

From: [Andie Reed](#)
To: [Architectural Review Board](#); [Planning Commission](#); [Council, City](#); [Castilleja Expansion](#)
Subject: EIR conflicting Mitigation Measures
Date: Wednesday, August 19, 2020 9:23:12 AM

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Comment Letter C45.4 regarding Mitigation Measures:

There are 3 impacts noted in the Draft EIR as "significant and unavoidable". The Final EIR includes an option that was not included in the Draft EIR but that has now risen to the top as the school's alternative of choice because, so the FEIR states, the school will disburse the traffic and thus mitigate these traffic problems.

It is important to note that the Disbursed Circulation/Reduced Garage still contains an underground garage exit facing Emerson and Melville, leading into Embarcadero and Alma respectively, which the FEIR states will cause delays and increased traffic (Table MR5-2, school daily trips of 1,477). Added to the underground garage are the loop driveways at Bryant and Kellogg, and not mentioned but still important are driveway entrances on both Kellogg and Emerson Streets into a parking lot on the corner and also a delivery driveway on Emerson.

Table 1-2 in the Revised DEIR states that Impact 4-2 Create Land Use Incompatibility or physically divide an established community will be mitigated using Measure 4a to reduce this traffic impact. Mitigation Measure 4a is totally concerned with Events traffic. The school has over the years continually abused its Conditions of Approval by hosting 10x as many events as the current CUP allows, and now is claiming to reduce events from 100 to 90. This mitigation measure is not related in any way to the traffic caused by this Disbursed Circulation/Reduced Garage option.

In fact, in the Response to my Comment Letter C45.4-1, the Final EIR states "The DEIR concluded that the project would result in a significant and unavoidable land use compatibility impact for the **sole reason the project would generate a substantial increase in daily traffic volumes on the sedent of Emerson Street between Melville Avenue and Embarcadero Road...** Not because of events, but because of daily traffic. This contradicts the Mitigation Measures described above.

This Final EIR is inadequate because of the Disbursed Circulation/Reduced Garage alternative being submitted very late in the process without allowing for a Public Comment period, as required by CEQA, and because Mitigation Measures, an example of which is described above, do not relate to the very grave and overwhelming daily traffic issues introduced by this overreaching expansion plan.

Thank you for your consideration of my input.

Andie Reed
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From: [Andie Reed](#)
To: [Architectural Review Board](#); [Planning Commission](#); [Castilleja Expansion](#); [Council, City](#)
Subject: Castilleja FEIR
Date: Wednesday, August 19, 2020 9:12:34 AM

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Comment Letter 45.2-10:

Events

It is important to re- state that using a reduction to 90 events per school year from the current 100 as a mitigation for traffic congestion is misleading and inaccurate. The school is not allowed 100 events per year but has been holding them anyway, despite continuous complaints from the neighbors over many years. There is not ONE school, public or private, in a residential neighborhood in Palo Alto without large acreage to absorb it, that allows weeknight and weekend events. The Conditions of Approval allow 5 major events and several other” .

The Response states that there is “no quantitative limit on the number of and frequency of special events”. That statement is factually inaccurate. It is true that the current Conditions do not do a good job describing the allowed numbers (the Conditions allow 5 major and “several” other events”), but the intent is clear. “Several” does not, in anyone’s book, mean 100, so one has to rely on intent. The Response ignores the intent, and that is inadequate. I point out a set of letters to the PNQL attorney from the Planning Director agreeing with the neighborhood group that “the **INTENT IS TO LIMIT THE NUMBER AND SIZE OF EVENTS**” and a letter from the Planning Director to the School’s attorney that the intent is being misinterpreted. This correspondence, from Feb 2018, has been brought to the attention of City staff and the EIR report preparers ignore these facts. The current CUP also states no back-to-back weekends and no Sundays and etc., but none of that has ever been abided by.

This is the context under which the report uses 100 events as a baseline, and it should be pointed out to the public and the decision makers that the EIR and the Comment Response statement makes a mockery of the Current Conditional Use Permit which the school has disregarded with impunity.

Please limit the school’s events to 10 to 20 or define very specifically its Hours of Operation.

Thank you,

Andie Reed

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From: [Jeff Levinsky](#)
To: [Architectural Review Board](#)
Subject: Castilleja's Proposed Underground Garage Should Count as Floor Area
Date: Wednesday, August 19, 2020 8:56:43 AM

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Dear Architectural Review Board Members:

The plans for Castilleja do not count the underground garage as gross floor area. However, our municipal code states clearly that in the R-1 zone in which Castilleja sits, parking structures and garages do count as gross floor area. Here are the relevant code sections, no doubt familiar to anyone who has looked at our city's definitions of "gross floor area," with highlights added:

18.04.030(a)(65)(C): Low Density Residential Inclusions and Conditions

In the RE and R-1 single-family residence districts and in the R-2 and RMD two-family residence districts, gross floor area" means the total covered area of all floors of a main structure and accessory structures greater than one hundred and twenty square feet in area, **including covered parking** and stairways, measured to the outside of stud walls, including the following:

...

(iii) Carports and **garages shall be included in gross floor area;**

Last year, I asked the EIR to address whether Castilleja's garage needed to be counted then as gross floor area, per the above laws. The EIR is required by law to respond it but included no discussion of the above code sections. The staff report does not either.

The EIR does contain two arguments that the underground garage is not floor area. Here's the first:

The garage space would not count towards the site's FAR because it would be below ground and thus is assessed in accordance with Municipal Code Section 18.12.040(b), which states that basements are not included in the gross floor area of buildings in the R-1 district provided that they comply with the patio and lightwell requirements described in Section 18.12.090.

(from page 2-82, Castilleja School Project Final EIR, July 2020)

The above is incorrect because it fails to mention that 18.12.090 also says:

(a) Permitted Basement Area

Basements may not extend beyond the building footprint and basements are not allowed below any portion of a structure that extends into required setbacks, except to the extent that the main residence is permitted to extend into the rear yard setback by

other provisions of this code.

Castilleja's proposed underground garage is not under a building footprint. It's under a playing field. Under the EIR's notion that it should be treated as a basement, it is then not allowable at all. I think the better interpretation is that it is not a basement but is a garage and thus must be counted as gross floor area.

Ironically, the other municipal code section the EIR cites above, namely 18.12.040(b), explicitly states that garages do count in gross floor area. Here's the entry from the table in that section explaining what is and is not gross floor area:

**TABLE 3
SUMMARY OF GROSS FLOOR AREA FOR SINGLE FAMILY RESIDENTIAL DISTRICTS**

Description	Included In GFA	Excluded from GFA
Third floor equivalent, where roof pitch is > 4:12		* up to 200 sq.ft. of unusable space
Garages and carports	*	
Porte cocheres		

In other words, if you simply read the very code sections that the EIR cites to claim that the garage is not gross floor area, both actually indicate that it is.

The EIR makes a second argument:

This interpretation of Municipal Code Section 18.12.060(e) is consistent with how the City has applied this section to other non-residential uses in the R-1 zone, such as the Kol Emeth synagogue on Manuela Road.

(from page 2-82, Castilleja School Project Final EIR, July 2020)

Kol Emeth does have an underground garage and is zoned R-1, but this is not a relevant argument. Here is 18.12.060(e):

Underground Parking

Underground parking is prohibited for single-family uses, except pursuant to a variance granted in accordance with the provisions of Chapter 18.76, in which case the area of the underground garage shall be counted in determining the floor area ratio for the site.

The above governs a prohibition for single-family use underground parking and how it may be exempted. Neither Kol Emeth nor Castilleja are being treated by the city as single family uses. So how the city has applied (or rather not applied) 18.12.060(e) to Kol Emeth does not enable Castilleja's garage to ignore the other laws that require its garage be counted as gross floor area. In fact, I did not spot in Kol Emeth's staff reports any mention of those three other laws,

as cited above, that mandate counting covered parking and garages in R-1 as gross floor area, namely:

18.04.030(a)(65)(C),
18.04.030(a)(65)(C)(iii), and
18.12.040(b) Table 3

Absent evidence that the Kol Emeth project ever considered these rules and offered a deliberative interpretation of how its garage was not subject to them, it clearly cannot serve as a precedent. Rather, we all know that zoning laws are sometimes overlooked and Kol Emeth appears merely to represent one more such case. How its circumstances, which are not even the same as Castilleja's, would have been evaluated under those laws is unknown.

You are being asked to make findings including (from packet page 18):

1)The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan, Zoning Code, coordinated area plans (including compatibility requirements), and any relevant design guides.

Your packet page 19 comments that:

AR Finding #1 is to compare the project with Zoning Code development standards and Comprehensive Plan policies.

As explained above, and as I think you all know well as local architects, our Zoning Code states that Castilleja's underground garage is in fact gross floor area. The plans, staff report, and EIR are incorrect in not showing it as such. Until that's remedied, finding #1 cannot be made.

Respectfully,

Jeff Levinsky