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June 7, 2017

Via Email – James.Keene@cityofpaloalto.org

James Keene, City Manager
City of Palo Alto
250 Hamilton Ave., 7th Floor
Palo Alto, CA 94301

Re: Castilleja School Conditional Use Permit- Student Enrollment

Dear Mr. Keene,

On behalf of Castilleja School, I write in response to your May 23, 2017 letter, in which you ask that Castilleja recommence enrollment reductions beginning with the 2018-19 school year. Given that Castilleja self-reported its over-enrollment in January 2012 and that it is in full compliance with the City's February 28, 2014 letter regarding mandatory enrollment and trip reductions (the "Enrollment Construct Letter"), Castilleja was surprised to learn that the City has reworked its own mandate, changing the enrollment construct.

Castilleja finds your letter and the new construct to be disappointing, especially in light of its good faith compliance with the Enrollment Construct Letter and its concerted and repeated efforts to collaborate with stakeholders (i.e. staff, neighbors, community members) to bring forward an amended CUP application in a timely manner. The purpose of this letter is to clarify and provide context for Castilleja's diligent efforts to obtain an amended CUP over the past five years, so as to avoid misunderstandings and to ensure a timely and unbiased review of its application going forward.

As you are aware, in January 2012, of its own volition, Castilleja alerted City staff of its over-enrollment and its desire to apply for an amended CUP as soon as possible. At that time, Castilleja was ready, willing and able to commence the process for submittal of an amended CUP application, but Staff requested that Castilleja hold off in order to obtain feedback from its neighbors. Shortly thereafter, the school shared with its neighbors the fact of its over-enrollment and engaged with them to elicit feedback as to how best to mitigate school-induced impacts. Based on this dialogue, which involved more than Thirty (30) meetings over a period of years, Castilleja fine-tuned a plan -- that integrated responses to the neighbors' concerns -- to build an underground parking garage and other impact-reducing features (i.e., below grade waste and delivery facilities, fewer at-grade parking spaces, lowered and relocated pool deck, etc.), and to add Transportation Demand Management, all to offset impacts of enrollment.

In the meantime, in December 2013, the City levied a fine against Castilleja in the amount of Two Hundred Sixty Five Thousand Dollars (\$265,000.00), the highest fine in City history. Then, in February 2014, the City issued the Enrollment Construct Letter, which, in addition to mandating stringent Transportation Demand Management (TDM) measures and metrics, set forth a series of enrollment reductions (from 448 to 444 students in 2014-15, and a further reduction, to 438 students, in 2015-2016). The Enrollment Construct Letter went on to clarify that future enrollment would be "determined by the outcome of a process to amend the school's CUP." To that end, Castilleja reduced enrollment as directed by the City and has diligently worked to timely process a CUP amendment, coupled with a Master Plan, aimed at controlling enrollment-induced impacts, as well as addressing antiquated and energy-inefficient learning spaces.

When the Enrollment Construct Letter was issued, Castilleja was focused on using the time between February 2015 and mid-2016 (approximately 18 months) to submit its application and have it fully and finally reviewed. While the school knew this would be a tight timeline, for the sake of enrollment clarity, it was focused on meeting this timeframe. Since then, Castilleja has relied on the specifics of the Enrollment Construct Letter and fully complied with its mandate. In June 2016, Castilleja submitted its formal application and has been responsive to information requests when called upon.

The delays to the submittal and processing of the application, while presumably based on the City's good intentions, have had the unintended consequence of side tracking the application from the 18-month time horizon contemplated in the Enrollment Construct Letter to something much longer. Thus, the receipt of your recent letter was disappointing in that further reductions in enrollment prior to the due process review of a formal application seemingly punishes young women who may not be able to enroll in the school, due to neighborhood and City delays to the application. To be clear, the City asked Castilleja multiple times to "pause" on the formal application submittal, in

order to address new concerns or engage in alternative studies. Rather than reject these requests, in the interest of collaboration with all stakeholders, Castilleja repeatedly complied, only to see such cooperation be to its detriment in that the CUP and the resolution of the enrollment issue have been unreasonably delayed.

The delays to the application have been many. In addition to asking that Castilleja hold off on the submittal of its application (in 2013) and meet with neighbors and a recommended facilitator (Geoff Ball, PhD), after more than Thirty (30) such neighbor meetings, Staff requested further delays in October 2015. At that time, Staff communicated that neighbors expressed concern about circulation into and out of the garage, and thus the school was encouraged to further delay the application and study direct access to/from the garage from Embarcadero. While the delay was of concern, as it had the effect of a protracted application submittal and thus a prolonged resolution of the future enrollment limits, Castilleja complied with the City's request to study the access.

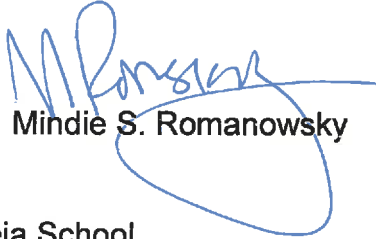
The Enrollment Construct Letter provided for three years of enrollment reduction, which seemed to be more than a sufficient amount of time to obtain review and approval of an application. And while the school agreed to the delays (at the request of Staff and neighbors), it now seems that it is being punished for its acquiescence. Each time Castilleja was ready to proceed with the CUP application, in the spirit of collaboration and cooperation, it paused the application process in order to address specific requests. Whether it was to meet regularly with the facilitator and neighbors to obtain stakeholder feedback or to conduct the Embarcadero access study, Castilleja listened, and made extraordinary efforts to be a good Palo Alto citizen and neighbor. Had the school known that the enrollment construct would be altered, it may not have agreed to the City's and neighbors' requests. Collaboration and cooperation have seemingly backfired, and those most negatively affected are the local young women who will not have the opportunity to be educated at Castilleja, nor to give back to the City and the community-at-large.

To date, Castilleja has concerns that the City's handling of the CUP application may be unfair and inefficient. At every step, the school has been faced with an unreasonably heightened degree of scrutiny, while it appears that detractors have been given extreme deference by the City. Throughout this process, Castilleja has endeavored to provide truthful, fact-based data. However, the school has grave concerns about the City's reliance on misinformation disseminated by members of the public. It is imperative that the application receives an unbiased, fair, and prompt review and that the City not be swayed by the undue influence of constituent groups, in violation of local and State law. While the City's recommencement of an enrollment reduction was unexpected (and contrary to what the school had been entitled to rely upon), Castilleja appreciates your stated commitment to review the pending application "efficiently, fairly, and in accordance with the Palo Alto Municipal Code and State law." Despite the modification of the City's prior pledge, Castilleja sincerely hopes that it can

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rely in good faith on your new promise -- that the application is fairly and timely reviewed, within the confines of the law. Ultimately, Castilleja looks forward to an amended CUP which will enable it to educate more young women, while continuing to mitigate school-induced impacts on the neighborhood such that the school can co-exist in a spirit of cooperation with our community, as it has for over 100 years.

Sincerely,



Mindie S. Romanowsky

cc: Nanci Kauffman, Head of Castilleja School
Kathy Layendecker, Chief Financial & Operating Officer
Bradley W. Hertz, Esq., The Sutton Law Firm
Hillary Gitelman, Director of Planning & Community Environment
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Castilleja Board of Trustees