



# CITY COUNCIL SUMMARY MINUTES

Special Meeting  
March 29, 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:

## Closed Session

1. CONFERENCE WITH LABOR NEGOTIATORS  
City Designated Representatives: City Manager and his designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Rumi Portillo, Molly Stump, Dean Batchelor, Geo Blackshire, Robert Jonsen, Nick Raisch, Kiely Nose)  
Employee Organizations: Utilities Management and Professional Association of Palo Alto (UMPAPA); Service Employees International Union (SEIU), Local 521; Service Employees International Union (SEIU), Local 521, Hourly Unit; Palo Alto Police Officers Association (PAPOA); Palo Alto Fire Chiefs' Association (FCA) and Employee Organization: International Association of Fire Fighters (IAFF), Local 1319; Palo Alto Police Manager's Association (PAPMA)  
Authority: Government Code Section 54957.6(a).

**MOTION:** Council Member Kou moved, seconded by Council Member Cormack to go into Closed Session.

**MOTION PASSED:** 7-0

Council went into Closed Session at 5:01 P.M.

Council returned from Closed Session at 6:40 P.M.

Mayor DuBois announced no reportable action.

## Consent Calendar

Goolrukh Vakil commented that when her small retail store was closed under the Shelter-in-Place Order in 2020, the utility bill remained the same, and she had to pay a base amount each month. Without assistance, the utility bill was

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going to force her to close. The Council needed to help small businesses by eliminating utility bills during the pandemic.

Aram James urged the Council to read Dave Price's article regarding civil rights and police scanners. The City Manager and the Police Department did not need to set City policy.

Rebecca Eisenberg, addressing Agenda Item Number 2, opposed the City hiring the recruiter because the firm placed only white males. The City needed to promote from within.

Rebecca Ward advised that San Francisco International Airport (SFO) was implementing a Ground-Based Augmentation System (GBAS) solely to benefit airlines. The City needed to obtain a seat on the SFO Roundtable in order to have a voice in airplane noise issues.

Mark Shull advised that SFO was proceeding with a GBAS implementation that was going to further concentrate and increase aircraft traffic over Palo Alto and East Palo Alto. He urged the Council to demand direct negotiations with SFO regarding the project.

Chuck Jagoda felt Palo Alto was getting a terrible reputation nationwide because of a long history of racism. The City needed to take action to curb Police racism and violence.

**MOTION:** Council Member Kou moved, seconded by Mayor DuBois to approve Agenda Item Number 2.

2. Approval of Council Appointed Officers (CAO) Committee Recommendation for an Executive Recruitment Process for City Clerk; Authorize Chair of CAO Committee to Execute a Contract With the Executive Recruitment Firm Peckham & McKinney as Specified in the Attached Proposal at an All-inclusive Cost of \$27,000; and Authorize the CAO Committee to Finalize the Job Announcement After Receiving Council Input.

**MOTION PASSED:** 7-0

## Action Items

3. CONTINUED PUBLIC HEARING/QUASI JUDICIAL: Castilleja School Project 1310 Bryant: Conditional Use Permit (CUP) Amendment to Increase the Student Enrollment cap to 540 Students With Phased Enrollment and Campus Redevelopment, a Variance to Replace Campus Gross Floor Area and Architectural Review Approval of the Campus

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Redevelopment. Zone District: R-1(10,000). Environmental Review: Final Environmental Impact Report (EIR) Published July 30, 2020; Draft EIR Published July 15, 2019 (Continued From March 15, 2021).

Jonathan Lait, Planning and Development Services Director, summarized the Council's previous two meetings on this project. Staff expected the Council to remand the project to the Architectural Review Board (ARB) and possibly the Planning and Transportation Commission (PTC). Staff sought broad guidance regarding the subterranean parking facility, inclusion of the facility in floor area ratio (FAR), protected trees, and enrollment. As the Council previously directed, Staff prepared text amendments to include, exclude, and include a portion of underground parking in gross floor area. The Applicant designed the project in excess of the existing gross floor area, acknowledged the error, and planned to reduce the second floor by 4,370 square feet of gross floor area. With this modification, Staff calculated the FAR at 0.4. Staff planned to ask the Applicant for specific information to validate the numbers. The Applicant proposed more floor area below grade than currently existed. There were 82 existing surface parking spaces, not including onsite tandem parking spaces, where the Code required 88 spaces for the existing teaching stations. The Applicant proposed 104 parking spaces, which was consistent with the Code requirement for the proposed teaching stations. The traffic study incorrectly referenced 74 parking spaces. A Code provision allowed a maximum 20-percent parking reduction based on the Applicant's Transportation Demand Management (TDM) Plan. Offsite parking consisting of 21 or 22 spaces was leased annually or biennially from First Presbyterian.

Council Member Kou asked if remanding the project to the ARB also approved the Environmental Impact Report (EIR).

Mr. Lait replied no. Staff did not recommend the Council approve the EIR. Staff wanted to hear the Council's concerns, if any, regarding the EIR.

Council Member Cormack acknowledged the community's strong feelings about the project and understood the gravity of the Council's decision. She inquired whether the project was all electric.

Amy French, Chief Planning Official, replied yes.

Council Member Cormack inquired whether the condition of approval prohibiting the gym ventilation system from operating overnight was a good idea during the pandemic.

Mr. Lait explained that the intent of the condition of approval was to reduce or eliminate noise at night. If the Council directed, Staff was willing to investigate the issue.

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Council Member Cormack asked if the City was allowed to require the Applicant to contribute to the Public Art Fund.

Mr. Lait noted that allowing the public access to artwork on the campus was potentially a problem for the Applicant.

Ms. French indicated the art was to be made available to the public for 40 hours per week. The Applicant hadnt decided whether to provide artwork or pay an in-lieu fee.

Albert Yang, Assistant City Attorney, advised that the Council was allowed to deviate from the Public Art Ordinance if it could not make the required findings without that condition.

Council Member Cormack suggested the construction conditions of approval needed two-way communications.

Vice Mayor Burt requested the requirements for a TDM program under the 2000 conditional use permit (CUP), which permitted 415 students. He inquired whether the baseline was based on fulfillment of the existing CUP requirements or based on the conditions existing in 2012.

Mr. Lait related that the 30-percent reduction referred to the AM peak trip generation. The 2000 CUP did not establish an AM peak threshold, but the Applicant reported the baseline at that time. He understood the 30 percent reduction was taken from the baseline of then-existing conditions to current existing conditions. He did not expect much of a reduction in AM peak because of school events.

Phillip Kamhi, Chief Transportation Official, believed the baseline was from 1999.

Vice Mayor Burt stated the baseline preceded any TDM requirement contained in the 2000 CUP.

Ms. French clarified that the 2000 CUP implemented a TDM program based on information from 1999.

Vice Mayor Burt asked if the TDM program was implemented between 2000 and 2012.

Mr. Kamhi did not know. Available data was dated 2012 and later.

Vice Mayor Burt inquired whether Staff received any documentation of a TDM program between 2000 and 2012 and its effects.

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Mr. Kamhi was not aware of documentation between those dates.

Council Member Stone requested the types of mitigation measures that were to be implemented if the Applicant failed to properly mitigate traffic impacts.

Mr. Kamhi indicated the most effective mitigation measure was additional shuttles.

Council Member Stone inquired whether the Applicant selected the TDM policies.

Mr. Kamhi answered yes.

Council Member Stone requested examples of TDM policies that were provided in conditions of approval and that successfully reduced traffic.

Mr. Kamhi reported Stanford Research Park had a successful TDM program. The Applicant's TDM program was likely to be one of the more robust programs monitored by the City.

Mr. Lait explained that Staff focused on the TDM program because they wanted it to be successful. Staff welcomed any feedback that refined the TDM program.

Council Member Stone inquired whether the City had the authority to reduce enrollment if the TDM program did not fulfill its goals.

Mr. Lait responded yes. Perhaps the Council wanted to be more aggressive about the Applicant's ability to maintain enrollment if the TDM program was not successful. When monitoring the TDM program, Staff utilized third-party installers and peer review.

Mayor DuBois asked if the total number of parking spaces stated in the June 20, 2020 traffic report was incorrect.

Mr. Lait noted that the original design provided much more parking, but it was scaled back.

Mayor DuBois related that the Applicant is short 57 parking spaces and asked if the EIR alternative design that included a second surface parking lot provided the 57 spaces.

Ms. French reported the alternative design with all surface parking included removal of the two houses.

Mayor DuBois believed there was a feasible design option without the garage.

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Council Member Kou inquired whether the 32 teaching stations were located in the new building.

Mr. Lait clarified that they were located above and below grade.

Katherine Waugh, Dudek, reported the alternative that replaced the garage with a surface lot also replaced two structures on Emerson Street with a surface lot. The second lot provided 43 parking spaces and 100 feet of drop-off/pick-up queuing space.

Council Member Kou inquired about the effects on the trees.

Ms. Waugh related that it required a fair amount of tree removal. The redwoods between the two houses and the edge of the garage may be saved with a surface parking lot, but it required a greater level of design effort to verify that.

Council Member Kou requested the rationale for not analyzing mechanical lifts as they required little space and maximized usage.

Ms. Waugh explained that a range of reasonable alternatives were analyzed. Mechanical lifts needed deeper excavation to function in the garage. Deeper excavation raised concern about encroaching on the water table.

Council Member Filseth remarked that a TDM program needed to be results-based, not effort-based. The big risk was not enforcing the TDM.

Mr. Kamhi advised that counters were installed at driveway entrances to count vehicles in and out. He was unsure whether there were defined intervals for neighborhood traffic monitoring.

Mr. Lait indicated analysis of data occurred three times per year. Realtime data was available, but raw data did not provide the AM peak.

Council Member Filseth asked who conducted the analysis.

Mr. Lait advised that staff did the analysis. A firm assisted with the analysis, and the Applicant paid for the assistance.

Mr. Kamhi stated Condition 23 contained information about the timing.

Mr. Lait indicated Condition 23 set forth the schedule of three times per year. The PTC recommended twice a year.

Mr. Kamhi added that Condition 22(g) addressed installation of vehicle counter devices.

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Council Member Filseth wanted to believe that Staff had a closed loop. Without a closed loop, an effort-based TDM program was not enough. He did not want to impose difficult tasks on Staff.

Council Member Tanaka suggested Staff utilize the permanent counter devices and set up metrics over a certain period of time. It was up to Castilleja to hit the metrics.

Mr. Kamhi indicated that was possible.

Council Member Tanaka suggested Staff provide the raw data to the community to analyze.

Mr. Lait reported AM peak trips and average daily trips (ADT) were measured. As little as two weeks of data was needed to determine ADT.

Council Member Tanaka asked if the counts applied to school traffic only or all traffic on the roadways.

Mr. Lait related that the counters were placed on private property at the driveway entrances.

Mr. Kamhi added that Staff anticipated conducting neighborhood counts.

Mark Spencer, Dudek Traffic Engineer, reported monitoring three times per year was fairly standard for school TDM monitoring. Continuous monitoring without vetting the data and accounting for anomalies created a burdensome situation. People gamed the system to skew the data. The dates of counts were not announced in an effort to obtain a true random sample that was statistically valid. Data had to be fair and statistically relevant.

Vice Mayor Burt recognized three categories of impacts from trip generation: trips to the City, trips to the neighborhood, and the proportion of trips that generated parking.

Kathy Layendecker, Castilleja School, advised that approximately 10 percent of employees lived in Palo Alto, but the number was declining.

Mayor DuBois requested potential enforcement mechanisms for violations of conditions of approval.

Mr. Lait advised that the Applicant provided a \$15,000 deposit. When the deposit reached \$5,000, Staff contacted the Applicant to replenish it. That process pertained to proactive, annual monitoring of the conditions of approval and reviewing TDM reports three times per year. If a violation occurred, the Applicant was given a specific time to correct the situation. If

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the Applicant failed to correct the situation after a second notice, the City issued a citation and imposed penalties and fees.

Mayor DuBois suggested the Council was struggling with strengthening conditions of approval so that the City was able to enforce them.

Mr. Lait reported it was possible to structure the conditions such that a violation impacted enrollment or imposed daily fines.

Council Member Cormack wanted more information regarding the shuttle service because a number of facts changed multiple times. She inquired whether the interior of the project contained artificial turf.

Ms. French clarified that artificial turf was located around the circle.

Nanci Kauffman, Castilleja School, reported the artificial turf was included in the project in 2010. She agreed to change it at the Council's direction.

Council Member Cormack stated the Council needed to separate the number of students on campus from the impacts to the immediate neighborhood and the City.

Council Member Stone inquired whether Condition 29(c) applied to filing an appeal or obtaining a final ruling.

Mr. Lait replied a final ruling.

Council Member Stone requested a timeframe to obtain a final ruling.

Mr. Lait anticipated two months passing before the Council heard an appeal.

Council Member Stone expressed concern that the City was not able to suspend or reduce enrollment until the following school year if a violation occurred in October. Castilleja was not a standard school because it was located in a single-family residential neighborhood. The community and neighbors needed to know that the Council was trying to strengthen safeguards for the neighborhood.

Council took a break at 8:27 P.M. and returned at 8:40 P.M.

Council Member Kou requested the history of Castilleja's enrollment exceeding the permitted amount.

Mr. Lait reported peak enrollment was 448 students in 2013. Current enrollment was 426 students.



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Council Member Kou noted Castilleja reduced its enrollment by 22 students over eight years and remained over the permitted enrollment of 415 students.

Ed Shikada, City Manager, recalled that the previous City Manager directed Castilleja to reduce its enrollment by four to six students per year.

Council Member Kou remarked that ensuring Castilleja reduced its enrollment as a consequence of some type of violation was going to be difficult. She inquired whether the EIR utilized an expired geotechnical report as the basis for its findings.

Ms. Waugh explained that technical reports were given an expiration date, but the data did not expire. The data utilized in the environmental review remained relatively constant.

Council Member Kou asked if that was an accepted practice.

Ms. Waugh answered yes.

Council Member Kou inquired whether a new geotechnical report was needed before construction began.

Ms. Waugh clarified that a full report was not necessary. The signing engineers reviewed the property and report and provided recommendations for updates or revisions.

Council Member Kou asked if vehicles were going to queue between Embarcadero and Castilleja in the no-garage alternative.

Ms. Waugh related that queuing or the potential for queuing was not analyzed in detail. Based on the original analysis, there was not going to be queuing for getting into the garage. Queues were going to be managed by coordinating the percentages assigned to each of the three drop-off locations.

Vice Mayor Burt believed the final alternative with up to 50 percent of mandated parking underground was probably the right balance. It significantly reduced ingress on Bryant and egress on Emerson and potentially preserved all the protected trees. The block-long building needed to be referred to the ARB for redesign. Satellite parking was a good thing and needed to be part of the conditions. Increasing the percentage of Palo Alto and East Palo Alto students had the potential to reduce local trips and increase diversity. Prohibiting students from driving to school, allowing only juniors and seniors to drive to school, or allowing only seniors to drive to school were appropriate conditions for the project.

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Mayor DuBois expressed concerns about the number of school events, trees, the TDM, overall enforcement, and clear penalties. He proposed limiting school events to five major events, 50 other events outside of school hours, and no events on Sundays; obtaining an appraisal of the trees and requiring a bond for more than five years; and increasing the existing FAR but maintaining the existing floor area. He did not believe the Council was willing to approve the project. He wanted to preserve the protected trees and create an enforceable TDM program. He preferred to deny the garage outright. With a strict TDM, requiring a minimum of 83 parking spaces was possible. Increasing enrollment by 25 students per year was acceptable with a caveat that the Council had to approve the next year's enrollment. Twice-a-year meetings with the neighborhood needed to continue. Enforcement provisions needed to be stronger and simpler. The Council had not discussed a Residential Preferential Parking Permit (RPP) Program.

Council Member Filseth agreed with Council Member Cormack that the Council's role was managing impacts. The combination of enrollment and the monitoring and enforcement of traffic in the neighborhood needed to be results-based. He favored a higher bond for a longer period of time with respect to the trees.

Council Member Cormack found many advantages of an underground garage. The Applicant made an extraordinary effort to protect as many trees as possible. She expressed concern about noise from school events.

Council Member Kou noted the existing floor area exceeded the allowed floor area for the lot. She opposed the underground garage because it was not environmentally friendly, was located in an R-1 district, and impacted vehicular and bicycle traffic. Protecting trees was a high priority. Provisions for events and student commutes needed to be stricter. A discussion of installing sound sensors near residences was worthwhile.

Council Member Tanaka preferred to focus on long-term impacts. The Council was trying to ensure that the project did not impact surrounding neighborhoods. The Council had the discretion to set tangible targets for traffic, noise, and parking at and around the school. The underground parking facility was a better design and less impactful than a surface parking lot. Technology was going to ensure that impacts were minimal. The Council intended to set strict and immediate penalties if the Applicant failed to meet its targets.

Council Member Stone concurred with comments regarding the TDM program and enrollment. The Council needed to strengthen reporting requirements and penalties to ensure the Applicant complied with conditions of approval.

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The Council needed to look at an above-ground parking facility or a mitigated one. Seventy-four events were probably too high, but the Council did not have a baseline to work with.

**MOTION:** Council Member Stone moved, seconded by Vice Mayor Burt to:

- A. Allow an enrollment of up to 450 students; direct Staff and the Planning and Transportation Commission (PTC) to review allowing Castilleja to apply for an increased enrollment up to 540 students in phases, contingent on their verified success in “no net new trips” resulting from the preceding enrollment limit based on the Traffic Demand Management (TDM) Plan Mitigation Measure 7a, and any additional TDM measures the City or Castilleja may find necessary to achieve the “no net new trips” condition of approval;
  - i. Strengthen existing TDM protections, reporting requirements, and penalties for failure to meet conditions of approval. Penalties should include fees, suspension and reduction of enrollment and streamlining of corrective actions to violations;
  - ii. To review increases in the number of Palo Alto and East Palo Alto students as a percentage of the student population and to further restrict student driving and parking on campus, including consideration of prohibiting driving by juniors; and
  - iii. Evaluate a form of a TDM Oversight Committee;
- B. Direct Staff and the PTC to review both a non-underground parking facility option and an underground parking facility alternative that allows a maximum of 50 percent of the required on-site parking to be below grade without counting against the project floor-area. No more than 50 percent of the required on-site parking may be located below grade;
  - i. Authorize a Residential Permit Parking Program (RPP) for the surrounding neighborhood that prohibits RPP permits from being sold to Castilleja staff or students within the RPP district. The school-side of the streets surrounding Castilleja (Emerson Street, Kellogg Avenue, Bryant Street) shall be exempt from the RPP so Castilleja can continue to park on those streets. Castilleja shall cover the expense of implementing the neighborhood RPP; and
  - ii. Castilleja’s parking restrictions will be fully enforced. Any overflow parking must be located off-site and not located on residential streets. Shuttle services satellite lots shall be used to accommodate this parking need;

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- C. Direct Staff and Palo Alto's Arborist to work with Castilleja to preserve and protect all trees on campus as can reasonably be accommodated;
- D. Evaluate phasing the construction of the new buildings to mitigate impacts associated with construction and eliminate the need for a temporary campus to be constructed on Spieker Field;
- E. Remand the revised building proposal (including the reduction of 4,000 sq. ft.) to the Architectural Review Board to reconsider the massing and the compatibility of the design within the residential neighborhood context; and
- F. Fifty percent of the public art expenses going to the Public Art Fund.

Vice Mayor Burt believed the Motion framed the issues and provided guidance. Having a modest-sized garage below grade was a net benefit to the neighborhood.

Mayor DuBois suggested the Council allow a reduction in parking based on a strict TDM.

Vice Mayor Burt preferred to remand a parking reduction to the PTC and Staff as an alternative rather than a stipulation. Adequate onsite parking was necessary regardless of an RPP.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER**, to add, "Consideration by Staff and the PTC to allow reduction of required parking based on TDM" (New Part A. iv.).

Mayor DuBois raised the issue of events. The report listed current events. Chasing enrollment was probably not going to be successful. He preferred implementing a misdemeanor and a fine.

Vice Mayor Burt explained that a misdemeanor and a fine were possibilities. A Motion of remand did not need to be explicit.

Mayor DuBois did not agree with requiring a private entity to provide a public benefit. He requested the Applicant comment regarding increasing enrollment of Palo Alto and East Palo Alto students.

Mindie Romanowsky, Castilleja School counsel, advised that the Motion was more a mandate than guidance to lower bodies. The Council was suggesting material changes to the proposed project. Some of the language greatly exceeded the language of the environmental analysis and impacts identified by the consultants. There was no nexus for some of the Motion's provisions. If the Council was mandating material changes that impacted the project

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beyond the scope of the environmental analysis, it needed to provide the Applicant with an opportunity to respond at a subsequent Council hearing. Otherwise, the Motion needed to state that the Council was providing guidance for the lower bodies' consideration.

Molly Stump, City Attorney, noted that the Motion contained new concepts for which the Council had not received advice from Staff. Some of the Motion's provisions clearly directed Staff to review, analyze, and return with options and to work with lower bodies. The RPP provision needed to be structured so that it was consistent with local law and the RPP Program. Staff wanted an opportunity to provide the Council with advice regarding enrollment and public art.

Mayor DuBois remarked that protecting all trees on campus was overly broad.

Council Member Stone clarified that his intent was to strengthen protections.

Mayor DuBois indicated the Applicant's plan to plant new trees was compelling. His concern was the protected trees.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER**, to add to Motion, Part C, "... to preserve protected trees on campus ... ."

Council took a break at 9:45 P.M. and returned at 10:10 P.M.

Mr. Yang reviewed Staff's proposed revisions to the Motion. If the Council was open to enrollment over 450 students, Staff requested some flexibility in crafting an incremental approach to increasing enrollment because including a limit of 450 students in the CUP created other issues. He suggested deleting the sentence "allow an enrollment of up to 450 students."

Vice Mayor Burt understood the intent was not to allow enrollment to exceed 450 unless and until verification of TDM goals was accomplished.

Mr. Lait clarified Staff's proposal as developing a ministerial process for verifying the fulfillment of TDM goals and increasing enrollment up to 540 students. He questioned the effect of limiting enrollment to 450 students on the project.

Vice Mayor Burt indicated the intent was to allow an enrollment of 450 students and, based on proof of fulfilling trip reduction requirements, increase enrollment.

Council Member Stone did not support a ministerial process due to concerns about verification of TDM successes.

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Ms. Stump offered language of "allow an enrollment increase that begins at 450 students and direct Staff and the PTC to explore mechanisms to further increase the enrollment with verifiable mitigations in phases."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to rewrite Motion, Part A, as "Allow an enrollment increase starting at 450 students; direct Staff and the Planning and Transportation Commission (PTC) to identify a procedure to allow Castilleja to further increase enrollment up to 540 students in phases, contingent on their verified compliance with objective standards demonstrating "no net new trips" resulting from the preceding enrollment limit, based on the Traffic Demand Management (TDM) Plan Mitigation Measure 7a, and any additional TDM measures the City or Castilleja may find necessary to achieve the "no net new trips" condition of approval."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to rewrite Motion Part A. ii., as, "To review increases in the number of students as a percentage of the student population within bicycle distance and to further restrict student driving and parking on campus, including consideration of prohibiting driving by juniors."

Mr. Yang requested clarification of Council direction regarding parking and the garage.

Mr. Lait explained that the garage was a core component of the project. Eliminating the garage triggered a major project redesign. He encouraged the Council to reach consensus regarding a direction for the garage. The Council needed to address the number of parking spaces.

Mayor DuBois proposed splitting the Motion to determine the direction for the garage.

Mr. Lait assumed the Applicant intended to reduce the size of the underground garage, if the Council required 50 percent of its floor area to count toward overall floor area. However, that created a deficit in the number of onsite parking spaces. A condition of approval counting 50 percent of the garage's floor area needed a corresponding condition of approval requiring at least 20 percent offsite parking to account for those spaces.

Council Member Stone did not believe the Council reached consensus regarding the parking facility. A smaller parking facility was not studied, and the community did not comment on it. It was worth exploration because it may address concerns raised by the Council and community.

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Vice Mayor Burt requested more details of the consequences of eliminating the underground garage.

Mr. Lait indicated onsite parking was required. One alternative was to replace the two homes with parking, but that was not favored because of community concerns and impacts. Another alternative was to reduce the size or eliminate the playing field to provide parking. The playing field was already not regulation size for the sports Castilleja offered.

Council Member Stone understood Mr. Lait previously reported that the Director had discretion to allow a parking structure to replace the playing field, but in the community's interest the Director was more likely to refer the issue to the Council. Now, Mr. Lait seemed to report that replacing the playing field with parking was allowed by right.

Mr. Lait noted a parking structure was different from surface parking. In this instance, replacing the playing field with parking was not allowed by right. Typically, the Director had the ability to approve these things, but he as Director was not going to approve surface parking at Castilleja without presenting it to the Council. If underground parking was eliminated, parking had to be provided somewhere on the surface. The locations available for surface parking was either the two homes plus a portion of the playing field or the playing field.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to rewrite Motion Part B. i., as, "Explore a Residential Parking Program (RPP) or alternative parking strategies for the surrounding neighborhood that prohibits RPP permits from being sold to Castilleja staff or students within the RPP district. The school-side of the streets surrounding Castilleja (Emerson Street, Kellogg Avenue, Bryant Street) shall be exempt from the RPP so Castilleja can continue to park on those streets. Explore requiring Castilleja to cover the expense of implementing the neighborhood RPP."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to Motion Part B. ii., to, "... Explore having overflow parking located offsite and not located on residential streets; explore shuttle services to satellite lots to accommodate this parking need."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to Motion Part D, "... evaluate elimination of the need for a temporary campus ... ."

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**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to Motion Part F, "Evaluate requiring 50 percent of the public art expenses ... ."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to change Motion Part E, from 4000 sq. ft. to 4370 sq. ft.

Council Member Filseth appreciated the revisions to the Motion. He supported Council Member Tanaka's suggestion to provide raw traffic data to the community. The City negotiating public benefits was not the right frame of reference for this. If both an underground parking garage and surface parking both negatively affected the public health, safety, welfare, and convenience, neither one was feasible according to the variance findings.

Council Member Cormack asked if the existing conditions allowed the Applicant to add students only if no net new trips were attained.

Mr. Yang replied yes. Part A of the Motion directed Staff to look at strengthening the standards and requiring the Applicant to meet those standards between each enrollment increase.

Council Member Cormack asked if the focus shifted from the existing process to the standards.

Mr. Yang responded yes.

Council Member Cormack was interested in reviewing any proposed penalties. She did not support the first half of Part A. ii. A slightly smaller underground parking facility was a potential solution to some impacts. Eliminating the underground garage created too many other impacts. She inquired about the need to include Part B. i. because comments pertained to traffic problems but not parking problems.

Vice Mayor Burt explained that overflow parking was the genesis of many neighborhood concerns about over-enrollment. This was a way to assure that park-and-walk did not occur within a block or two of the campus.

Council Member Cormack asked if the neighborhood had the ability to initiate an RPP if there was a problem.

Vice Mayor Burt answered yes, but Part B. i. indicted the Council was receptive to it.

Council Member Cormack asked if the intent of Part C was to preserve all protected trees.



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Council Member Stone advised that the intent was to do everything possible to preserve protected trees on campus.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion Part C, "... to preserve as many protected trees ... ."

Council Member Cormack did not understand the concern about the massing as the ARB previously approved it.

Vice Mayor Burt understood that the ARB was not given the discretion to review that. The Applicant proposed one building that extended 1.25 blocks, and the look, feel, and massing of that building was not compatible with the neighborhood. The intent was to return the project to the ARB to consider the massing of the building.

Council Member Cormack recalled that the ARB was pleased with the massing on its second review and made the findings that it was compatible. Staff reported that decisions regarding public art expenses were within the Applicant's discretion.

Ms. Stump concurred.

Vice Mayor Burt related that Part F was going to occur if the Applicant agreed. In addition, the language was for Staff to evaluate a requirement.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to remove from the Motion Part F, "requiring."

Council Member Kou wanted the record to reflect any future expansions and the Applicant's statement that the buildout model accommodated 540 students.

Vice Mayor Burt stated including a maximum buildout for the site was both interesting and appropriate.

Ms. Stump advised that a policy statement regarding maximum buildout was appropriate. She needed to research the issue but doubted the Council had the ability to bind a future applicant and Council.

Council Member Kou noted the site and district were single-family residential, which limited the FAR. The Council could utilize the FAR or determine the density for the site. Staff needed to explore the maximum buildout for a single-family residential site in a single-family residential zone and present it to the Council. This way, the community had an idea of what to expect in the future.

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Ms. Stump wanted to research the legal issues pertaining to such a condition.

Council Member Stone related that the spirit of Part B included the need for Staff to consider the FAR impacts and issues.

Vice Mayor Burt indicated that it added something beyond what was provided in the previous sections.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to, "Direct Staff to explore the legalities of having a maximum buildout" (New Part G).

Council Member Kou hoped Staff provided the Council, ARB, or PTC with the suggested or recommended student per acre density.

Vice Mayor Burt remarked that Parts A and G established those boundaries.

Council Member Kou was not satisfied with the reported square footage and preferred an independent third party provide the floor area measurements of the existing above- and below-grade buildings.

Mayor DuBois advised that that was part of the Motion the Council previously approved.

Mr. Lait reported Staff intended to have the numbers verified in the field.

Council Member Kou expressed concern regarding the geotechnical report and wanted Staff to update the existing report.

Vice Mayor Burt requested Staff's opinion regarding an updated geotechnical report.

Mr. Lait did not believe the Council needed to make a conclusion regarding the EIR.

Council Member Kou requested Staff provide CUPs for other private schools.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to, "Direct Staff and the PTC to evaluate 5 major events and between 50 and 70 special events with no Sunday events" (New Part H).

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to, "Direct Staff to provide information on Conditional Use Permits from other private schools in surrounding jurisdictions" (New Part I).

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Council Member Tanaka questioned whether the Council was providing concrete and specific directions or creating an infinite loop of review for this project. The more metrics and targets imposed on a project, the more difficult it was to enforce them. The Council wanted to minimize the impacts of traffic, parking, and noise. Parts A. ii. and F were not appropriate directions for the Council to make. Usually the Council supported underground parking, and a developer opposed it because of the expense. The Council needed to survey neighbors about underground parking. Part C appeared to be the same as the Tree Protection Ordinance. He was interested in the Applicant's reaction to the Motion.

Mayor DuBois noted this was the first opportunity for the Council to review the project even though he wished the Council had provided input to key points earlier. He supported an annual review of the Applicant attaining TDM goals. Perhaps formation a TDM Oversight Committee accomplished the review. The Council actually wanted Staff to consider an objective mechanism that reviewed issues. Specifying the mode of travel in Part A. ii. was logical, but it needed to state the student population walking, biking, taking shuttles, and carpooling. Part C needed to direct Staff and the arborist to preserve more protected trees than the Applicant proposed in the project.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to Motion Part C, "... to preserve as many protected trees, to reduce the loss of protected trees on campus as can reasonably be accommodated."

Ms. Romanowsky was pleased with the directions for further study and evaluation. She needed time to think through the Motion and reserved the right to comment on any changes that were material to the Applicant's project goals. Many of the issues contained in the Motion were fully vetted in the record. She requested clarification of whether Part H meant five major events and 50 to 70 special events. That was going to constrain the Applicant considerably.

Mayor DuBois requested the Maker and Seconder clarify Part B as to either surface parking or an underground parking facility providing 50 percent of required onsite parking so that the Council could vote on Part B separately.

Council Member Stone was not comfortable voting on one or the other without additional study and, consequently, was not willing to amend the Motion.

Mayor DuBois remarked that the Council needed to make a decision after three hearings on the issue.

Vice Mayor Burt requested Staff comment.

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Mr. Lait felt it was an important issue, and clarifying the issues was going to allow the project to proceed and to provide neighbors with realistic expectations. He proposed the Council's vote pertain to a subterranean garage rather than no garage.

Council Member Stone reiterated that the reduced garage was not vetted, and the community did not comment on it.

Vice Mayor Burt noted the public commented on the larger garage. The future hearing before the PTC was an opportunity for additional public comment.

Council Member Tanaka commented that requiring a smaller garage was a major issue that reset the whole project. Perhaps the Council needed to consider subterranean versus surface parking. If the Council favored subterranean parking, the next issue was the number of spaces.

Vice Mayor Burt clarified that the Motion did not reduce the size of the facility by 50 percent but modified the facility to accommodate 50 percent of required onsite parking.

Council Member Cormack asked if it was possible to eliminate Part B from the Motion and offer a new and separate Motion of whether underground parking was allowed.

Ms. Stump advised that tabling a Motion involved the entire Motion. A Council Member was allowed to offer a Substitute Motion that was narrower in scope than the Motion.

**SUBSTITUTE MOTION PART B:** Vice Mayor Burt moved, seconded by Council Member Cormack to "Direct Staff and the PTC to review an underground parking facility alternative that allows a maximum of 50 percent of the required on-site parking to be below grade without counting against the project floor-area. No more than 50 percent of the required on-site parking may be located below grade".

Vice Mayor Burt believed the Substitute Motion was a compromise that addressed the impacts of eliminating the underground garage or constructing too large of an underground garage.

Ms. Romanowsky requested clarification of the Motion regarding the parking facility.

Mayor DuBois read the Substitute Motion Part B.

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Ms. Romanowsky questioned the location of the remaining 50 percent of required parking. The Director and some Council Members mentioned a 20 percent reduction.

Vice Mayor Burt clarified that the Council accepted language about additional satellite parking for the remaining 50 percent if the Applicant did not locate them above-grade on the campus.

Ms. Romanowsky did not know whether the Code allowed the Applicant to fulfill its parking requirement offsite and beyond 500 feet of the campus. The Applicant preferred to preserve the playing field and green space.

Vice Mayor Burt suspected the alternative to a reduced underground facility plus offsite parking was no underground parking garage.

Ms. Romanowsky did not oppose satellite parking if the Code allowed it. Potentially eliminating the playing field was problematic.

Mr. Lait clarified that the Code required 104 onsite parking spaces. The Applicant proposed a subterranean garage with 78 spaces. The Substitute Motion reduced the number of underground spaces to about 52. There were two existing 13-space surface parking lots. Twenty-six spaces were unaccounted for. A parking reduction, resulting from the robust TDM program, reduced the number of required parking spaces by a maximum of 20 percent. Staff proposed a condition of approval that required satellite parking for 20 percent or more of required parking. A 20 percent reduction of 104 spaces was 21 spaces. He requested the Council allow some consideration, such as the parking garage providing perhaps 52 percent of required parking, to account for the missing five parking spaces.

Ms. Romanowsky stated, as Mr. Lait proposed, the Applicant needed to provide 57 parking spaces in the garage and the remainder onsite at grade. This was going to accomplish the goals of preserving trees, saving the homes, and retaining the playing field.

Council Member Tanaka questioned whether the Substitute Motion needed to mention the satellite parking. He asked if the Substitute Motion reduced the amount of required parking or required the Applicant to modify the project to comply with the requirements.

Mayor DuBois advised that the Substitute Motion pertained to Part B, parking, only.

Council Member Tanaka asked if the Substitute Motion reduced the amount of required parking.

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Mayor DuBois related that the Substitute Motion was an attempt to answer the garage question.

Mr. Lait reported required parking was approximately 83 onsite spaces and approximately 26 spaces offsite.

Council Member Tanaka noted the Substitute Motion did not refer to offsite parking.

Mr. Lait clarified that the Substitute Motion was an attempt to determine whether the Council was going to allow a subterranean garage.

Council Member Cormack recalled that the PTC was going to review the alternative garage and recommend a percentage for underground parking spaces. The Substitute Motion provided the PTC with a boundary and achieved the overall project goals.

**SUBSTITUTE MOTION PART B, PASSED:** 4-3 DuBois, Kou, Stone no

Council Member Stone remarked that the Council had the option to deny the project or modify or deny an underground parking facility when the item returned to the Council.

Mayor DuBois reiterated that the Council was attempting to give directions for Staff to study a project that the Council intended to approve.

Council Member Tanaka requested the Motion refer to 20 percent offsite parking.

Mayor DuBois referred Council Member Tanaka to Part A. iv.

Council Member Tanaka suggested the Mayor split Parts A. ii. and F from the Motion for voting.

Ms. Stump noted many of the provisions were related, but most of the provisions seemed to be severable.

Council Member Tanaka requested Part F be split from the Motion.

Mayor DuBois agreed to do so. He inquired whether the proposed text amendment continued to reference a 6-acre site with a historic building so that the amendment applied to the Castilleja property only.

Vice Mayor Burt believed stating it explicitly was acceptable.

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**MOTION AS AMENDED:** Council Member Stone moved, seconded by Vice Mayor Burt to:

- A. Allow an enrollment increase starting at 450 students; direct Staff and the Planning and Transportation Commission (PTC) to identify a procedure to allow Castilleja to further increase enrollment up to 540 students in phases, contingent on their verified compliance with objective standards demonstrating “no net new trips” resulting from the preceding enrollment limit, based on the Traffic Demand Management (TDM) Plan Mitigation Measure 7a, and any additional TDM measures the City or Castilleja may find necessary to achieve the “no net new trips” condition of approval;
  - i. Strengthen existing TDM protections, reporting requirements, and penalties for failure to meet conditions of approval. Penalties should include fees, suspension and reduction of enrollment and streamlining of corrective actions to violations;
  - ii. To review increases in the number of students as a percentage of the student population within bicycle distance and to further restrict student driving and parking on campus, including consideration of prohibiting driving by juniors;
  - iii. Evaluate a form of a TDM Oversight Committee; and
  - iv. Consideration by Staff and the PTC to allow reduction of required parking based on a TDM;
- B. Direct Staff and the PTC to review an underground parking facility alternative that allows a maximum of 50 percent of the required on-site parking to be below grade without counting against the project floor-area. No more than 50 percent of the required on-site parking may be located below grade;
  - i. Explore a Residential Parking Program (RPP) or alternative parking strategies for the surrounding neighborhood that prohibits RPP permits from being sold to Castilleja staff or students within the RPP district. The school-side of the streets surrounding Castilleja (Emerson Street, Kellogg Avenue, Bryant Street) shall be exempt from the RPP so Castilleja can continue to park on those streets. Explore requiring Castilleja to cover the expense of implementing the neighborhood RPP; and
  - ii. Castilleja’s parking restrictions will be fully enforced. Explore having overflow parking located off-site and not located on

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residential streets; explore shuttle services satellite lots to accommodate this parking need;

- C. Direct Staff and Palo Alto's Arborist to work with Castilleja to preserve as many protected trees to reduce the loss of protected trees, on campus as can reasonably be accommodated;
- D. Evaluate phasing the construction of the new buildings to mitigate impacts associated with construction and evaluate elimination of the need for a temporary campus to be constructed on Spieker Field;
- E. Remand the revised building proposal (including the reduction of 4,370 sq. ft.) to the Architectural Review Board to reconsider the massing and the compatibility of the design within the residential neighborhood context;
- F. Evaluate 50 percent of the public art expenses going to the Public Art Fund;
- G. Direct Staff to explore the legalities of having a maximum buildout;
- H. Direct Staff and the PTC to evaluate 5 major events, and between 50 and 70 special events with no Sunday events; and
- I. Direct Staff to provide information on Conditional Use Permits from other private schools in surrounding jurisdictions.

## **MOTION SPLIT FOR THE PURPOSE OF VOTING**

**MOTION AS AMENDED PARTS A-E, G-I PASSED:** 7-0

**MOTION AS AMENDED PART F PASSED:** 4-3 Cormack, Filseth, Tanaka no

Adjournment: The meeting was adjourned at 11:36 P.M.