The second to last sentence which says the parties will meet and confer to  
14 determine whether and how to reasonably effectuate a reduction beyond the above  
15 percentages. So, I'm not understanding. The... so that's if we're going to decrease by more than  
16 5 percent or 10 percent? I just didn't... I couldn't understand what that was... how it would  
17 work and what it was doing.

18  
19 Mr. Lait: I need to read that paragraph in its entirety to maybe help answer that question but  
20 I'm going to see if Ms. Star-Lack can help us if she has that knowledge off the top of her head.

21  
22 Sylvia Star-Lack, Transportation Manager: Off the top of my head I think this has to do with the  
23 ability of the school to restore enrollment in a big jump. And so, I think that's what this is about  
24 but we could... you can also ask the applicant but I think this has to do with the... you know  
25 they're not able to just kind of add a ton of new students in one big jump.

26  
27 Commissioner Hechtman: I think that might be an answer to my last question on restoring  
28 because this sentence is about reducing beyond the above percentages. Well (interrupted)

29  
30 Ms. Star-Lack: Sorry, I think it's also the same. It's the same because if you end up with... for  
31 example if they have to... in order to meet the reduction. I'm saying if they're normal... let's  
32 says their normal is 6<sup>th</sup>-grade entering class is however many students it is. Because of this, they  
33 have to cut it down to only 20 kids. It's hard for them to have a program that has like full  
34 strands I guess is what I'm... that's my understanding of that.

35  
36 Commissioner Hechtman: So, it's late and this is complicated, and this is kind of tough  
37 language. So, I guess on this I would just encourage Staff to look at that before this goes to  
38 Council and make sure whatever your intent is. Make sure this says it and if not, fix it so that it  
39 does. So, that as the years go by and we're all not here. Other people can apply it without  
40 arguing about what it means.

- 
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1  
2 Mr. Lait: Yep, that's great. No, and having read it now again I see the... why you're raising the  
3 question and so just to help the Commission. The previous reference to the reduction of the 25,  
4 the lesser of 25 or is the model that we would roll out for this one as well.

5  
6 Commissioner Hechtman: Okay and then the last thing I... and again, I would just ask Staff to  
7 look at this. When I look at the last sentence of (v) which it's telling you what happens if after a  
8 reduction Castilleja rights the ship and they start getting... they start meeting... the reports  
9 come back showing no exceedance, right and it tells you what happens there. But you use  
10 different language at the end of subpart (a) little three and subpart (b) little three than here  
11 and (interrupted)

12  
13 Mr. Lait: I'm sorry, that's what I was just referring to.

14  
15 Commissioner Hechtman: Yeah, so if you'll look at harmonizing that.

16  
17 Mr. Lait: Yes.

18  
19 Commissioner Hechtman: I mean maybe there's a reason for the difference but if there's not. It  
20 should be the same over and over again. Okay, let's see, alright I think I had one more. Yeah,  
21 my last question is on the TDM. You revised the table of violations as I had, and others had  
22 requested, and first I want to thank Staff and the TDM authors for doing that because now I  
23 think it's a lot clearer than it was before. And this is... I'm looking at Pages 26 and 27 of the TDM  
24 report which were not part of our Staff Packet. They were a link. It was... yeah, it was a link that  
25 you clicked on and that got you to the TDM report.

26  
27 So, the question I had and again, you can... it's fine with me if you take this up with the TDM  
28 author but later. Is that in the Phase Two which is on Page 27 of the TDM. You have scenarios  
29 1(a), 1(b) and 1(c), 2 and 3 and I can't tell if there's an overlap between 1(a), (b) and (c) with 2  
30 and 3. Like one of the fixes you made with the TDM author since our January meeting is there  
31 was an overlap... a potential overlap between Phase One and Phase Two. You've now clarified  
32 where Phase One ends and Phase Two starts. So, I think there may be an overlap between (a),  
33 (b) and (c) of 1 and 2 and 3 and if you would just have that looked at before this goes to  
34 Council.

35  
36 Chair Lauing: Do you have more?

37  
38 Commissioner Hechtman: Those are my questions. You just want my couple comments since  
39 I'm... got it or are you ready for other people to have some time? Oh, let's go with the  
40 questions.

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Chair Lauing: Commissioner Chang.

Commissioner Chang: So, my first question is that I actually read the MMRP because it was referred to. Thank you, Ms. French, for directing me to the right place and they have different numbers. So, sometimes referring to average versus maximum daily trips and average versus peak trips. So, can you just please confirm that the numbers in the draft CUP that are included in our Packet are the accurate numbers? And then the MMRP would be updated to reflect what is in the CUP? I did see some language in the CUP saying that if there's differing numbers, we would go with the more conservative numbers and maybe that covers it. But I was just concerned because there was a lot of stuff that said as referred to Mitigation Measure 4(a) and it was a different number there.

Ms. French: I mean one's a CEQA document and one is more restrictive probably is what we're talking about here. So, (interrupted)

Commissioner Chang: So, we just go with the more restrictive one.

Ms. French: The more restrictive is the thing that prevails at the end.

Commissioner Chang: Thanks, and then question regarding the TDM Oversight Committee. So, there's language that says at least one member of the community... so, the TDM Oversight Committee would include two community members. There's language that said that at least one member of the community should reside within 500-feet and so I was wondering what was Staff's thinking in saying at least one rather than requiring that both members reside within 500-feet? Because I would (interrupted)

Ms. French: Yeah, we were just playing around and came up with some stuff. So, if it... yeah, threw it on the wall so that's what we have here. Sorry, that's about as basic as it gets.

Commissioner Chang: I think my recommendation would just be to say like both, because that's where... if you're much further away from that, then you won't necessarily feel the impact as much.

Ms. French: Sure.

Commissioner Chang: And then the other two are more comments so I don't know. Should I just go ahead with comments or?

Chair Lauing: You've got the mic.

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1  
2 Commissioner Chang: So, my comments, this one's a little bit more substantive. So, Condition  
3 24 in the CUP talks about how numbers will be calculated. That is Page... Packet Page 77, yes  
4 and so at the top of Page 78 it says... number two, small roman numeral two, says the total  
5 average weekday morning peak trips and average weekday daily trips for the monitoring period  
6 excluding special event dates and non-school days and summer school shall be separately  
7 reported. So, I just wanted to point out that I actually think it's probably important to include  
8 the special event dates or at least for the purposes of troubleshooting this. So, if I think about  
9 the purpose of the TDM. The purpose of the TDM is to limit the number of trips and if for some  
10 reason, there's special events, many special events happening every week and they cause...  
11 almost every day depending on what the situation may be and they cause an exceedance of the  
12 average weekday trips. Then we would want to include that information. Now, obviously for  
13 the purposes of troubleshooting, like okay, so now we've exceeded. What's the reason for that?  
14 Then sure, you might want to be able to slide and dice the numbers and say events versus the  
15 regular traffic. But I think that the TDM is supposed to manage the overall number of trips and  
16 so they should be included. It does make sense to separate out summer school from regular  
17 school because again, in terms of troubleshooting, if there is an actual problem, you would  
18 want to know which audience am I going for. So, that is a calculation issue, and I wouldn't want  
19 to exclude the special event dates.

20  
21 Mr. Lait: Chair? So, in response to that, I'd like to ask our Staff if they've got some insight as to  
22 why we had excluded that so that you may have that for context. So, again Ms. Star-Lack, if you  
23 wouldn't mind weigh in?

24  
25 Ms. Star-Lack: Sure, in normal TDM situations, what we're really looking for is what is the... and  
26 this is why we chose the average. What's the average kind of trip or what's the average metric  
27 for the period that we're interested in? So, we were not considering special events because  
28 special events are special events. They don't happen... they're not happen that often.

29  
30 The key thing that moves the needle in terms of people carpooling and everything is what they  
31 do every day. What is the normal mode and so TDM is about watching that shift and so  
32 normally we... that's just... that's how TDM generally works. It's up to the Commission to... you  
33 know you can put whatever conditions you want on this but I'm just... from a normal TDM lens.  
34 I'm looking for the normal. What happens every day on average?

35  
36 Commissioner Chang: Sure, that really makes a lot of sense and I understand why that would be  
37 the case. And then the reason I was concerned was when I looked at the sheer number of  
38 special events where if there's... who knows what's ultimately going to happen and we made a  
39 motion for 50 but if it were 70. You know we're talking two events a week on average during  
40 the school year at that point and it's kind of a regular course of business. I understand that it's

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1 not part of a regular commute but in terms of managing trips to the area which is the whole  
2 purpose of the TDM, it is important to count and I think that's what I am saying.

3  
4 Now, because your mitigation measures, if the problem is caused by events instead of  
5 commutes. It's important to know that and so I actually think that given this unique situation  
6 it's a little bit different from a TDM for an office, especially as we're talking about, you know,  
7 we don't want to cut back on events. But if we decide that that's... if we find out oh if we count  
8 these trips and that's really what's driving the issue. Then it's informative and so it's important  
9 to count that information.

10  
11 Ms. Star-Lack: All trips will be counted. That's not what this is saying. What this is saying is  
12 we're not going to average those in as part of their TDM reports but all of that data will be  
13 captured.

14  
15 Commissioner Chang: I do understand that but in terms of exceeding the... so, if you carve out  
16 all of those events or those days and that's what's driving an exceedance of an average daily  
17 trips. Then the impact on the neighborhood is such that they're going oh my gosh. It's being  
18 exceeded and we're saying well no because we're calculating it this way and that is my point  
19 and that's my concern in terms of managing this issue. But I do understand from TDM world  
20 why you would carve them out. Yes, thank you.

21  
22 Chair Lauing: Commissioner Hechtman.

23  
24 Commissioner Hechtman: To follow up on that and again, this is... we've been talking about  
25 traffin for a long time on this project and my memory is so we have an am peak number that I  
26 think is 383. Does that sound right?

27  
28 Commissioner Chang: Yes.

29  
30 Ms. French: Correct.

31  
32 Commissioner Hechtman: Am peak? Right and then we have an average daily which is?

33  
34 Commissioner Chang: 11 something.

35  
36 Commissioner Hechtman: 1,181 or something. It's 11... right, it's a specific number.

37  
38 Commissioner Chang: 1,198.

39

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1 Commissioner Hechtman: 1,198, okay. My understanding is that those numbers weren't picked  
2 out of thin air. Those numbers were generated from traffic studies based upon the metrics that  
3 Ms. Star-Lack was just talking about and that specifically is they did not take measurements  
4 during special events. They wanted to know what the typical day... school day was and now we  
5 have set that as the standard. And so, the concern I have about doing what you say is if you  
6 then... if you tell them they can't exceed the traffic on the days with no events but you count  
7 the days with events. They're going to blow through those numbers to some extent. They are  
8 not going to be able to... and they haven't proposed to do that and so I think what part of what  
9 Ms. Star-Lack was saying is we're going to actually know those numbers for the special event  
10 days. But we're just not going to collect it in response to Item Two which is going to have a  
11 separate break out and that break out is what gets compared to the 383 and the 1,198 to see if  
12 Castilleja has exceeded their daily caps.

13  
14 Commissioner Chang: So, thanks for that clarification. It does make sense if that's how those  
15 numbers were determined. Then it does make sense but nevertheless, my concern then about  
16 the TDM overall and trips and managing neighborhood impacts is this other issue. And I'm glad  
17 to hear that it will be recorded but you know, if we really went with 96 events then that's a lot  
18 of traffic caused just by the events. So, I think it's kind of a hole in the whole impact  
19 management of this. Thanks.

20  
21 Chair Lauing: Are we ready for a motion?

22  
23 Commissioner Hechtman: Actually I had a comment.

24  
25 Chair Lauing: Go ahead.

26  
27 Commissioner Hechtman: [off mic] Actually, two comments since this is a... this is the... our  
28 purview here. So, let's see, the first one is the first violation we have the City... so I know the  
29 Council directed us see how we could speed things up in terms of enforcement. And so, one of  
30 the answers that Staff came up with is the City should decide after the first violation what the  
31 TDMs should be. And I think that that is unnecessary big brother and I think it doesn't put any  
32 responsibility on the applicant. I would like the applicant to pick the TDM after the first  
33 violation. Maybe in consultation with the City, rather than the other way around, because  
34 who's to say that the applicant is going to pick something that doesn't work while City Staff will  
35 pick something that definitely will work? We don't know that, so I think that the applicant has  
36 the strongest incentive to pick a measure that will work and avoid a second straight  
37 exceedance. So, that's the one change I would like to see to the language. That's 34 (a)(1) and  
38 then Condition 33, which we're also needing to comment on, I thought that language was just  
39 fine. The new language.

40

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1 So, I'm happy to make a motion.

2

3 Chair Lauing: Vice Chair Summa just had a couple questions.

4

5 Vice-Chair Summa: Thank you. I have a question about trip counting and I still have concerns  
6 about cars... drop-offs that happen not at those proper school locations won't be counted. And  
7 how we're going to... how we're ever going to capture that and figure out if it's happening  
8 other than anecdotal observations from neighbors?

9

10 I was also specifically wanting wondering if they have satellite parking? If those trips to satellite  
11 parking lots will be counted because they're actual trips generated by the school. And I'm  
12 curious if shuttle trips count?

13

14 Mr. Lait: So, shuttles would count.

15

16 Vice-Chair Summa: Shuttles count, okay and if they're using satellite parking. Do trips to the  
17 satellite parking count?

18

19 Mr. Lait: No.

20

21 Vice-Chair Summa: So, I'm not sure why not since those trips were generated by the school.  
22 They're just not going to the school, they're going to an alternate satellite spot.

23

24 Mr. Lait: That's right, it's distributing it in a wider geographic area than immediately at that  
25 location. It's... but you're right and there's no... and they do have some satellite parking. At least  
26 they did pre-pandemic, and I don't believe there's a condition. I'll ask Staff to help me on this if  
27 I got this wrong. I don't believe there's a condition for a requirement for satellite parking, but it  
28 may be something that is implemented. Yeah... as a TDM measure.

29

30 Vice-Chair Summa: It makes sense to me to count those trips and then there's the trips that  
31 can't get counted which concern me. I already mentioned the Vehicle Miles Traveled issue and  
32 then on Packet Page 78 (c); described how more counts were conducted. Described any off-site  
33 data collected by an independent traffic engineering company. I just wonder what the off-site  
34 data that refers to?

35

36 Ms. Star-Lack: Sorry, which item is that?

37

38 Vice-Chair Summa: It's Packet Page 78, it's (c), described how and where counts were  
39 conducted. Describe any offsite data collected by an independent traffic engineering company.

40

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1 Ms. Lait: So, this is in regard to Condition Number 24, required TDM monitoring and report shall  
2 include the following components and it goes (a) through (q).  
3  
4 Ms. Star-Lack: Right.  
5  
6 Mr. Lait: I think we're just covering our bases here that we want to know where the sources  
7 come from and how the data was collected.  
8  
9 Ms. Star-Lack: Yeah and there's a set of counts that are going to be done off-site in the sense  
10 that they're going to be done on the streets adjacent so I think it refers to those.  
11  
12 Vice-Chair Summa: I see but how would you distinguish... how would those tell us what cars are  
13 associated with Castilleja and what cars are just (interrupted)  
14  
15 Ms. Lait: It won't.  
16  
17 Vice-Chair Summa: Going in the neighborhood.  
18  
19 Ms. Lait: It's not... that is not intended to count specifically trips generated by Castilleja but to  
20 get a sense for and monitor trends for neighborhood traffic.  
21  
22 Vice-Chair Summa: So, do we have baseline I guess pre-COVID probably data for that  
23 neighborhood?  
24  
25 Mr. Lait: We do.  
26  
27 Vice-Chair Summa: So, if we got back go back to a pre-COVID normalcy. We would be able to  
28 know if there was an increase?  
29  
30 Mr. Lait: Yeah, I mean I'll let Sylvia speak to traffic trends in our new world, but we have data  
31 and I think the whole point is to collect data and monitor and be able to see what's happening.  
32  
33 Vice-Chair Summa: Yeah.  
34  
35 Ms. Star-Lack: Right and we would be collecting this data three times a year with each  
36 monitoring report. So, that's a lot of data.  
37  
38 Vice-Chair Summa: Okay, I'm just really concerned that there may be a lot of trips that don't get  
39 captured by the hose counts on the site. That's a big concern of mine.  
40

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1 Chair Lauing: Commissioner Hechtman, did you want to make a motion to approve with the  
2 addition that you had on the applicant being able to pick the first TDM?  
3  
4 Commissioner Hechtman: Sure, I was... first I was actually going to make a motion for Condition  
5 33 along with the change that Commissioner Chang had suggested as to the location of the  
6 both committee members unless Commissioner Chang wants to make that motion?  
7  
8 Commissioner Chang: [off mic] No, please go ahead.  
9  
10 MOTION #8  
11  
12 Commissioner Hechtman: So, I will move that the PTC recommend to the City Council new  
13 Condition 33 with a change made by Staff to provide that both of the community  
14 representatives will reside within 500-feet of the school.  
15  
16 SECOND  
17  
18 Commissioner Chang: Second.  
19  
20 VOTE  
21  
22 Chair Lauing: Any discussion? Okay, let's call roll.  
23  
24 Ms. Klicheva: Commissioner Chang?  
25  
26 Commissioner Chang: Yes.  
27  
28 Ms. Klicheva: Commissioner Hechtman?  
29  
30 Commissioner Hechtman: Yes.  
31  
32 Ms. Klicheva: Chair Lauing?  
33  
34 Chair Lauing: Yes.  
35  
36 Ms. Klicheva: Vice-Chair Summa?  
37  
38 Vice-Chair Summa: Yes.  
39  
40 Ms. Klicheva: Commissioner Templeton?

- 
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Commissioner Templeton: Yes.

Ms. Klicheva: Motion carries 5-0.

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

Chair Lauing: Thank you. Did you want to hold the floor and do another motion?

MOTION #9

Commissioner Hechtman: Yeah, I'll try this one. This is a little more complicated but let me get it out there and see if Staff needs some clean-up. So, I will move that the PTC recommend to the City Council adoption of Condition 34 of the Conditions of Approval as revised by Staff with the following potential revisions reviewed by Staff before this reaches Council. Now my intention is to list them, okay? 34 (a)(1), regarding the applicant, the permit holder deciding the first... the TDM measure after the first exceedance in consultation with the Director of Planning and Development Services. 34 (a) and (b), a quantitative replacement for the near-maximum language of three students or some other number that Staff feels is more appropriate. 34 (a) one little i and two little i, refer to the applicant involved... being involved in the Director's decision so that it's consistent with the table in the TDM that does that. Item (a)... Section 34 (a) (3) and 34 (b)(3), review the language regarding restoring of enrollment to make sure it has the effect Staff is intending. Item 34 (b)(v) roman five, consider... look at the last sentence of that section and harmonize it with (a)(3) little i and (b) three little i which appear to be different language for the same event. And finally, on Page 27 of the TDM, the Phase Two table, confirms with the TDM author that Items (a)(1) through (a)(c) do not overlap with Items Two and Three or if they do. Determine if they should or not and if they shouldn't, then fix that before it goes to Council.

SECOND

Commissioner Chang: Second.

Chair Lauing: Okay, any further discussion on that? Seeing none, would like to get to a roll call, thank you.

Ms. Klicheva: Commissioner Chang?

Commissioner Chang: Yes.

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1  
2 Ms. Klicheva: Commissioner Hechtman?  
3  
4 Commissioner Hechtman: Yes.  
5  
6 Ms. Klicheva: Chair Lauing?  
7  
8 Chair Lauing: Yes.  
9  
10 Ms. Klicheva: Vice-Chair Summa?  
11  
12 Vice-Chair Summa: Yes.  
13  
14 Ms. Klicheva: Commissioner Templeton?  
15  
16 Commissioner Templeton: Yes.  
17  
18 Ms. Klicheva: Motion carries 5-0.  
19  
20 MOTION #9 PASSED 5(Chang, Hechtman, Lauing, Summa, Templeton) 0- 1(Roohparvar absent) -  
21 1(Reckdahl recused).  
22  
23 Chair Lauing: Great, thank you. So, those are all the big items that we had for tonight that were  
24 listed. Should we take an inventory of what we have? I'm not suggesting that we go on before  
25 anybody gets stirred up but what other things do we have to talk about that we haven't? One I  
26 know was the Variance which has new data in it. Other items? Commissioner Chang.  
27  
28 Commissioner Chang: So, I thought there were findings for the Variance and findings for the  
29 CUP that need to be made, correct? I think those are the big buckets of things that we need to  
30 do.  
31  
32 Chair Lauing: Definitely the Variance but I thought we were doing pieces of the CUP here as we  
33 went along so.  
34  
35 Commissioner Chang: Yeah, I'm not quite sure what else needs to be... I mean done in the CUP  
36 though.  
37  
38 Mr. Yang: Can I jump in here?  
39  
40 Chair Lauing: Yes, please.

- 
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1  
2 Mr. Yang: From Staff's perspective these enumerated items are the specific pieces that the  
3 Council asked for additional advice on and so we have everything we need now to go back to  
4 the Council. The Council didn't ask for a more general review of the CUP or Variance.

5  
6 Chair Lauing: General review of the CUP? Yeah, well we've... that's right because we covered  
7 some of the separate specific ones like the TDM for example and the events. Right, so that's  
8 what you mean by they didn't want the whole thing but those subitems in the CUP is what we  
9 have discussed?

10  
11 Mr. Yang: Right the Council in its motion asked the PTC to revisit several very specific issues and  
12 that's what we've presented to you in this numbered list. And so, from our perspective that is  
13 completing the PTC's additional review on remand. There wasn't direction to provide an  
14 additional recommendation on the CUP and the Variance findings.

15  
16 Chair Lauing: Right but the Variance is definitely within our purview which it says in this Packet  
17 and there were some changes. So, I was just thinking that that's something that we should take  
18 a look at. Commissioner Chang.

19  
20 Commissioner Chang: You said it, thank you.

21  
22 Chair Lauing: Any other items? I don't see any more lights.

23  
24 Vice-Chair Summa: I feel pretty strongly about the findings in both the CUP and the Variance.  
25 That there are aspects to them that I can't make so. Council sent this back to us but I... it seems  
26 like we should be discussing that also. There's was Dudek report, the last time this... we opined  
27 on that we did not have the Dudek report, so we weren't even aware of what the actual square  
28 footage. We didn't have the (interrupted)

29  
30 Commissioner Chang: [off mic] Fehr and Peer's.

31  
32 Vice-Chair Summa: Yeah so, I'm (interrupted)

33  
34 Chair Lauing: Well that... either of the other two Commissioners have any comments on those  
35 two items? Commissioner Hechtman.

36  
37 Commissioner Hechtman: Yeah, I don't... I think we made decisions on those items and I think  
38 the new information doesn't change the nature of either of those items. And that the  
39 Commission took our recommendations on those particular items and (interrupted)

40

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1 Chair Lauing: The Council.

2

3 Commissioner Hechtman: I'm sorry, the Council took our recommendations on that and said  
4 thank you. Hey we have these specific questions we want to refer back to you. They will deal  
5 with the reality that some of the square footage have changed but not the relationship actually  
6 of the square footage to each other. But the new numbers from our decision on the Variance  
7 and similarly new information.

8

9 So, I think it's part of the use permit but it's not what the Council sent back to us. They've  
10 already gotten that and I think if we're going to weigh into this. First of all, I'm not prepared to  
11 do that tonight (interrupted)

12

13 Chair Lauing: We're doing to do that.

14

15 Commissioner Hechtman: But if we did it, I'm going to guess it could... you know we spent 3-4-  
16 hours maybe twice talking about those items a year and a half ago and we could easily go that  
17 long again.

18

19 Chair Lauing: Commissioner Templeton, did you have any thoughts?

20

21 Commissioner Templeton: No, I do not.

22

23 Chair Lauing: Okay.

24

25 Commissioner Templeton: I mean I have thoughts but nothing to share.

26

27 Chair Lauing: Private thoughts, okay. Did you have something else to say?

28

29 Vice-Chair Summa: So, I can give you an example, I don't recall if when we considered the  
30 Variance before that it was incorrectly stated in the Staff report in that it's not complete here. It  
31 doesn't have the first finding that we have to make. It has two clauses underneath it, (a) and  
32 (b), that are missing on Page 67 of this Staff report. I don't recall if they were missing before but  
33 that's I think a significant example.

34

35 Chair Lauing: Yeah, so let's leave that one sort of a little bit on the table and we can take it  
36 offline and maybe interface what items we think should be there. Because I don't think we  
37 want to debate it too much more tonight but I don't think we want to rule it out entirely either.  
38 So, we've done a great job, we're just short of midnight. I'm also even happy to postpone the  
39 approval of minutes if we want to take that liberty or we can just get them done. Not that, no,  
40 no. Any other questions?

- 
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1  
2 [The Commission moved to Commissioner Announcements]

3  
4 Jonathan Lait, Director of Planning: I'm sorry, I must have missed something. Are we done with  
5 the Castilleja item?

6  
7 Chair Lauing: Yeah.

8  
9 Mr. Lait: Okay, that was a rather unceremonious ending to that.

10  
11 Chair Lauing: I could fall out of my chair and drop the mic. I mean with the one footnote is that I  
12 think we just want to have a little bit more offline discussion about the Variance issue but in  
13 terms of the context of the items that we've been asked to talk about. I don't disagree that  
14 we've done that.

15  
16 Mr. Lait: I would... okay, I hear you and I would just note it's a public hearing and if there was  
17 something of substance that you wanted to communicate to Staff. That ought to be done at the  
18 meeting so.

19  
20 Chair Lauing: Yeah, well, it was communicated. There's a question about (interrupted)

21  
22 Mr. Lait: Okay, understood, so there's a comment about (interrupted)

23  
24 Chair Lauing: About whether we should take that up because of the information that changed  
25 and it is in our purview.

26  
27 Mr. Lait: Okay, I'm just not sure when that gets discussed if it doesn't get discussed  
28 (interrupted)

29  
30 Chair Lauing: Well, we need to get to it in real-time, like in the next couple of days and have  
31 that chat so.

32  
33 Mr. Lait: Okay, I just want to engage Mr. Yang if he's still here. I guess can you help clarify?

34  
35 Mr. Yang: I guess I'm not sure. I think maybe what I understood was that the Chair would like to  
36 talk with the PTC liaison about when and if this can be brought back.

37  
38 Chair Lauing: Right, whether we should put that back on the agenda as an additional item that  
39 the majority of the people here tonight think is a good idea to chat about. We're understanding

- 
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1 that it's not a specific request from Council in terms of the minutes that they came back to us  
2 with. Okay?

3

4 Mr. Lait: I'm sorry, Mr. Yang is that... I'm sorry.

5

6 Mr. Yang: I think that's fine. I think that's the sort of conversation that the Chair and the PTC  
7 liaison can have about managing PTC agendas.

8

9 Chair Lauing: Yeah, that's what I'm talking about.

10

11 Mr. Lait: Very good.

12

13 Mindie Romanowsky: Excuse me, this is Mindy Romanowsky on behalf of the applicant, I am  
14 thoroughly confused about what is happening right now. So, if we (interrupted)

15

16 Chair Lauing: We're ending the meeting is what's happening.

17

18 Ms. Romanowsky: But I don't understand what's happening with this sub-Variance discussion  
19 and if we're going to be going to City Council next. Are you considering bringing this back  
20 before City Council or does this mean the City Council meeting will somehow be delayed?

21

22 Chair Lauing: I think we just summarized that which is (interrupted)

23

24 Ms. Romanowsky: I am personally confused.

25

26 Chair Lauing: Well, if you would personally listen, I'll answer the question which is that the  
27 Director and I are going to convene and discuss whether or not we should be discussing the  
28 Variance. We haven't talked about anything other than just those words. That's all I can say  
29 about that right now.

30

31 Mr. Lait: Okay and I guess just from an administrative standpoint.

32

33 Chair Lauing: The what?

34

35 Mr. Lait: Just procedurally Chair, I'm... it strikes me as irregular and so I just need to understand  
36 process-wise. You've responded to the Council's motion. If this body wants to talk about the  
37 Variance findings. You ought to do it tonight or continue the item. I don't know... I mean we're  
38 getting scheduled to move this onto City Council and if the expectation is that we're going to  
39 have a discussion with the Commission about Variance findings, we're not going to be able to

- 
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1 go onto the City Council. We don't think that that was something that was asked of the  
2 Commission and we don't think that that's the proper course of action.

3  
4 Chair Lauing: Okay, well that's different direction than what we just discussed.

5  
6 Mr. Lait: Well, that's why I'm raising the question. I'm trying to understand between you and  
7 counsel what the... what I'm hearing and counsel from the applicant side is equally confused.  
8 So, it bears some clarity and understanding. So, I guess I would suggest if there's an interest in  
9 dialog about the Variance findings. Again, we don't think that's what the Council asked you to  
10 do. We understand there's been some changes relative to some factual data that has been  
11 added with regard to floor area calculations that the Council had directed Staff to look at. So,  
12 we've just reflected that. We don't believe a change is the substance of the Commission's  
13 recommendation from before, which I believe was split actually on the issue.

14  
15 Chair Lauing: What was the last thing you said? A change from what?

16  
17 Mr. Lait: I don't believe it substantively changes the decision that the Planning Commission  
18 made to the City Council previously [unintelligible](interrupted)

19  
20 [note – two people started talking at once]

21  
22 Chair Lauing: You're referencing the new information there, is that what you mean?

23  
24 Mr. Lait: What I'm suggesting is that the factual updates to the Variance findings with... the  
25 updates to the Variance findings with factual data concerning floor area does not, we don't  
26 believe, substantively change the findings that the Planning Commission considered last year.  
27 For which the Commission was evenly split on that decision 3-3 is my recollection so... on some  
28 of the Variance finding aspects.

29  
30 So, again, it wasn't asked of the Council to the PTC to look at the Variance findings. We've  
31 updated them because we believe that that was the proper thing to do and that's what we'll  
32 send to the Council what's included in your Packet. If this Commission feels differently, you  
33 should have a conversation about that but again, we don't think that's what the Council asked  
34 you to do.

35  
36 Chair Lauing: Okay.

37  
38 Vice-Chair Summa: I'll just say from a personal standpoint it feels very awkward to not be able  
39 to talk about some of these problems. It's a serious thing not being able to make findings. It's  
40 the legal basis for what we're doing.

- 
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1  
2 Mr. Lait: And you did that though. You did that when you considered the project when it first  
3 went to the Council and in the course of processing the application. The City Council looked at  
4 this and said here's four or five discrete items. We want you to take another look at based on  
5 our deliberations and you've done that this evening. All I'm getting at is I... if there's an  
6 expectation that the findings are coming back for a conversation. That needs to be stipulated  
7 and the hearing needs to be continued to discuss that.

8  
9 Chair Lauing: Well (interrupted)

10  
11 Mr. Lait: Or you have the discussion tonight or we say we've done our job and we move on. I  
12 mean I think again, I'm happy to hear from our legal counsel if I'm misrepresenting this but  
13 that's how I see it.

14  
15 Chair Lauing: Commissioner Chang.

16  
17 Commissioner Chang: So, I hear what Staff is saying. I hear that also that much as we would like  
18 to or at least some of us would like to discuss the Variance findings again in light of new  
19 information, I don't think it makes sense for us... because we're not going to do it tonight.  
20 We're... it's too late, we're not too tired... we're too tired, some of us aren't prepared to do it,  
21 City Council hasn't asked it of us and because we're up against a deadline in terms of  
22 proceeding... moving the application forward. I think that it's disappointing not to be able to  
23 discuss the Variance, but I don't think it practical to discuss the Variance at this point.

24  
25 Vice-Chair Summa: Why couldn't we continue it and do it with a time limit at our next meeting?

26  
27 Commissioner Chang: That's an idea.

28  
29 Vice-Chair Summa: Is that possible?

30  
31 Chair Lauing: Well, I think there's two practical answers to that. One is that we would have to  
32 reopen... you know, we would have to continue the hearing and reopen it and we aren't  
33 specifically asked to do that. And secondly, I think that would delay getting this to the Council  
34 because we were told that the deadline was tonight or it wasn't going to get to the Council  
35 which is why we're here at 12:10 trying to get it done so.

36  
37 Mr. Lait: So, just comments on that, I don't think you would need to reopen the hearing  
38 because all of the information has been presented to you and it would be continuation of your  
39 deliberation. There's no new information that's being added so you could still continue your  
40 discussion.

- 
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1  
2 But we definitely run the risk of not getting the item scheduled for City Council on May 23<sup>rd</sup>  
3 which is our tentative date and the reason for that is the Packets get published 2-weeks in  
4 advance. And we've already got little time as it is to advance this project on if it's to heard  
5 before Council goes on their break. The rest of the Council agendas are packed so its... we're on  
6 the bubble as it is right now about getting this scheduled. A delay would be... may push us into  
7 August.

8  
9 Chair Lauing: Okay. Your mic is still on so.

10  
11 Vice-Chair Summa: I just feel as a Commissioner if I cannot make the findings, I should be able  
12 to state that but I have no intention... no desire to delay or reopen this but there's mistakes and  
13 I can't make the findings.

14  
15 Mr. Lait: Okay, if there are errors, I can certainly get that information. I'm happy to receive that  
16 information if there's a factual error. You can send that to me and I'll note Commissioner, you  
17 did vote on the Variance findings previously. So, your vote is recorded on that.

18  
19 Chair Lauing: Okay, so Commissioner Templeton.

20  
21 Commissioner Templeton: I'm hoping you're about to say this but I was wondering if we could  
22 move on?

23  
24 Chair Lauing: As what?

25  
26 Commissioner Templeton: Can we please move on and are we... did you say you wanted to  
27 close the meeting tonight?

28  
29 Chair Lauing: Yes, what I was about to say is that I don't think we need to entertain a motion for  
30 a continuance based on sort of revised direction from the Planning Director. And I already  
31 suggested that we not approve the minutes to get moving so and gave one announcement. If  
32 there are anything else that has to come up, that's fine. Otherwise, I think we're ready to  
33 adjourn. Anything else?

34  
35 Mr. Lait: Thank you, Commissioners.

36  
37 Chair Lauing: Thanks everybody for their patience and perseverance. Good night.

38  
39 [Meeting adjourned]

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- 1 **Commission Action:** Motion by Hechtman, seconded by Templeton. Failed 1-4 (Roohparvar  
2 absent, Reckdahl recused)
- 3 **Commission Action:** Motion by Chang, seconded by Summa. Passed 3-2 (Roohparvar absent,  
4 Reckdahl recused)
- 5 **Commission Action:** Motion by Chang, seconded by Summa. Passed 3-2 (Roohparvar absent,  
6 Reckdahl recused)
- 7 **Commission Action:** Motion by Hechtman, seconded by Lauing. Passed 5-0 (Roohparvar absent,  
8 Reckdahl recused)
- 9 **Commission Action:** Motion by Summa, seconded by Chang. Passed 5-0 (Roohparvar absent,  
10 Reckdahl recused)
- 11 **Commission Action:** Motion by Hechtman, seconded by Templeton. Failed 2-3 (Roohparvar  
12 absent, Reckdahl recused)
- 13 **Commission Action:** Motion by Hechtman, seconded by Chang. Passed 5-0 (Roohparvar absent,  
14 Reckdahl recused)
- 15 **Commission Action:** Motion by Hechtman, seconded by Chang. Passed 5-0 (Roohparvar absent,  
16 Reckdahl recused)

17

## 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: The only... in the announcement section then we've already heard about the  
28 agenda item for next time at the beginning at the Director's report. The only thing I want to talk  
29 about is that I went to a meeting with the Mayor and the Vice Mayor talking about the Work  
30 Plan. And then they're going to be considering the Work Plans in a couple of meetings and they  
31 want input from... I can't remember. I don't know if they've decided if it's the Chair or the Vice  
32 or not but they took a lot of good suggestions on how we might better manage the Work Plan  
33 process. Let me put it that way in terms of what was in the handbook and what we had to go

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1 through to get it done. So, they're a little appropriately concerned that we had to jump through  
2 too many hoops. So, I just wanted to report that because it's current and that's all.

3

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

5 **Adjournment**

6 12:10 pm

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