



# CITY COUNCIL SUMMARY MINUTES

Special Meeting  
March 8, 2021

The City Council of the City of Palo Alto met on this date in virtual teleconference at 5:00 P.M.

Participating Remotely: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Absent:

## Special Orders of the Day

1. Proclamation Honoring Monique LeConge Ziesenhenne on her Retirement.

Council Member Cormack read the Proclamation into the record.

Mayor DuBois thanked Ms. Ziesenhenne for her many years of service and wished her well.

Council Member Cormack appreciated Ms. Ziesenhenne making libraries a wonderful part of the community.

Council Member Stone wished Ms. Ziesenhenne well in her retirement.

Vice Mayor Burt noted Ms. Ziesenhenne was instrumental in moving libraries into the next generation.

Council Member Kou thanked Ms. Ziesenhenne for the many enhancements to the library.

Council Member Filseth thanked Ms. Ziesenhenne for her years of service and leading efforts to enhance libraries.

Council Member Tanaka wished Ms. Ziesenhenne good luck in her future endeavors.

Monique Le Conge Ziesenhenne thanked the Council and Staff for their hard work. Her lengthy tenure with the City spoke to the quality and environment of the community. She appreciated her role within the City of Palo Alto.

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## Agenda Changes, Additions and Deletions

None.

## Oral Communications

Anna Lembke opposed the applicant to change the zoning for property on Wellesley Street and urged the Council to create a long-term housing master plan.

Angie Evans urged the Council to halt the eviction of recreational vehicles (RV) from El Camino Real. On-street parking in the area was not highly utilized. Forcing RV dwellers to leave during a global pandemic was heinous.

Kevin Ma called for the Council to issue an emergency moratorium on the issuance of tow warnings to RVs. The intent of existing laws was to address abandoned vehicles. Spending Staff time on citing RVs was not a good use of time.

Raven Malone also opposed the eviction of RV dwellers during a pandemic and noted there was no place for them to go.

Rohin Ghosh opposed any towing of RV dwellers. Such an eviction was an act of violence by destroying the homes of the most vulnerable residents. He questioned the point of towing RVs.

Robert Chun felt the City was wrong to harass families living in RVs, especially during a pandemic. The fees to reclaim a vehicle were prohibitively expensive for most families. A moratorium on towing was needed.

Rebecca Eisenberg noted many women and children lived in the RVs, and they were being harmed by the towing. Castilleja School's dormitory was the perfect place for vehicle dwellers to live. Quasi-judicial hearings were supposed to include only community members directly impacted.

Chris Robell expressed concern regarding the budget of the County of Santa Clara Tax Assessor's Office. The Tax Assessor was imposing unfair assessments that disproportionately affected new homeowners and people trying to get into homes.

Kelsey Banes commended the Mayor's commitment to civil community discourse and hoped he contacted groups that he marginalized during his campaign. The Safe Parking Ordinance did not provide for the enforcement of regulations on residents living in RVs. Towing RVs destabilized families.

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Nikhil opposed the towing of RVs. The money spent to tow RVs was better spent on housing.

Ella Jauregui suggested the City help the people living on El Camino rather than make their lives more difficult.

Ebru Haritaoglu concurred with Mr. Ghosh's and Nikhil's comments. The City needed to get its priorities straight.

Aram James discussed a legal case regarding unhoused people. The City was violating humanitarian principles. Not a single church completed the process to become a safe parking location in more than a year.

## Minutes Approval

2. Approval of Action Minutes for the February 22, 2021 City Council Meeting.

**MOTION:** Council Member Kou moved, seconded by Vice Mayor Burt to approve the Action Minutes for the February 22, 2021 City Council Meeting.

**MOTION PASSED:** 7-0

## Consent Calendar

Council Member Tanaka registered a no vote on Agenda Item Number 4.

**MOTION:** Council Member Kou moved, seconded by Vice Mayor Burt, third by Council Member Stone to pull Agenda Item Number 5 to be heard on a date uncertain.

Ed Shikada, City Manager, advised that the item may be placed on the March 22, 2021 Agenda along with review of the Capital Improvement Program (CIP).

Mark Mollineaux believed Oral Communications was inappropriately closed when speakers wished to address the Council. More speakers wanted to address the towing of recreational vehicles (RV).

Rebecca Eisenberg, addressing Agenda Items Number 3 and 4, suggested such a large contract amount was not appropriate for the Consent Calendar, especially in light of continuing Budget cuts. Many companies provided better and more modern products at lower costs than SAP.

Aram James concurred with Mr. Mollineaux's comments. The Council needed to allow all public speakers time to address the Council without limiting the

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time granted to each speaker. Vice Mayor Burt and Council Members Tanaka and Stone needed to lead the Council.

**MOTION:** Council Member Cormack moved, seconded by Mayor DuBois to approve Agenda Item Numbers 3 and 4.

3. Approval of Contract Number C21178333 With Black & Veatch in an Amount Not-to-Exceed \$3,182,960 to Provide Design Services for the Advanced Water Purification System (AWPS) at the Regional Water Quality Control Plant - Wastewater Treatment Fund Capital Improvement Program Project (WQ-19003).
4. Approval of an Exemption to Competitive Solicitation Requirements for Contract Number C14151181 With SAP Public Service, Inc.; and Approval of an Amendment to Contract Number C14151181 With SAP Public Service, Inc. to Extend the Term for Five-years for Maintenance and Support of the ERP System for a Total Not-to-Exceed Amount of \$1,586,512 and Approximately \$317,300 Annually.
- ~~5. Adoption of a Park Improvement Ordinance for Renovations at Ramos Park.~~

**MOTION PASSED FOR AGENDA ITEM NUMBER 3:** 7-0

**MOTION PASSED FOR AGENDA ITEM NUMBER 4:** 6-1 Tanaka no

Council Member Tanaka indicated exempting a contract from the bid process was not appropriate. The contract did not cover support for customized modules. Other companies provided support for customized and standard modules at lower costs.

## City Manager Comments

Ed Shikada, City Manager, reported notices were issued in compliance with State law that required vehicles to be moved every 72 hours. The characterization of notices as eviction notices was not accurate. The status of SAP contracts was going to be clarified in an informational item for the Council. The County of Santa Clara (County) moved into the red tier in which indoor activities were allowed at a limited capacity. The Palo Alto Art Center reopened on March 6, 2021. The State's Travel Advisory was in effect rather than the Public Health Officer's Mandatory Directive on Travel. Staff was working with the County and healthcare providers to maximize the availability of COVID-19 vaccines in the region. Vaccines were available for workers in education, childcare, emergency services, food, and agriculture. COVID-19 testing was available March 9, 16, 17, and 19, 2021. The Uplift Local

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Community Check-in was scheduled for March 16, 2021. *Arbor*, a new public art installation in King Plaza, was a visual interpretation of Palo Alto's urban forest. Wellness Wednesdays was a new series focused on building community wellness and wellbeing and was scheduled to begin on March 17, 2021. Upcoming Council Agendas included action on the Castilleja School project, prescreening of a project at Town and Country Village, the Grand Jury report, Community and Economic Recovery Strategy, railroad grade separations, unhoused services, and selection of the Housing Element Working Group.

Council Member Cormack inquired about utility workers wearing masks and the process to report workers not wearing masks.

Mr. Shikada responded that utility workers were required to wear masks except in specific circumstances. Members of the public needed to contact him with their concerns about workers not wearing masks.

## Action Items

6. Temporary Ordinance 5517 Entitled, "Ordinance of the Council of the City of Palo Alto Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Broaden Permissible Uses and Raise Thresholds for Conditional Use Permits (CUP) for Some Land Uses Throughout the City." Environmental Review: California Environmental Quality Act (CEQA) Exemption 15061(b)(3) (FIRST READING: December 14, 2020 PASSED: 7-0) (Continued From February 22, 2021).

Jonathan Lait, Planning and Development Services Director, recalled the Council's directions in November 2020 to modify requirements for retail uses. In January 2021, the Council removed the second reading of the Ordinance from the Consent Calendar and scheduled it for hearing tonight. The proposed temporary Ordinance was scheduled to expire on June 30, 2022, and contained changes to definitions of uses, the Conditional Use Permit (CUP) requirement for medical uses, and uses allowed on California Avenue. The proposed temporary Ordinance did not affect Retail Preservation Ordinance provisions. The proposed temporary Ordinance allowed learning centers in the Downtown Ground Floor Combining District; personal services along California Avenue with restrictions; medical uses up to 5,000 square feet in the Neighborhood Commercial (CN) District; and gyms, yoga, fitness studios and medical uses in the Community Commercial (CC) and Service Commercial (CS) Districts with restrictions.

Rebecca Eisenberg commented that neighborhood retail businesses greatly improved quality of life and promoted sustainability, social justice, and racial justice.

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Dean Rubinson, Ellis Partners' Director of Development, expressed concern about the restaurant and retail distinction focusing on kitchen equipment because it was not relevant to parking. He suggested the distinction be limited to locations where patrons ate on premises in their cars.

Aram James requested the Council invite Black Lives Matter and the American Civil Liberties Union (ACLU) to participate in the April 5, 2021, Study Session.

Hamilton Hitchings noted residents walked to neighborhood businesses, which helped the City reach its environmental goals. He opposed the proposal to allow medical offices in CN Districts, especially on the ground floor.

Winter Dellenbach remarked that brick-and-mortar businesses were expected to return in strength. Personal services and medical offices belonged on side streets, not on main streets.

Carol Scott requested the overarching vision for each particular area as the allowed uses seemed to be random. As proposed, California Avenue appeared to be a food court and personal service area for office workers.

Joe Spaulding indicated gyms helped people during hard times. Increasing access to gyms was good for the community's health and wellness.

Vice Mayor Burt requested clarification of the relationship between the existing Retail Preservation Ordinance and the proposed changes.

Mr. Lait advised that the proposed temporary Ordinance did not introduce personal services and medical office uses in locations where they were not already allowed with the exception of beauty shops and nail salons on California Avenue. The Retail Preservation Ordinance prohibited changing existing ground-floor retail and retail-like uses to any other use without the express consent of the Council.

Vice Mayor Burt understood the definition of gym was changing to customized coaching, and gyms were going to be allowed on a greater square footage basis. He inquired whether Staff considered restricting occupancy, and thus parking, rather than square footage.

Mr. Lait explained that if a gym did not qualify as a personal services use, it was a commercial recreation use, which required a CUP. The CUP was a method to restrict occupancy to address parking deficiencies, if any.

Vice Mayor Burt commented that the increased square footage for a personal services use did not apply to a commercial recreation use. Occupancy was

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not the only method to distinguish a personal services use from a commercial recreation use.

Mr. Lait wanted to talk with the Building Official to determine whether an occupancy restriction was a good way to limit floor area.

Vice Mayor Burt expressed concern about the proposed expansion of uses on California Avenue, University Avenue, and to an extent in Town and Country Village. Street-facing businesses on California Avenue and University Avenue needed to be true retail. Other uses did not add to the retail environment.

Council Member Stone inquired about the uses allowed in neighborhood shopping centers, for example Midtown Shopping Center.

Mr. Lait related that the proposed temporary Ordinance allowed medical office uses to continue in the areas where they were allowed currently. A medical office use was allowed in Midtown Shopping Center with a CUP, but perhaps not in Charleston Shopping Center. Medical office uses on the ground floor were permitted by right in the Downtown area.

Council Member Stone asked if a CUP was not required if the medical office use was less than 5,000 square feet.

Mr. Lait replied yes. The temporary Ordinance allowed medical office uses up to 5,000 square feet without a CUP in areas where they were currently allowed. In the Midtown Shopping Center, medical office uses were limited to 2,500 square feet.

Council Member Stone preferred not to allow medical office uses in CN Districts so that people were able to walk to shopping and dining. He inquired whether a medical office use was allowed to occupy a vacant commercial space formerly occupied by a retail use.

Mr. Lait clarified that a commercial space occupied by a retail use as of the date of the Retail Preservation Ordinance was not allowed to convert to another use.

Council Member Stone inquired whether the length of a use's occupancy was limited, if the occupancy was established prior to the sunset date of the proposed temporary Ordinance.

Mr. Lait replied no.

Council Member Stone requested the rationale for utilizing kitchen equipment to define a restaurant use.

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Mr. Lait noted Council's December 2020 direction to Staff included a comprehensive analysis of retail and retail-like uses throughout the City. This analysis was an opportunity for Staff to consider Mr. Rubinson's comments. In the meantime, the proposed definition was sufficient for Staff to navigate any issues.

Council Member Kou asked if there was a restriction on the type of medical office.

Mr. Lait advised that existing definitions distinguished three or four types of medical office uses. The proposed temporary Ordinance did not change those definitions or the type of medical uses permitted in any district.

Council Member Kou asked if the City Clerk was responsible for reminding Staff of the Ordinance's expiration date, June 30, 2022.

Mr. Lait explained that the City Clerk was responsible for updating the Municipal Code if the Council adopted the temporary Ordinance. The Planning and Development Services Department, City Attorney's Office, and City Clerk's Office tracked temporary Ordinances.

Council Member Kou inquired whether a new commercial tenant received notice of the expiration date when applying for a business license.

Mr. Lait clarified that a use's occupancy of a commercial space did not expire with the temporary Ordinance.

Council Member Cormack recalled that the Council unanimously supported the first reading of the temporary Ordinance. People were buying services rather than goods. She was not interested in discouraging gyms and nail salons. With the number of vacant commercial spaces and the shift in purchases, this was an opportunity to try something new. Locating appropriate medical services in neighborhoods allowed residents to walk to medical appointments.

Council Member Tanaka inquired about the current vacancy rate.

Mr. Lait did not have the information.

Council Member Tanaka felt the vacancy rate was high. Vacancies were bad for Downtown. Staff needed to track the vacancy rate closely. With the new take-out model for restaurants, perhaps reduced parking requirements were appropriate. Personal services created foot traffic that supported retailers. Maybe the Council wanted to consider lifting restrictions on chain stores and restaurants to fill vacant spaces.



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Mayor DuBois asked what would be allowed for gyms at Midtown Shopping Center.

Mr. Lait reported a gym as a personal service was capped at 3,000 square feet in Midtown Shopping Center.

Mayor DuBois requested the differences among extensive retail, intensive retail, and take-out service.

Mr. Lait explained that intensive retail needed a good amount of foot traffic. Extensive retail, such as a furniture store, needed less foot traffic.

Mayor DuBois asked if intensive retail was clusters of retailers.

Mr. Lait responded no. In extensive retail, a large amount of floor area was dedicated to displays.

Mayor DuBois asked how extensive and intensive applied to take-out food uses.

Mr. Lait indicated that a retail food service use, such as a sandwich shop, was characterized by orders placed at a window or counter, food eaten on or off premises, and customers choosing the shop because they were in the area. A full-service restaurant was characterized by service at a table with a menu and customers choosing the restaurant more as a destination. The definition of take-out service was sometimes a problem because it blended into retail food service uses that did not want to comply with the 1:30 parking requirement for take-out service.

Mayor DuBois suggested Staff clean up the definitions for food service uses.

Mr. Lait clarified that the proposed Ordinance delineated that an intensive retail food service use was not a take-out food use.

Mayor DuBois agreed with protecting retail and retail-like services and paying attention to main streets and concentrated shopping areas. He opposed gym and medical uses in main shopping areas. The availability of COVID-19 vaccines was different now than in December 2020 when the Council approved the first reading.

Council Member Kou stated the Council needed to plan changes for coming out of the recession. She did not support the Staff recommendation.

Vice Mayor Burt commented that the first reading was rushed in order to respond to changes, and the Council did not have time to consider all aspects of the proposed changes.

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**MOTION:** Vice Mayor Burt moved, seconded by Mayor DuBois to adopt the attached temporary Ordinance with the following exceptions:

- A. Prohibit allowing nail salons, beauty shops, barber shops, etc. directly on California Avenue street facing;
- B. On University Avenue, California Avenue, as well as Town and Country, prohibit the expansion of gyms greater than 1,800 square feet, and refer this to Planning and Transportation Commission for additional review;
- C. Prohibit the expansion of tutoring, schools, and related functions on the main streets of Downtown and California Avenue;
- D. Allow the change to commercial recreation to go forward, but also direct the Planning and Transportation Commission to look at occupancy for personal services that are commercial recreation;
- E. Refer to the Planning and Transportation Commission the evaluation of the most appropriate way to define restrictions on dining establishments;
- F. Prohibit expansion of the permissible medical sizes on the main shopping streets of California Avenue, University Avenue and Midtown Shopping Center.

Vice Mayor Burt believed the objective of the temporary Ordinance was to support local retail and retail-like services. Uses that paid higher lease rates but did not support the retail environment were a detriment to existing retailers.

Mayor DuBois inquired whether the intent of the Motion was clear to Staff.

Mr. Lait interpreted the Motion as the increase from 1,800 to 5,000 square feet for gyms was acceptable except on California Avenue and in Town and Country Village.

Vice Mayor Burt noted the exception included University Avenue.

Mr. Lait reported gyms were not allowed on University Avenue under the current regulations. He inquired whether the intention was to allow gyms of 1,800 square feet or less on California Avenue or to prohibit gyms entirely on California Avenue. Currently, gyms of 1,800 square feet were allowed on California Avenue.

Vice Mayor Burt intended to maintain that regulation.

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Mr. Lait reiterated that 1,800 square feet was the rule for gyms on California Avenue and Town and Country Village, but 5,000 square feet was the rule elsewhere.

Mayor DuBois understood Parts B, C, and F were intended to continue the CUP requirements on University Avenue, California Avenue, and the shopping centers, Midtown Shopping Center specifically, and to allow the expansion in areas off main streets.

Vice Mayor Burt indicated other changes in the temporary Ordinance applied to those areas. That was the reason for carving these out specifically.

Mr. Lait asked if a CUP was still required in the areas mentioned in Part F.

Vice Mayor Burt answered yes.

Mr. Lait noted medical was a permitted use in Downtown. A medical office use was not allowed to replace an existing retail or retail-like use on University Boulevard. Therefore, a CUP was going to be needed for medical in California Avenue and Midtown where medical was already an authorized use. Where medical office was allowed by right, it was not going to change.

Council Member Cormack inquired about the remaining provisions of the temporary Ordinance once the Motion was applied.

Mr. Lait reported definition changes remained. Medical was allowed by right in some parts of the City.

Council Member Cormack noted that Council Members expressed a wish to change some definitions.

Mayor DuBois clarified that everything except main streets was left.

Mr. Lait advised that a lot of valuable aspects of the temporary Ordinance remained to move forward. The Motion proposed policy changes.

Council Member Cormack asked if Staff rather than the Planning and Transportation Commission (PTC) needed to conduct the evaluation in Part F.

Mr. Lait related that Staff was going to address the evaluation with the other items referred to the PTC.

Council Member Cormack did not support the Motion.

Council Member Kou felt the Motion was a wise strategy for economic recovery.

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Council Member Stone remarked that short-term fixes were often a detriment to long-term planning. When the economy returned, the Council was not going to support core shopping areas filled with medical offices and gyms.

Vice Mayor Burt advised that the Motion liberalized allowed uses in extensive areas of the City. The Motion prevented drastic changes to the City's main streets.

Council Member Tanaka asked if the Motion or the proposed Ordinance was most likely to help fill vacant commercial spaces.

Mr. Lait understood the intent was to balance changes with the vision for commercial areas. The temporary Ordinance's changes were discrete because Staff did not have time to conduct an extensive analysis. The Motion was likely to work on the margins by addressing retail food service uses and medical uses.

Council Member Tanaka wanted to be more aggressive and to move faster in order to help and attract businesses. He inquired whether Staff planned to monitor vacancy rates.

Mr. Lait answered yes, but the data was probably going to be incomplete.

**MOTION PASSED:** 5-2 Cormack, Tanaka no

Council took a break at 7:12 P.M. and returned at 7:18 P.M.

7. PUBLIC HEARING/QUASI JUDICIAL: 1310 Bryant Street (Castilleja): Consideration of Certification of an Environmental Impact Report (EIR) and Applications for a Conditional Use Permit (CUP) Amendment to Increase the Student Enrollment up to 540 Students; a Variance to Replace Campus Gross Floor Area; and Architectural Review of Campus Redevelopment. On March 8, 2021, the Council Will Receive Presentations and Public Testimony; the Item Will be Continued to March 15, 2021 for Council Deliberation and Action - No Public Testimony Will be Heard on March 15, 2021. Zone District: R-1 (10,000). Environmental Review: Final Environmental Impact Report (EIR) Published July 30, 2020; Draft EIR Published July 15, 2019.

Vice Mayor Burt disclosed meetings with a group of Castilleja School parents and alumni, Castilleja's head of school, Castilleja's chief operating officer, and a number of neighborhood representatives. He was not aware of receiving information that was not part of the public record.

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Council Member Cormack disclosed a meeting with two members of Castilleja's leadership staff in 2018, a meeting with the Preserve Neighborhood Quality of Life (PNQL) group in August 2018, an individual meeting with a neighbor in October 2020, a Zoom meeting with a group of Castilleja supporters on October 20, 2020, a meeting with a member of Castilleja's Board of Trustees on October 27, 2020, and a Zoom meeting with PNQL on January 15, 2021. She was not aware of receiving any information that was not part of the public record.

Mayor DuBois disclosed meetings with Castilleja supporters and parents and concerned neighbors several years ago. He believed information submitted to the Council via email was part of the public record.

Council Member Filseth disclosed a meeting with neighbors opposed to Castilleja's expansion in 2018 but no meetings since then. He was not aware of any information that was not part of the public record.

Council Member Kou disclosed meetings with Castilleja supporters, parents of former, current, and future students, Castilleja trustees, Castilleja's headmistress and chief operating officer, a number of neighbors, and PNQL. She was not aware of any information that was not part of the public record.

Council Member Stone disclosed meetings with representatives of Castilleja in 2016 and January 2021 and project proponents and opponents. He was not aware of any information that was not part of the public record.

Council Member Tanaka disclosed multiple meetings during his office hours, telephone conversations, and a meeting with a PNQL member. He was not aware of any information that was not part of the public record.

Jonathan Lait, Planning and Development Services Director, reported Staff attempted to understand the Applicant's project objectives and community members' concerns throughout the application process. The subterranean parking facility was not clearly addressed in local regulations and, as proposed, required Zoning Code interpretations. The Planning and Transportation Commission (PTC) was divided on this issue. Staff sought Council's guidance regarding the parking facility. The at-places memorandum provided the Council with new information, which did not significantly impact the project but was substantively important and required some redesign and adjustments to application findings.

Amy French, Chief Planning Official, advised that the Applicant, Castilleja School Foundation, sought approval to redevelop the campus and expand enrollment to 540 students. Castilleja last received a use permit in 2006. The historic building on campus was attached to the 1960 Rhoades Hall. The

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Applicant proposed a significant separation between the historic building and the new classroom building. The project included retaining and improving historic buildings and the gym; demolishing five older buildings; building a new academic building; building a new 78-space subterranean parking facility; relocating the pool from at-grade to below-grade; updating circulation; removing 18 trees including three protected trees; planting 99 new native trees; and installing new landscaping and fences. The Architectural Review Board (ARB) held three public hearings on the project. The Historic Resources Board (HRB) reviewed the project for compliance with Secretary of the Interior Standards. The PTC held five public hearings. The proposed parking facility was intended to direct more circulation activity onsite for student drop off and pick up, to reduce parking in the neighborhood, to reduce noise, and to enable onsite parking for events. The proposed garage's entry was a two-lane, one-way ramp from the Bryant Street lot and exit was a one-lane ramp to Emerson. The garage wall was adjusted to preserve a stand of redwood trees. Single-family residential (R-1) zoning prohibited below-grade parking for residential uses. A subterranean parking facility was akin to a basement; however, a basement was defined as being located under a building. The Zoning Code exempted non-habitable area from the calculation of floor area ratio (FAR). Below-grade floor area did not count toward gross floor area in the R-1 zone and did not contribute to FAR. The FAR standard was intended to help manage building mass and bulk. Community concerns included Zoning Code interpretations, enrollment, enforcement of the Transportation Demand Management (TDM) program, number and frequency of events, and impacts to existing trees and tree canopy. The existing Conditional Use Permit (CUP) allowed a maximum enrollment of 415 students. Currently, 426 students were enrolled. The Applicant proposed increasing enrollment to 490 after completion of the garage and 540 after completion of all construction with a maximum annual increase of 25 students. A majority of PTC Commissioners accepted an enrollment of 540 students but proposed to limit vehicle trips through an aggressive TDM plan. Dissenting PTC Commissioners proposed a maximum enrollment of 450 students in an effort to restore community trust. The TDM plan proposed no net new AM peak trips and no net new average daily trips (ADT). The City had the authority to suspend or reduce student enrollment and impose financial penalties for violating the CUP. Castilleja's special events supported its academic mission and the campus experience. The Applicant proposed 90 events during an academic year with an event defined as one with more than 50 attendees. The PTC supported a maximum of 74 events and limited attendees at major events to 500. The Applicant proposed 14 tree removals, 28 tree relocations, and 90 new trees. Four trees were already removed, and nine replacement trees were to be planted onsite. Staff proposed conditions of approval to protect three trees near construction activity.

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Katherine Waugh, Dudek, indicated the PTC and HRB reviewed the Draft Environmental Impact Report (DEIR). The Final Environmental Impact Report (FEIR) contained public comments and master responses. The DEIR listed significant impacts, mitigation measures that reduced those impacts to less than significant, and three significant and unavoidable impacts related to traffic. The Applicant proposed a project alternative that reduced the size of the garage, provided three drop-off and pick-up locations, avoided all three significant and unavoidable impacts, and reduced the amount of tree removal. The proposed site plan and below-grade pool were going to reduce noise from outdoor events.

Public Hearing opened at 7:59 P.M.

Nancy Kauffman, Head of Castilleja School, Applicant, reported for more than 100 years Castilleja had been part of Palo Alto's educational fabric. The project was revised multiple times in response to community, ARB, HRB, and PTC input. Experts found that the campus was able to accommodate 540 students without increasing vehicle trips. Proposed conditions of approval prohibited Castilleja from increasing enrollment if vehicle trips increased. A 1965 document clarified Castilleja's vested campus square footage. Consequently, the Applicant was willing to reduce the proposed square footage by 5 percent and hoped the change was referred to only the ARB subcommittee for review.

Adam Woltag, WRNS Studio, Architect, noted that the site was connected to the Embarcadero Corridor and embedded in an established residential neighborhood. The homes around the campus inspired the project design. Except for the pool, the proposed academic building adhered to the footprint of the existing buildings. The landscape was designed to reflect and respect the palette of the neighborhood.

Ashni Sheth remarked regarding the accomplishments of Castilleja students.

Areli Hernandez appreciated the all-girl environment of Castilleja and the benefits of attending an all-girl school.

Sarahi Cordero appreciated the opportunities Castilleja offered and hoped to extend those opportunities to other girls.

Natya Chandrasekar wanted more girls to experience the diversity and camaraderie of Castilleja.

Alexis Stull shared her experiences in the Diversity Club at Castilleja. Allowing more students increased diversity and student representation.

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Leila Moncharsh, PNQL attorney, speaking for Wally Whittier (Gwen Whittier), Suzanne Keehn, Paula Powar, Valerie Milligan, and Chris Stone, indicated the project was too aggressive for the size of the site and the location in a residential neighborhood. The numbers for square footage were unreliable. The underground garage had to be included in the gross floor area. Denying the variance and reducing the size of the project solved many problems. The tree canopy shown in the renderings required decades to evolve.

Andie Reed, speaking for Terry Holzemer, Kathy Croce, Joe Rolfe, Elaine Meyer, Lucia Ugarte, and Neilson Buchanan, commented that the size and scope of the expansion were overly ambitious. The project was extremely dense for a residential neighborhood. Castilleja's enrollment exceeded the allowed enrollment for many years. The proposed garage was going to provide only 22 additional parking spaces. The square footage of the proposed garage needed to be added to the floor area because it was not a basement.

Jeff Levinsky, speaking for Patricia Wong, David Quigley, Chris Robell, Chuck Karish, Fred Balin, and Christian Pease, discussed the definition and regulations for basement. Castilleja's garage was not a basement and needed to be counted as floor area. If the Council granted an FAR of 0.41 to Castilleja, it had to do the same for all 8,000 R-1 parcels. The Council was not allowed to consider the personal circumstances of the property owner.

Mary Sylvester, speaking for Jo Ann Mandanich, Annette Ross, Paul Machado, Bill Schmarzo, and Winter Dellenbach, noted that the EIR contained grave oversights and faulty analyses. The project added 300 cars per day to traffic. Castilleja students and faculty needed to utilize shuttles, public transportation, and active transportation. The disbursed circulation plan was unsafe for bicyclists, motorists, and pedestrians. The underground garage was going to attract traffic.

Lisa Van Dusen, speaking for Kim Monsalve, Tiffany Silva, Danny Kwok, Stacy Molano, and Megan Parker, stated the project was a compromise of Castilleja's needs and the community's desires. The project benefited the community and the region by providing educated women for the workforce and leaders for the world.

Roger McCarthy, speaking for Charles Stevens, Ann DeHovitz, Amy Asin, Kley Gilbuena, and Elke Teichman, indicated that the project created no substantive impacts. No one noticed that Castilleja exceeded its enrollment limit until Castilleja announced it. The proposal complied with tree guidelines.

Mayor DuBois announced Agenda Item Number 8 was continued to the March 15, 2021 meeting.



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Trisha Suviri, speaking for Mark Sue, Dawn Um, Khoa Do, Donna Do, and Joanne Voet, commented that the underground garage and enrollment increases were not going to increase traffic. Construction was phased so that it affected half the neighborhood at a time. Five years was needed for Castilleja to reach maximum enrollment. The project created no impacts. One-quarter to one-third of students lived in Palo Alto.

Rob Levitsky, speaking for Laura Kwong, Angie Heile, Pius Fisher, David Pitt, and Aron Beller, related that the project plans did not accurately represent trees on the site. Construction of the parking garage was probably going to kill trees.

Dave Dockter, speaking for Jack Boffa, Andrew Berger, Bruce Kang, Elani Gitterman, and Daniel Virtheim, advised that Staff's new interpretation of the Tree Ordinance allowed the indiscriminate removal of any protected tree located within the buildable area of R-1 properties. Castilleja utilized the flawed interpretation to justify the removal of trees from its property. Staff utilized a provision applicable to vacant property. Castilleja's site was not vacant. The latest plans contained new protection measures, but the risk of mortality was high for individual at-risk trees. The standard condition of approval regarding the appraised value of at-risk trees was omitted from the Record of Land Use Action (RLUA).

Hank Sousa stated neighbors supported an enrollment limit of less than 450 students, removal of the parking garage, and implementation of shuttle service for students.

Eduardo Llach commented that Palo Alto High School grew 33 percent while Castilleja grew only 5 percent over the past 18 years. Since Castilleja announced its enrollment exceeded the cap, it complied with every detail of the enrollment deduction schedule and reduced vehicle trips.

Hamilton Hitchings asked the Council to limit Castilleja's enrollment at 450 students and to remove the garage.

Tom Shannon questioned the limits of growth provided by a CUP. The neighborhood's infrastructure did not grow over the past 60 years; yet, Castilleja's impact dramatically increased. He asked the Council to impose on-street parking restrictions and require implementation of shuttle service.

Stewart Raphael urged the Council to support Castilleja's application. An increase in enrollment was not going to increase the number of motorists. The TDM plan mitigated traffic impacts.

# SUMMARY MINUTES

Barbara Hazlett supported Castilleja's application. Castilleja was a respectful neighbor and planned to be audited for compliance with the CUP. She preferred an underground parking facility to a parking lot.

Becky Sanders believed the project was going to affect development across the City and requested the Council deny the application.

Alan Cooper suggested neighbors' requests take precedence over Castilleja's requests. He commended Staff for requiring no net new trips. A reward system benefited and encouraged real traffic reductions.

Roy Maydan supported Castilleja's application because the square footage was the same, Castilleja was a nonprofit school, the project created no impacts, and events were reduced.

Nancy Tuck noted the traffic issue arose after Castilleja announced it exceeded the enrollment cap. Enforcement of the TDM plan was comprehensive. The underground garage removed surface parking and allowed more landscaping.

Anu and Sudhanshu Priyadarshi supported the application, increased enrollment, and the underground garage.

Parag Patel advised that Castilleja was established prior to the area being zoned R-1. Mitigation measures included traffic management, tree replacement, and underground parking.

Priya believed Castilleja was a point of pride for Palo Alto, and the school and girls deserved the City's and the community's support.

Cindy Chen supported increasing enrollment as long as car trips did not increase. Noise from special events was not a concern.

Bill Burch supported Castilleja's proposed project. He recommended the Council consider whether the project benefited the community and reflected the community's values.

Sulev Suvvari noted Castilleja's events were not scheduled on Sunday and ended by 10:00 p.m. on other days. He urged the Council to support Castilleja's proposal.

Maya Blumenfeld supported Castilleja's expansion in order to provide opportunities for more girls and to improve facilities.

Jim Fitzgerald reiterated Castilleja's intention to replace existing building square footage only. The PTC supported the intention. ARB review of the alternate proposal was appropriate.

# SUMMARY MINUTES

Yair Blumenfeld felt the underground parking garage was going to benefit the neighborhood. Conditions of approval required Castilleja to enhance its TDM program. The FEIR and Comprehensive Plan favored below-grade parking over surface parking lots. The Zoning Code permitted below-grade parking for nonresidential uses.

Jason Stinson did not understand neighbors' complaints when they purchased their homes with knowledge of the school. Castilleja's events were essential to its functioning. He opposed the proposal to reduce events.

Greg Sands commented that Castilleja was the only non-sectarian, all-girls, 6-12 school in Northern California. Castilleja was a community resource for nonprofit agencies and local girls.

Sujata Kadambi supported the expansion project so that more girls attended Castilleja. The project was not going to affect the community.

Kyle Bordeau appreciated Castilleja revising the project to respond to comments.

Daniel Garber remarked that educational institutions underpinned property values and imparted the City's values to students. He supported the Staff recommendation and urged the Council to move the application forward.

Catherine Garber supported the application. Castilleja's existing structures did not enhance the neighborhood and needed updating.

Glowe Chang supported the project as a way to further the social, emotional, and academic growth of students.

Carla Befera clarified that neighbors were concerned about traffic and parking prior to Castilleja announcing it exceeded the enrollment cap. Castilleja ignored the complaints until it wanted to expand the campus. She suggested the Council allow modest growth while Castilleja proved it maintained no net new vehicle trips.

Chi Wong opposed the project because Castilleja violated its CUP and, yet, requested a significant increase and a significant variance.

Bill Ross recommended the Council remand the project to the PTC for an objective review of the FEIR. Commissioner Alcheck had a conflict of interest and bias but did not recuse himself from discussion of the FEIR.

Kimberly Wong related a history of neighbors' interaction with Castilleja and urged the Council not to certify the FEIR as it did not address neighbors' concerns.

# SUMMARY MINUTES

Cathy Williams supported the application because of the compromises Castilleja made and the lack of impacts on close neighbors.

Aram James felt Council Members spent more time conferring with Castilleja staff and alumni than with neighbors. Thus, the Council was not a fair jury. He suggested Castilleja sell the property to the City and purchase a larger property, and the City convert the campus to a Black educational cultural center with low-income housing for African-Americans and rename it in honor of Sojourner Truth and Frederick Douglas.

Bruce McLeod recommended the Council direct the Engineering Department to study all options for traffic access to the campus from Embarcadero Road prior to approval of a CUP. The PTC needed to review and approve a comprehensive construction plan that protected both students and neighbors. The proposed parking garage did not provide parking for Castilleja staff. The site was woefully undersized for the current student population, and increased density should not be allowed.

Teresa Kelleher stated Castilleja's alternative project surpassed the City's goal of reducing greenhouse gas emission 80 percent by 2030 and added other features for a sustainable future. The project proposed 50 percent more trees.

Peter Levin disagreed with opposing the project based on Castilleja students not being residents of Palo Alto. Castilleja was an important part of the diverse community. He supported the project.

Jeffery Hook felt the project was staggeringly complex and unnecessary. Intensifying development in Palo Alto at this time was not the way to support women's education. He opposed the project and preferred something simple.

Jim Poppy opposed the underground garage because it was going to release huge amounts of greenhouse gases and compromise a crucial piece of bicycle infrastructure. Castilleja admitted that the project generated at least 400 new car trips per day plus events.

Nelson Ng indicated that labeling the underground garage as a basement was giving businesses in single-family neighborhoods more rights than residents. This was one of many decisions about this project that led to dangerous precedents. He urged the Council to question any decision that did not benefit and preserve the quality of life of all residents.

Yanting Zhang advised that Project Alternative Number 4 was a positive plan to bring together the best of the school and neighbors. Castilleja planned to salvage material from existing structures. She welcomed the new building and improvements to the campus.

# SUMMARY MINUTES

Diane Rolfe opposed the project because it was poorly designed and highly controversial. Castilleja wished to increase enrollment to 90 students per acre, which was two to three times the density of any other public or private school on the Peninsula.

Lesley King appreciated the PTC's careful analysis of the project. Enrollment was irrelevant as long as there were no negative impacts. The proposed enrollment of 540 students was intended to build strong sports teams, musical ensembles, and theatre productions. She asked the Council to approve the project.

Lama Rimawi appreciated Castilleja's thoughtful tree plan, which substantially increased the number of trees on campus and complied with Palo Alto's Tree Technical Manual.

Matt Glickman supported the expansion of Castilleja's campus but not as proposed. Traffic impacts were too great. If the neighbors and Castilleja held good faith discussions, workable solutions were likely to emerge.

Neva Yarkin remarked that increased enrollment and the proposed parking garage were going to lead to more traffic congestion and adverse impacts to the Bryant bicycle boulevard.

Roy Wang supported Castilleja and its plan. The underground structure was a good solution to concerns about traffic, parking, and noise.

Patama Gur disagreed with comments that Castilleja increased traffic congestion. The underground facility was a gift to the neighborhood. The project was environmentally superior and created no unavoidable and significant impacts to the community.

Jack Morton opposed the project because it killed trees, violated R-1 zoning, and greatly increased density.

Deborah Goldeen concurred with Ms. Van Dusen's and Mr. McCarthy's comments. The proposed increase in enrollment was actually modest.

Richard Purkey commented that the proposed intensity of development was too great for the site. With no increase in enrollment, the underground garage was not necessary.

Joe Spaulding suggested the Council rezone the area to R-4 and approve the project.

Jochen Profit urged the Council to approve the proposed project without changes.

# SUMMARY MINUTES

Kerry Yarken wanted to know the current Council's position on the previous Council's and Planning Manager's statement regarding enrollment above 415 students. The property was too small to adequately support 540 students.

Rebecca Eisenberg related that Castilleja had no legal right to operate a school on property zoned R-1. Castilleja willfully violated the terms of its CUP.

Carolyn Schmarzo encouraged the Council to enforce R-1 zoning and recognize residents' investments in Palo Alto.

Lian Bi supported Castilleja's project and the underground parking facility. The FEIR noted that the underground facility promoted bicycle safety along the bike boulevard.

David Schrom recommended the Council deny the application, enforce existing enrollment limits and zoning, and invite the Applicant to submit a plan that complied with both.

Tony Hughes advised that education was a huge part of what made Palo Alto special. Many of the neighborhood impacts were created by Palo Alto High School rather than Castilleja.

Mindie Romanowski, Applicant, hoped the Council sorted fact from fiction. There was ample support to approve the legal findings required for the CUP and variance as analyzed by the EIR, HRB, ARB, and PTC. The Municipal Code did not prohibit the proposed parking facility, which was an accessory facility that supported a conditional use. Castilleja did compromise and redesign the project. Claims of incorrect tree diagrams were false. Members of the community supported the project and voiced that support.

Public Hearing closed at 12:00 A.M.

## **NO ACTION TAKEN**

~~8. PUBLIC HEARING: Finance Committee Recommends the City Council Approve the Park, Community, and Library Development Impact Fee Justification Study; Approve Adjustments to Park, Community Center, and Library Development Impact Fees; Adopt an Ordinance Updating Park Land In-lieu fees; and Direct Staff to Implement the Impact Fee Updates With the Fiscal Year 2022 Budget.~~

## Council Member Questions, Comments and Announcements

None.

Adjournment: The meeting was adjourned at 12:01 A.M.