



Planning & Transportation Commission Action Agenda: November 4, 2020

Virtual Meeting
6:00 PM

Call to Order / Roll Call

Approximately 6:05 pm

Chair Templeton: Great thank you. Alright, we'll start with our information about accessing the meeting so I'll read the information here.

Pursuant to the California Governor's Executive Order N-29-20, this meeting will be held by virtual teleconference only, with no physical location. Spoken comments via a computer will be accepted through the Zoom teleconferencing meeting. To address the Commission, go to Zoom.us/join, Meeting ID is 972 0162 4998. When you wish to speak on an agenda item click on raise hand. When called please limit your remarks to the time limit allotted.

Spoken public comments using a smartphone will also be accepted through the Zoom mobile application. To offer comments using a regular phone call, dial 1-669-900-6833 and enter Meeting ID 972 0162 4998. When you wish to speak on an agenda item hit *9 on your phone so that we know you wish to speak.

Thank you very much. Shall we take roll?

Ms. Vinhloc Nguyen, Admin Associate III: Yes, Commissioner Alcheck?

Commissioner Alcheck: Present.

Mr. Nguyen: Commissioner Hechtman?

Commissioner Hechtman: Present.

Mr. Nguyen: Commissioner Lauing?

Commissioner Lauing: Present.

Mr. Nguyen: I think you tried to say present there... excuse me... Commissioner Lauing but I think that your microphone might have cut off when you tried to say that.

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1 Commissioner Lauing: I hear it. Present.
2
3 Mr. Nguyen: Commissioner Riggs is absent. Vice-Chair Roohparvar?
4
5 Vice-Chair Roohparvar: Present.
6
7 Mr. Nguyen: Commissioner Summa?
8
9 Commissioner Summa: Present.
10
11 Mr. Nguyen: Chair Templeton?
12
13 Chair Templeton: Present.
14
15 Mr. Nguyen: Ok, we have a quorum, thank you.
16
17 Chair Templeton: Great so let's see.

18 **Oral Communications**

19 The public may speak to any item not on the agenda. Three (3) minutes per speaker.^{1,2}

20 Chair Templeton: I think we start off with our Oral Communications. So, for Oral
21 Communications these are for... we're going to start with items not on the Agenda. So, if you
22 have comments on the Castilleja project please hold it until we have reached that Agenda Item.
23 Mr. Nguyen, would you conduct the public comment?

24
25 Mr. Vinhloc Nguyen, Admin Associate III: Yes. May we get the speaker timer up, please? Oh,
26 there it is, thank you. It looks like we have five hands... four hands raised for Oral
27 Communication which like Chair Templeton stated is for items not on the Agenda. Our first
28 speaker will be Darsha.

29
30 Ms. Darsha Davidoff: I want to address Castilleja.

31
32 Mr. Nguyen: Ok, then please raise your hand again when we get to that item. Thank you.

33
34 Ms. Davidoff: Ok, thank you.

35
36 Mr. Nguyen: Our next speaker is Paul.

37
38 Mr. Paul Machado: I also am giving my time to a speaker for Castilleja.

39
40 Mr. Nguyen: Ok and which speaker is that?

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1
2 Mr. Machado: Mary Sylvester.
3
4 Mr. Nguyen: Got it, ok thank you. Our last hand raised here is Bill.
5
6 Mr. Bill Ross: I unmuted, can you hear me?
7
8 Mr. Nguyen: Yes, we can hear you. Thank you.
9
10 Mr. Ross: Hi, my name is Bill Ross, I'm a resident and taxpayer and I wish to comment on
11 something that was discussed at 4 hours and 23 minutes of your last meeting. At that time, you
12 were attempting to establish the date of this meeting and Commissioner Riggs indicated that it
13 had been scheduled for the 11th and the Chair said the 11th is a holiday. Commissioner Riggs
14 then responded laughing "yeah, in somebody's book, but whoever celebrates that, I don't
15 know. Whatever." I can assure Commissioner Riggs and the balance of the Commission that
16 Veteran's Day will be observed at least in one place in the City; 3102 Miranda Drive. There will
17 probably be between 800 and 1,000 people observing it at the VA Hospital; both for people
18 who are receiving treatment and for the professionals that are there that give them treatment.
19
20 I can also say that there will be multiple families throughout the City who observe Veteran's
21 Day. Usually, it's a multi-generational affair. Grandparents, parents, and young men and
22 women who are Veterans. I think that education is a lifelong process and I would that the
23 remarks by Commissioner Riggs will recognize the importance and the dignity associated with
24 Veteran's Day.
25
26 Certainly, there are several of the trustees at USFF who are not only Veterans but are from
27 Veterans families. I think the idea of laughing when saying I don't know who celebrates
28 Veteran's Day is disrespectful. I would hope that Commissioner Riggs rethinks that remark and I
29 hope that the balance of the Commission and Staff recognize that many people in the City
30 celebrate and honor Veterans on Veterans Day. Thank you.
31
32 Mr. Nguyen: Thank you Bill for your comments tonight. Our next speaker is Bruce.
33
34 Mr. Bruce McLeod: Sorry, did I make it up here? Thanks. Thank you, Commissioners, for
35 granting us the time tonight to speak to you. I'm Bruce McLeod, I live across the street from
36 Castilleja on the corner of Bryant and Kellogg. I've lived there for 20-years in a home that my
37 wife grew up in 58-years ago. We are lifelong residents of Palo Alto (interrupted)
38
39 Chair Templeton: Excuse me, sir.
40

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1 Mr. McLeod: I've worked in the area for many years.
2
3 Chair Templeton: Mr. McLeod? We're not speaking on Castilleja yet.
4
5 Mr. McLeod: Yes.
6
7 Chair Templeton: Could you please hold until we get to that Agenda Item?
8
9 Mr. McLeod: You're not getting me?
10
11 Chair Templeton: We're not speaking on Castilleja yet.
12
13 Mr. McLeod: Hang on. Oh, I'm sorry.
14
15 Chair Templeton: That's alright. Just [unintelligible – crosstalk] (interrupted)
16
17 Mr. McLeod: My fault, I joined late. I just (interrupted)
18
19 Chair Templeton: We'll come back to you after we're on that Agenda Item. Thank you so much.
20 Mr. Nguyen, are there additional comments?
21
22 Mr. Nguyen: Yeah, we definitely have more hands raised, and Bruce, I just want to add, if you
23 can please raise your hand later so that way we don't miss you once we get to the item. Next
24 speaker is Tony. Tony, if you're there, can you please unmute yourself?
25
26 Mr. Tony Hughes: Hi, I'm sorry, this is Tony Hughes. I think I, unfortunately, raised my hand
27 before the Castilleja event so I'll [unintelligible – bad audio].
28
29 Mr. Nguyen: No worries. I'm going to lower your hand now and please raise it again later when
30 we get to the item. Our next speaker is a phone caller with the last four digits 0603. Please
31 press *6 on your phone to unmute yourself.
32
33 Phone caller 0603: Hello, can you hear me?
34
35 Mr. Nguyen: Yes, we can hear you. Thank you.
36
37 Phone caller 0603: Yes, I just wanted to say just a few words to the Planning Commissioners
38 that campaigned so heavily and lost unfortunately at last night's City Council election. I know
39 it's not an easy decision to run for public office. Especially losing 4 or 5-months of weekends

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1 with their friends and family, but it is much appreciated by many of us who are residents and I
2 want to thank all of you.

3
4 I especially want to recognize Commissioner Lauing who for more than 10-years has served the
5 people of our City in several capacities and has devoted a precious commodity of his time to
6 really improve our City and help residents in so many different ways. We hope that he will
7 continue to be an important voice and service in our community. Please take this moment and
8 say thank you to Ed Lauing, Commissioner, thank you.

9
10 Mr. Nguyen: Thank you for your comments tonight. Our next speaker is a phone caller with the
11 last four digits 5... 3576. Can you please press *6 to unmute yourself?

12
13 Phone Caller 3576: Hi, I wanted to talk about Castilleja.

14
15 Mr. Nguyen: Ok. We're currently not on Castilleja yet so I'm going to lower your hand and if you
16 can please raise your hand again later when we get to the item. Thank you. Our next speaker is
17 Mary.

18
19 Ms. Mary Sylvester: I'm sorry, good evening Vinh and Commissioners. I'm here for the Castilleja
20 meeting. I'm sorry I raised my hand at the wrong time.

21
22 Mr. Nguyen: That's ok. We'll make sure to get back to you for that item later. Our next speaker
23 is Rob Levitsky.

24
25 Mr. Rob Levitsky: Hello. This is Rob Levitsky. I'm not speaking about Castilleja. I'm speaking
26 about the travesty of the process of setting these meetings. You guys decided and jammed it in
27 us taking it from the 18th back to the 4th, badgering Mr. Riggs so that you could have your
28 meeting on the 4th and he's not even here and it's just pathetic. Amy French knew that we had
29 another meeting tomorrow on the 5th with ARB. We couldn't even speak in when you guys
30 were passing back and forth; well, is the 18th good, or is the 4th good? And we couldn't say well
31 the only person who knew was Amy French who was in the room who could talk and she knew
32 that we had a meeting on the 5th, tomorrow morning at 8:30 following this meeting. And it just
33 seems unreasonable and unfair to the process and I just want to let that be known. Thank you.

34
35 Mr. Nguyen: Thank you for joining us tonight and that concludes public comments... I mean for
36 Oral Communication and I also just want to state for the record that Commissioner Riggs has
37 just joined the meeting.

38
39 Commissioner Riggs: I need to respond to the one warranted character attack as well.

40

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1 Chair Templeton: We don't directly address (interrupted)

2

3 Commissioner Riggs: Well, I (interrupted)

4

5 Chair Templeton: Members of the community from the dais.

6

7 Commissioner Riggs: I will... my contact... I would like to respond to the comment that was
8 made publicly who might... that was completely taken out of context. There is a significant
9 number of employers who do not observe Veterans Day. Clearly, the member of the public was
10 uninformed about my background and my service to the US Coast Guard. Sir, I completely think
11 you should do your homework and you should look at the context of the discussion which was
12 when can we schedule this meeting and it's reasonable and when it's suited people's schedules
13 the best.

14

15 Chair Templeton: Thank you, Commissioner Riggs.

16

17 **Agenda Changes, Additions and Deletions**

18 The Chair or Commission majority may modify the agenda order to improve meeting management.

19 Chair Templeton: We're moving onto Agenda Changes, Additions and Deletions. Alright, I don't
20 see any hands raised.

21 **City Official Reports**

22 1. Directors Report, Meeting Schedule and Assignments

23 Chair Templeton: Then I move onto City Official Reports.

24

25 Mr. Jonathan Lait, Director of Planning: Thank you, Chair Templeton. No reports this evening.

26

27 Chair Templeton: Right.

28 **Study Session**

29 Public Comment is Permitted. Five (5) minutes per speaker.1,3

30 **Action Items**

31 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.

32 All others: Five (5) minutes per speaker.1,3

33

34 2. PUBLIC HEARING/QUASI-JUDICIAL: Castilleja School Project, 1310 Bryant Street
35 [16PLN-00238]: Request by Castilleja School Foundation for Planning and
36 Transportation Commission Recommendation to City Council on Applications for a
37 Conditional Use Permit (CUP) Amendment to Increase the Student Enrollment cap to
38 540 Students With Phased Enrollment and Campus Redevelopment, and a Variance
39 to Replace Campus Gross Floor Area. The Project (but not the Project Alternative)

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1 Requires Recommendation on a Variance for Subterranean Encroachment Into the
2 Embarcadero Road Special Setback and a Tentative map With Exception to Merge
3 Three Parcels Where the Resulting Parcel Would Further Exceed the Maximum lot
4 Size in the R-1(10,000) Zone District. Zone District: R-1(10,000). Environmental
5 Review: Final Environmental Impact Report (EIR) Published July 29 and 30, 2020;
6 Draft EIR Published July 15, 2019. For More Information Contact Amy French, Chief
7 Planning Official, at amy.french@cityofpaloalto.org

8 Chair Templeton: So, now we are going to resume the hearing. A quasi-judicial public hearing
9 about the Castilleja School project. Are there any additional disclosures from the
10 Commissioners? I don't see any hands raised. Alright, we'll move on. So, we were in public
11 comment and we should resume public comment at this time. Mr. Nguyen?

12 Mr. Vinhloc Nguyen, Admin Associate III: Yes, let's give everyone maybe 10-seconds or however
13 long it takes to start raising their hands. It looks like so far, we have about 18 speakers and I do
14 just want to remind everyone that this public comment section is a continuation from last
15 week's public comments, so we will only be calling on new speakers.

16

17 Mr. Jonathan Lait, Director of Planning: So, just to be clear, so Jonathan Lait here, Director for
18 Planning and Development Services. As a continued item, the Commission did not get through
19 all of its public testimony when it met last week. So, if individuals spoke or gave their time to a
20 speaker, those... that opportunity... you used that opportunity last week to speak. There has
21 been no new information that has been transmitted and so we have a list of those who spoke
22 and we'll be calling on the individuals who did not speak last week. Thank you.

23

24 Chair Templeton: Great and I appreciate that. Do we want to review... so each individual will be
25 allowed 3-minutes (interrupted)

26

27 Mr. Lait: Yes.

28

29 Chair Templeton: And groups of five or more will be allowed 10-minutes and you can contact
30 the planning.commission@cityofpaloalto.org to request a group speaking time. And I believe
31 we had one item carried over from... one speaker carried over from last time that you may
32 want to start with Mr. Nguyen.

33

34 Mr. Nguyen: Correct. Our first speaker will be Mary and we also have a couple of groups as
35 well. I just want to remind everyone who will be donating their time to a spokesperson, that
36 you do not need to raise your hand. Only the spokesperson needs to raise their hand. Ok,
37 Madina can we please get the speaker timer? Ok, thank you, and thank you Madina for writing

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1 down the name of speakers as they're raising their hand. I know that can be a little bit
2 challenging so we certainly have more than seven people with their hands raised and I'm sure
3 that the names will get filled in as we move along here. Our first speaker will be Mary and
4 Mary, I do see that your group are all here so you will get 10-minutes.

5
6 Ms. Mary Sylvester: Good evening Chair Templeton and Commissioners, City Staff, and
7 particularly Mr. Nguyen. Thank you for your service to this Commission. I'm a 43-year resident
8 of Palo Alto and I live 1 ½ block from Castilleja School where I raised my two daughters. I've
9 always been very supportive of the school, as have most neighbors until Castilleja submitted its
10 expansion plan to the City in 2016 and refused to have any meaningful dialog with the
11 neighbors about the content of their plans. This was at a time when the school was over-
12 enrolled and there were continue obfuscations and justifications for what they were doing, but
13 the truth never emerged. There is little doubt that the school needs modernization. No one I
14 know is opposed to that as long as the school has a Code Compliant project that is uniformly
15 applied to all applicants in the community and considers the comprehensive needs of Palo Alto
16 and looks at it in a comprehensive manner. A project that serves the best interest of Palo Alto.

17
18 I now want to make some substantive and procedural comments about the project and the
19 review process. As I've said consistently to this Commission as well as Palo Alto Boards, given
20 the location, size, and scale of Castilleja's expansion project. Is this the highest and best use of
21 6.25-acres of prime real estate when only 25 percent of the students come from Palo Alto?
22 Does this project warrant the major erosion of our significant planning document and
23 protections afforded to members of this community to serve a very privileged minority? Do the
24 environmental costs increase traffic on our main arterials and on narrow neighborhood streets,
25 the construction of a highly polluting underground garage, and the destruction of mature and
26 protected trees justify this project? Does this serve the common good? Particularly in light of
27 yesterday's election, how do you think the public would vote on this?

28
29 Let's now walk through the project and look at it more carefully. Our relative planning
30 documents are being undermined by this project. The Comprehensive Plan, the Municipal
31 Code, the Zoning Code, the Bike Safety Plan, the Sustainability Plan 2016 – '17, and our Tree
32 Protection Ordinance. And keep in mind, under our Municipal Code Section 18.76.010,
33 Castilleja operates on a Conditional Use Permit [unintelligible], therefore it is operating in a
34 single-family neighborhood as a privilege, not a right. However, Castilleja is acting like it's
35 entitled to do what it wants with its property. Let's look at what the Comprehensive Municipal
36 Code calls for. Section 18 reads, no project on a Conditional Use Permit may do anything to be
37 injurious to property within the vicinity and will not detrimental to the public health, general
38 welfare, or otherwise to the citizenry. Has the City or school seriously asked adjacent property
39 owners about this question? I know they have tried to acquire their homes so criticism would
40 be silenced. The Comprehensive Plan calls for guiding neighborhoods and community. Does

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1 closing one part of the neighborhood off from another achieve that with high metal bars? Does
2 this maintain neighborhood character and beautiful streets at a human scale with high-quality
3 architecture? A thriving urban forest when seven to nine mature and protected trees are going
4 to be destroyed? Part of the legacy of our children and 3 to 5-years of major construction, will
5 that enhance the neighborhood or the City's environment? Will this build community with an
6 underground bunker for cars pumping out toxic gasses into the neighborhood? Is this going to
7 add something to this community's wellbeing? This sounds like commercialization of a once
8 wonderful family neighborhood to live in.

9
10 The Comp Plan also calls for reliance on... reduction in reliance on single-occupancy vehicle
11 trips. However, 75 percent of Castilleja's families come from out of town and now they're going
12 to have a garage if this plan goes through because the school refuses to work with the
13 neighbors on alternate plans such as mandatory shuttling or off-site parking. As Notre Dame
14 School for girls does in San Jose because the City refused to allow single-occupancy vehicles
15 coming to the school site.

16
17 Our Zoning Code does not allow underground garages in residential neighborhoods, but with a
18 creative interpretation of the law as you'll hear more about tonight. The school is asking for a
19 parking garage that has not been allowed in an R1 neighborhood. There are comments made
20 about Temple Kol Emeth on Foothill Express Way. It's not in the midst of a residential
21 neighborhood. It's a temple with limited use during the week. We as neighbors are looking at
22 1,477 car trips a day on narrow City streets and the garage only encourages that.

23
24 Castilleja wants to violate our Tree Protection Ordinance, essentially gutting it. Again, this is our
25 and our children's heritage. Planting new trees will take decades to grow. This is at a time when
26 we have quite a climate crisis and we are going to remove part of the tree canopy to afford the
27 school the ideal plan with an underground garage that they want and our Safe Bikes to School
28 Routes on Bryant, the entrance to the garage? Neighbors and public are told not to worry about
29 it. It will be fine.

30
31 Well, we know what the school's word has been like for 19-years of over-enrollment and there
32 has still not been a fair explanation of what truly went on, how much money was received by
33 the school, and how that money was used. We're looking at a project that exceeds the Floor
34 Area Ratio allowed by the Zoning Code by over 64,000 feet. We have a national leadership
35 crisis, a worldwide pandemic, in Palo Alto, we have women and children sleeping in cars and
36 countless individuals living where they can find space, a significant deficit and we are going to
37 afford a school that pays no public service fees, pays no tax to the community except for the
38 four homes in the neighborhood they have land banked for private use.

39

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1 I'm asking you and I'm asking the public, does this project really sound like it merits special
2 privileges? Privileges that no one else in this community would be afforded. The school is being
3 allowed to cherry-pick which code ordinances it wants to apply to the project and seemingly,
4 City Staff is allowing that. Do we call a basement a basement or is it now a parking structure
5 that can possibly house cars so the school doesn't have to count its square footage? What is the
6 cumulative impact on this neighborhood and the community? Perhaps, particularly in light of
7 the vote, we need to ask the citizens of this town, does this really serve the best interest of Palo
8 Alto? Thank you very much.

9

10 Mr. Nguyen: Thank you Mary for your comments. Our speaker will be Jeff and Jeff, I believe you
11 have a presentation for us so we'll get that up on the screen. And I do see that your group is
12 here Jeff so you will get 10-minutes.

13

14 Mr. Jeff Levinsky: Thank you very much. I'll get started. Good evening Commissioners and Staff.
15 First off, thank you for having voted to give us an extra week to examine the Staff Reports and
16 other documents. That was genuinely helpful. I'm going to cover just two aspects of what you'll
17 be looking at tonight. Mainly the FAR issues and the Variance. Next slide, please.

18

19 First one key part of the FAR is the underground parking. The Staff Report says it's a basement
20 but the parking structure doesn't actually comply with Municipal Code definition is a keyway.
21 Our code says that a basement is a portion of a building between the lowest floor and the
22 ceiling above. What does the word portion mean? Well, it means part of, but not all. If I offer
23 you a portion of a cake, you get to eat part of the cake, but not all of it. So, a basement can be
24 part of a building but it can't be the whole building. At Castilleja, the underground parking is the
25 whole building. That is, it cannot be a basement; or to say it even more simply, if Castilleja's
26 underground parking is a basement, what is it a basement of? Next slide, please.

27

28 The next reason Castilleja's underground parking isn't a basement is the Footprint Rule. Here's
29 the entire law from our Municipal Code and the first highlighted part clearly says a basement
30 cannot extend beyond the footprint. While there is no footprint in the Castilleja's underground
31 parking structure, so again it cannot be a basement. Staff has pointed to the other part of this
32 law that I have also highlighted. It gives an exception saying the basement for a main residence
33 is permitted to extend into the rear yard setback unallowed by other provisions of the code.
34 How that invalidates the other rules saying it must enter the footprint is beyond me, but Staff
35 said that that's how they decided if for Kol Emeth so let's go look at that. Next slide.

36

37 Right off the Kol Emeth underground garage was a portion of a larger building so it had... meets
38 at least the basement definition unlike at Castilleja. And another thing you may not realize
39 about the Kol Emeth case was that only one Staff Report discussed exempting the part that
40 wasn't under a footprint and that was in a preliminary review where the ARB doesn't even vote

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1 and that report didn't actually explain its reasoning. Let me show you exactly what it said. Next
2 slide. Here it is. It quoted the same rule that basements can extend beyond the base... beyond
3 the footprint and into setbacks and then just states, without explanation, that "the proposed
4 structure is not a residence so the underground parking facility may be allowed beyond the
5 building footprint." That's it. Not one word explaining how Staff came to that conclusion but if
6 you look at the highlighted words carefully. There's something even more surprising. We've
7 been told that Castilleja's underground parking is exempt from the Footprint Rule because it's
8 not a residential use, but the Kol Emeth Staff report doesn't say that at all. Instead, it says that
9 the basement of any structure that is not a residence is exempted from the Footprint Rule. Next
10 slide.

11
12 While R1 lots can have lots of structures that aren't residences. You can have a detached
13 garage, a pool house, whatever. Since the Kol Emeth Staff Report said that those are all
14 exempted from the Footprint Rule and by the same logic the setback rule. That means those
15 structures could have basements that extend beyond them and go anywhere else on the lot.
16 Well, perhaps they can't go under a residential structure but it could have its own basement.
17 So, according to the Kol Emeth Staff Report, basically, everyone with a home in R1 is literally
18 allowed to have basements extending under their entire lot from fence to fence. Could the
19 people who wrote this law have met their words which appears to limit where basements can
20 go, instead to allow them to go anywhere on an R1 lot as long you put some extra structure on
21 top of it that's not a residence. Yet, that exactly what you are proving you accept the so-called
22 Kol Emeth precedent. Let me urge you instead to read the Footprint Law the plain and simple
23 way it is actually written and insist that basements remain under buildings. Next slide.

24
25 So, let me sum things up here. The Castilleja... Castilleja's underground parking is not a
26 basement by definition. It doesn't follow the Basement Footprint Law either. Instead, it's simply
27 an accessory structure and because it's greater than 120-square feet in size, it needs to be
28 included in Gross Floor Area.

29
30 Ok, let's not talk about the Variance. Next slide. The Staff Report doesn't actually give you all
31 the laws governing Variances and I'm going to show you how the proposed FAR violates many
32 of those laws. Next slide. As a reminder, we have a very simple rule for how much floor area
33 you can have in R1, yet 45 percent of the first 5,000-square feet of your lot and then 30 percent
34 more for every additional square foot. So, this Castilleja is already getting more, a lot more,
35 than smaller R1 lots, but it wants even more. It wants a FAR of .42 which is the same as what a
36 tiny 6,250-square foot lot gets. Next slide.

37
38 So, here's one law to consider. It says that the City cannot grant a Variance unless some special
39 circumstance exists. Such size that "substantially deprives such property of privileges enjoyed
40 by other property in the vicinity and in the same zoning district as the subject property." So,

-
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1 what are the properties within the vicinity and in the same zoning district? Next slide. The Staff
2 Report doesn't list them but I found that there are 33 other properties either on the same block
3 as Castilleja or right across the street and they're all in the same R1 Zoning District. Here's the
4 pivotal fact, 91 percent of those properties have FARs lower than .42. That is that they have
5 lower FARs than what Castilleja wants. Only 9 percent of those nearby properties actually enjoy
6 what Castilleja says it is being unfairly deprived of. Next slide.

7
8 By the way, there is an error in the Staff Report related to this. It says that the Castilleja campus
9 size is substantially greater than any other lot in the R1 (10,000) Zone. Well, 10,000 is the
10 subdistrict and you're supposed to compare to the same district. Not the subdistrict and when
11 you do that you find there's a larger R1 lot at 3233 Cowper where there's a church and a private
12 school. So, it too presumably will be entitled to whatever you grant to Castilleja. Next slide.

13
14 Here's another of our Variance Laws to keep in mind. It says that "Special circumstances that
15 are expressly excluded from consideration include the personal circumstances of the owner."
16 The law doesn't appear in your Staff Report but it's important. It means that you can't grant a
17 Variance to an owner just because that owner wants to use the site for a private school; or
18 because the school wants to expand enrollment; or because the school has been there a long
19 time. Those arguments need to be deleted from the Findings and should have no place in your
20 Variance deliberation tonight. Next slide.

21
22 And here's another of our Variance Laws missing from the Staff Report. It says that you should
23 ignore from consideration "any changes in the size or shape of the subject property made by
24 the property owner or his predecessors in interest while the property was subject to the same
25 zoning designation." Well, back in 1992 the Castilleja parcel grew through a land purchase from
26 the City and margining in other parcels. Castilleja was already zoned R1 back then so the
27 current size of the parcel cannot be used to justify the Variance. I hoped I missed it but I could
28 no mention of this law or of the 1992 expansion anywhere in the Staff Report. Next slide.

29
30 And here's a very important law. The City cannot issue a Variance if it would constitute a grant
31 of special privileges inconsistent with the limitations upon other properties in the vicinity and in
32 the same zoning district as the subject property. Well, as I already noted, if you grant the
33 request .2 FAR to Castilleja, you would be giving it a higher FAR than 91 percent of its
34 neighboring parcels. Clearly, that would be a special privilege and would defy this law. Next
35 slide. If you do feel that you have to grant a higher FAR to Castilleja, you might instead opt to
36 give it .34 FAR as that's the lowest nearby FAR; that's at 1250 Bryant. At least then you'd be
37 able to say you weren't giving Castilleja any special privilege beyond what others have in the
38 immediate neighborhood. Next slide. But if you instead vote to give Castilleja the full .4... 42...
39 .42 FAR it is requesting, that will create a horrible precedent. There are 10,102 other R1 parcels
40 in our City with FARs below that and if you believe Castilleja merits .42 FAR. Why don't those

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1 other parcels too? Each and every one of those R1 parcel owners, including me and I think most
2 of you, could request a Variance to raise their FAR to .42 and then point to Castilleja as the
3 precedent. Remember, Castilleja's status as a private school does not matter so other R1 lots
4 without schools would be just as eligible for the higher FAR. Imagine how long your meetings
5 will run if you have to handle over 10,000 Variance requests. Next slide.

6

7 Let me sum it up for you on this slide. As for Castilleja's underground parking, it doesn't meet
8 the definition of a basement or the Basement Footprint Rule and you certainly shouldn't follow
9 the Kol Emeth reasoning that would allow every R1 lot to have basements from fence to fence.
10 That leads to one conclusion, mainly that Castilleja's garage needs to be added to its floor area.
11 As for the Variance, you should omit any discussion of the private school use from your
12 deliberation and Findings. You should factor in the impact of the 1992 lot purchase and mergers
13 and you should not grant Castilleja FAR .42 as that would give it more than most other R1
14 parcels and thus be a special privilege expressly disallowed by our laws. Thank you all very
15 much.

16

17 Mr. Nguyen: Thank you Jeff for joining us tonight. Our next speaker will be Lisa and Lisa, I do
18 see that your group are present in the meeting so you will get 10-minutes.

19

20 Ms. Lisa Van Dusen: Thank you. Good evening Commissioners. My name is Lisa Van Dusen and
21 I've in Palo Alto for more than 35-years and have no affiliation with Castilleja School. Thank you
22 for your time this evening and I want to make clear that I'm speaking simply as an individual
23 and not related to any organizational affiliations I might have.

24

25 We often hear from opponents of Castilleja and this project about this process feeling rushed. It
26 is hard for me to sympathize with that assertion given that Castilleja has patiently worked with
27 its neighbors and the City for over 8-years. The first phase, the 3 ½-years of conversations with
28 neighbors before the application was even submitted, comprised over 15 neighbor meetings,
29 an extensive study of access and campus directly from Embarcadero, and significant
30 modifications to the school's plan. The second phase, the 4 plus years of working with City Staff
31 from the time the CUP application was submitted in 2016 to the release of the FEIR in July of
32 this, involved additional significant plan modifications. Reductions in the number of events and
33 car trips allowed and more stringent standards and heighten consequences for any CUP
34 violations. We are now in phase three, the public hearing phase, where you and the other
35 public officials are tasked with reviewing the record and making decisions on the application.
36 The proposal before you is the result of all these conversations and adaptations in response to
37 neighbors, City, PTC, and ARB feedback and for that reason, it is ripe for a decision.

38

39 As I review the materials what rises to the surface is everyone is getting something and no one
40 party, including Castilleja, is getting everything. This is in the very nature of compromise. Those

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1 who want few cars parked on neighborhood streets are getting an underground parking facility.
2 Those who are concerned about the alleged institutional feel and size of the original garage
3 design are getting a smaller underground parking facility that preserves houses and trees.
4 Creates more green space and is characterized by an unobtrusive and beautifully landscaped
5 garage and entrance and exit. Those concerned with the massing of the buildings along Kellogg
6 get a façade compatible with the neighborhood aesthetic with reduced building height and
7 increased setbacks and a design that breaks up the linearity of the eave and roofline. Those
8 concerned about noise get a significant reduction in school-related noise; 85 percent of
9 adjacent residential residences are estimated to have a decrease and no change in noise levels.
10 Of that 85 percent, half are estimated to see a decrease in noise levels. Most impressive, 28.5
11 percent of adjacent residences are estimated to see a decrease of at least 12-decibel points
12 which is more than double the amount that is considered to be a significant improvement.
13 Those tired of hearing and seeing delivery vehicles, waste management trucks, and school
14 buses are relieved of this burden through moving these activities to the center of campus and
15 in most cases, below grade. This is an enormous investment that Castilleja is making on behalf
16 of neighbors. Those concerned about events get a 22 percent reduction from current numbers,
17 a more clearly defined set of rules than under the current CUP, fixed hours of operation, and
18 elimination of events on Sundays. Those concerned about traffic get the most stringent,
19 detailed, and closely monitored TDM or Transportation Demand Management, requirements,
20 and penalties ever imposed by the City of Palo Alto. Those concerned about the cost to Palo
21 Alto and Castilleja are not paying taxes should not that one, thousands of Palo Altans who have
22 sent their daughters to Castilleja over the years paid property taxes that benefit the Palo Alto
23 Unified School District while not using its services. Two, Castilleja will contribute funds to
24 resolve the City-wide impact at Kingsley and Alma, and three, the school pays for a robust TDM
25 Program that will serve as a model for other Palo Alto institutions. Those concerned about the
26 value of their homes retain a school that attracts home buyers to the neighborhood and
27 according to realtors enhances home prices. Those who prioritize the education and
28 advancement of women over their self-interest retain a nationally recognized school in their
29 neighborhood and preserve the joy of seeing motivated and inspired girls and young women
30 from a diversity of backgrounds in the neighborhood. Palo Altans interested in providing their
31 daughters with an all-girls education will have the greater... will have greater opportunity to do
32 so with more spaces in the high school.

33
34 The City of Palo Alto retains educational institutions that for over 100-years, along with PAUSD
35 and Stanford, have supported Palo Alto's reputation as a center of educational excellence.
36 Silicon Valley secures an enhanced resource that provides female graduates eager to join the
37 world of technology at a time that the valley is suffering from a dearth of female engineers,
38 scientists, and leaders.

39

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1 While giving up a lot and putting itself under a microscope, Castilleja ultimately gets to fulfill
2 and enhance its mission of educating girls and women for leadership. As you have heard, this
3 proposal is better for everybody and perfect for no one. Thank you for your attention and for
4 approving Castilleja's significantly modified proposal this evening so that after all this time it
5 can finally move forward to City Council. Thank you very much.

6
7 Mr. Nguyen: Thank you Lisa for joining us tonight. Our next speaker is Rebecca.

8
9 Ms. Rebecca Sanders: Hello, thank you. Alrighty, here we go. Let's see, should Castilleja receive
10 preferential treatment from Palo Alto's Elected and Appointed Officials? My name is Rebecca
11 Sanders and I live in Ventura.

12
13 In America, we have government entitlement programs who provide some kind of public
14 benefit. Medicare, social security, unemployment provide an economic safety net. For our most
15 vulnerable we have social welfare programs. Additionally, during the depression, President
16 Roosevelt pioneered government relief tools. His administration used the phrase affirmative
17 action for the first time in 1935. Entitle programs offer a boost to women, minorities, artisans,
18 laborers, and marginalized groups who've been denied entry to the land of opportunity.

19
20 Tonight, I ask the Commissioners to examine whether Castilleja qualifies for special government
21 entitlements and to government relief. In order to grant these benefits to Castilleja the City will
22 have to toss out the Zoning Code, even refine zoning standards, and dismantle existing best
23 practices. We'll have to break faith with all residents of Palo Alto, not just those in the vicinity
24 of the school. We have the right to expect that the City Planning Department will uphold the
25 laws and not break them. We'll have to sacrifice the livability of an entire neighborhood so that
26 Castilleja can expand. We'll have to grant privileges to this applicant that would clearly be
27 denied other applicants so situated as pointed out by Mr. Levinsky. We would have to accept
28 equivocation as the best evidence rather than facts. How can the parking garage not be a
29 parking garage? How can it not be included as floor area when the Zoning Code clearly states
30 that it is included and also, we put the onerous for paying for all the City's services required by
31 the applicant. That is put on the backs of the residents which you know, I have no problem with
32 the applicant's non-profit status. That's the way it should be.

33
34 So, is the applicant providing an incredible service that benefits all Palo Altans, that enriches us
35 all and strengthens community bonds? Overlooking the applicant's history of bad faith with the
36 City as it has not complied with previously Conditional Use Permit. Are we not to factor in all
37 the bad faith and false promises of the past as we adjudicate for the future and think of all the
38 fossil fuels. We will have to put away our dreams of a greener Palo Alto if we allow gazillion-
39 million car tips rushing in and out of Castilleja's parking garage.

- 40
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1 So, I just want to wrap it and say that think about entitlement programs, giveaways and public
2 benefits and all of the things that American's value and see if Castilleja's applications fit that
3 model. Thank you very much.

4

5 Mr. Nguyen: Thank you Rebecca for your comments. Our next speaker is Amanda.

6

7 Ms. Amanda Zeitlin: Over the past 6-years Castilleja has held over 50 meetings with neighbors
8 in large and small groups. I live in Palo Alto and I've seen the school listen and make changes
9 that both improve the project and improve the quality of life in the neighborhood. Most
10 recently, Castilleja has reduced the massing of the building on Kellogg and switched out
11 materials on the façade. They've significantly reduced the size of the underground parking
12 facility to preserve homes and conserve trees. Great updates for everyone involved.
13 Meanwhile, the school has modified its operation and set at fixed hours to reduce
14 neighborhood impacts. The proposal moves deliveries away from the street and below grade to
15 minimize noise and the swimming pool is also below grade and behind a sound wall for the
16 same reason. Castilleja has moved parking below ground as neighbors asked them to do very
17 early in the process. Equally significant the school has implemented a Traffic Demand
18 Management System reducing daily trips by 25 to 30 percent. An amount that is unheard of for
19 any large organization in Palo Alto.

20

21 Castilleja has made changes to its building plans, daily operations, and transportation as well.
22 From where I stand, and many other Palo Altans agree with me, Castilleja has worked tirelessly
23 to find positive solutions every time challenges are raised. It's time to move this project forward
24 for the benefit of our community.

25

26 Mr. Nguyen: Thank you Amanda for joining us tonight. Our next speaker is J. Marston. J.
27 Marston if you're there, please unmute yourself.

28

29 Ms. J. Marston: Can you hear me?

30

31 Mr. Nguyen: Yes, we can hear you. Thank you.

32

33 Ms. Marston: Thank you. Good evening Commissioners. I have lived for 44-years in the
34 neighborhood of Castilleja. I am a former educator and I currently volunteer for an organization
35 that supports under-resourced students in East Palo Alto. When I talked to my neighbors and
36 many friends they state their clear support for Castilleja. A school featured in the City's own
37 Centennial History Book and a school that represents a legacy, a pillar value of Palo Alto
38 education.

39

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1 I listened carefully last week to the Council's intelligent questions about enrollment. Increasing
2 the high school enrollment aligns perfectly with other Palo Alto goals to democratize housing
3 opportunities, our parks, and other areas of City life. Allowing more upper school students
4 grants space for girls from different backgrounds. Including more first-generation college
5 students, a category Castilleja has tripled in the last 4-years.

6
7 Students of color represent over 50 percent of the enrollment. Diversification efforts can help
8 address old City-wide disparities. Recently two African-American Castilleja alums, one a local
9 physician and one an engineer, spoke about their education as empowering. Palo Alto has an
10 opportunity to increase equity and inclusion by supporting Castilleja's plan. Increasing the size
11 also makes for a much stronger program and having a better program is better for Palo Alto.
12 Castilleja is the only high school in the region, public or private, that doesn't increase its size
13 between middle and high school. Especially at the upper level, you need a critical mass of
14 students to support collaboration and dialog. More students will allow for a great breadth of
15 class offerings and outside the classroom, Castilleja needs more students to support athletics,
16 music, and theater.

17
18 The Final Environmental Impact Report assures us there's no significant negative impacts and a
19 great benefit to maximize the utilization of a key resource, an excellent education for women.
20 Let's believe the science and data in the report you have judged complete.

21
22 I pass Bryant and Castilleja every day and I personally look forward to a new beautiful, green
23 campus that enhances the neighborhood and yes, enhances the values of local homes. The
24 school has admitted to doing this project carefully. For 8-years they committed precious
25 resources to meet the neighbor's and City's requirements. Other schools in Palo Alto have
26 grown and modernized. Castilleja is asking to do this... to do both responsively and a question
27 often arises. What do Castilleja graduates do for the community? My answer is they make Palo
28 Alto proud. Just the way [unintelligible], Paly and Gunn do and carry the Palo Alto name and its
29 100-year commitment to education. Thank you very much, Council. I appreciate the time.

30
31 Mr. Nguyen: Thank you for your comments. Our next speaker is Darsha.

32
33 Ms. Darsha Davidoff: Hi, I'm Darsha, and thank you for putting me on your calendar. I'm a 40-
34 year resident of Palo Alto. I do not live in the Castilleja neighborhood. I live in Old Palo Alto near
35 to Oregon. I have three daughters. I value women's education. I have every reason to believe
36 that Castilleja is a wonderful institution. The friends who've sent their daughters to from Menlo
37 Park, Atherton, Los Gatos. I have no problem with Castilleja modernizing or coming into 2020
38 but I do take issue with the request for Variance, an underground garage, and taking away
39 trees.

-
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1 I do not think this is an issue between the neighborhood adjacent to them and the school. I
2 think that the taking of any use of Embarcadero, Bryant, and Emerson for garage entrance and
3 exit and more young women driving to school is a taking that affects all of us in Palo Alto. It...
4 there is no question that we have very few east/west arteries that connect us to 101 if you're
5 located above El Camino. We've got Stanford University, we've got retail, we've got the VC Tech
6 industry. I'm not anti-development, I'm pro-development but I do believe that not because you
7 want to something do you necessarily have the right to have it.

8
9 In Castilleja's case, they're asking for Variances and asking for changes even though they really
10 haven't been responsible obeyer of school rules. They have a pretty poor track record so in
11 short what I'm asking is let's honor the cyclist of Paly and Green. Let's think about the residents
12 and business people that have limited arteries to drive one. There is no secret that in the
13 afternoon since the pandemic it's very difficult to use Embarcadero and El Camino. This is a
14 short-sided plan I think and if other schools and other institutions choose to do what Castilleja
15 is doing to get Variances for this kind of garage. There's no limit to invasion of our residential
16 areas and I think Palo Alto has stated its priority is to address things like the need for more
17 housing. This just doesn't do it so to bend over backward doesn't make sense. So, in short, let
18 them modernize but without a garage without trees. Don't let it take its unfair share of
19 Embarcadero, Bryant, and Emerson. It affects all of us here and only 25 percent of the students
20 live in Palo Alto. I wish Castilleja well but what wants is not necessarily what it is entitled to.
21 They could expand else ware or split their school so thank you for your time.

22

23 Mr. Nguyen: Thank you Darsha for your comments. Our next speaker is Bill.

24

25 Mr. Bill Burch: Yes, thank you, Staff, and Commissioners. My name is Bill Burch and I've been a
26 Mid-Town resident of Palo Alto since we bought our home here in 1983. Tonight, I want to call
27 the Commission's attention to the issue of the Floor Area Ratio which has been spoken about
28 earlier, and Castilleja's request for a Variance.

29

30 As you are all aware the school has been located at 1310 Bryant Street since 1910. This was
31 long before any of the surrounding homes were built and prior to the introduction of
32 Residential Zoning Codes of course. The Chapel Theater and the Gunn administration building
33 were built in the early 1900s and to this day they are included in the above-ground floor area of
34 the campus. And in the '60s, Castilleja applied for and received zoning permission to build
35 additional academic buildings. The permission to add those buildings pre-dates the current
36 codes for Floor Area Ratio.

37

38 Now fast forward to 2020 and Castilleja needs to rebuild those buildings. In order to do so, they
39 have to apply for a Zoning Variance simply to replace existing buildings but here's the kicker.
40 Castilleja's Variance request is to actually reduce the above-ground square footage from the

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1 current conditions. That's right, the Variance will grant Castilleja the ability to make the above
2 ground square footage of their campus smaller than it is now. To me, it would seem that this is
3 a win-win situation and cries by PNQL's Stop Castilleja Expansion Campaign seem alarmist and
4 somewhat dishonest when held up against the realities of the project and this Floor Area Ratio
5 Variance request. The Floor Area Ratio is reducing and the above-ground square footage will be
6 smaller. That is expansion at all.

7
8 I hope that you will use this example of how the facts undo the rederick to explore other ways
9 that opponents have distorted this proposal. There will be 50 percent more trees on the
10 campus than there are now. There will be no more additional car trips and the list goes on. I ask
11 that you please carefully attend to the facts and approve this project. I appreciate your time
12 and consideration.

13
14 Mr. Nguyen: Thank you for joining us tonight, Bill. The next person on the list is Joseph Hirsch
15 has already lowered his hand. Presumably, because he already donated his time to the... to
16 Mary earlier. So, we'll move onto the next speaker who is Mora.

17
18 Mr. Parog Patel: Hello, this is actually Porag Patel. I'm using my wife's computer so I appear as
19 Mora but I am not. Thank you for the time today. I'm a resident of Mid-Town and I live in Palo
20 Alto and I'd like to speak in support of Castilleja's application for a Variance to maintain the
21 current Floor Area Ratio.

22
23 As Joseph Hirsch just already very articulacy explained the various... the Variance will not
24 increase the FAR. In fact, the square footage above ground goes down. Instead, the Variance is
25 being requested to retain the current FAR and so this is really kind of a procedural thing to
26 maintain the current FAR but in effect reduces the above-ground floor square footage of the
27 structures on campus.

28
29 This request, this Variance request, is consistent with the Palo Alto Comprehensive Plan and
30 would not allow an increase in Castilleja's square footage compared to what exists today.
31 Therefore, not causing an environmental impact. Due to the large size of Castilleja's lot
32 compared to other residential lots in the surrounding zone. The FAR for the school is in
33 proportion to the size and scale of the surrounding area residences. Not allowing Castilleja to
34 maintain its affair would be a hardship to the school and it would treat them differently than
35 the other lots on a relative basis. Also, something that is not allowed in the City regulations,
36 that is to treat them differently. Castilleja has been on this site since 1907. Long before this was
37 a neighborhood, long before the PNQL moved in this area knowing that there was a school next
38 to them, and long before residential zoning was introduced so this establishes precedent. The
39 City has historically issued Castilleja its CUPs to operate as a school, not as a residence, and it

-
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1 has supported its build-out as a school use over a long... well over a century. So, Castilleja can
2 make these improvements and maintain the integrity of this historic neighborhood.

3
4 This Variance will not add density to the City because the FAR is being maintained. With a Final
5 Environmental Impact Report that has proven to show no significant impacts and the
6 established precedent of having allowed Castilleja to build and operate a school on this lot. This
7 decision to approve the Variance seems fairly straight forward.

8
9 I'd like to pass on one other comment which is an observation from the last meeting as well as
10 this meeting is I was just keeping some track. Last time we had something like a little over 30
11 people make comments and I observed that well over 20 of them... it seems like we're all into
12 counting votes these days. Well over 20 of them were in support of Castilleja's plan and I recall
13 that most... a significant majority of those people in support live within one block of Castilleja.
14 So, while PNQL has been inordinately vocal, I think there's a latten majority just surrounding
15 Castilleja that supports these plans if that is a consideration. Thank you.

16
17 Mr. Nguyen: Thank you for joining us tonight. Our next speaker is, and I apologize if I
18 mispronounce your name, Jochen.

19
20 Mr. Jochen Profit: Jochen Profit. It's ok, Jochen Profit. Good evening everybody. Thank you for
21 the opportunity to speak. For 5-years I was a neighbor of Castilleja on Embarcadero Road. We
22 recently moved to Crescent Park. I'd like to add my voice to the many, many [unintelligible] and
23 inform immediate neighbors who support this project. Embarcadero is a busy road but to
24 suggest that Casti [note – Castilleja] is creating this traffic is ludicrous. In fact, Castilleja is
25 cutting down on traffic. Who else can we say is really doing this in Palo Alto?

26
27 I really want to express my strong support for the underground parking facility. It will move
28 parked cars below ground with only right turns in and out of the garage. It will increase bicycle
29 safety along the bike boulevard and many of my kids were riding along that bike boulevard
30 every day and never had any concerns regarding their safety there. But cars will not be pulling
31 into and out of the street, parking, and opening doors. I have zero concerns that the garage will
32 increase traffic because traffic is capped in the school's plans. Casti [note – Castilleja] has
33 developed years of trying to increase enrollment and they will not be allowed to do that if trips
34 increase. The guarantee is built into the proposal so trips will not increase. Meanwhile, the Final
35 Environmental Impact Report and the City's Comprehensive Plan both support this
36 underground parking facility over surface lots.

37
38 I think it is time to see this for what it is. A small and gradual enrollment increase at a small
39 school. This is not the enemy coming from the outside. Casti [note -Castilleja] is a neighbor too.
40 Casti [note – Castilleja] been, as Mr. Patel said, in the neighborhood for longer than any of us.

-
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1 For over 100-years and it's time to treat Casti [note -Castilleja] with some respect and the
2 kindness that is offered to its neighbors and the City.

3
4 Castilleja has made many, many compromises. Improving the project by decreasing the size of
5 the underground parking, preserving trees, by retaining homes, by changing the façade on
6 Kellogg, by moving deliveries below grade, cutting back on events, and instituting successful
7 Traffic Demand Management. There are so many things the school has done to improve
8 conditions from neighbors.

9
10 Importantly really, I don't want us to miss the forest for the trees here. Castilleja School for
11 more than a century has empowered young girls with a high-quality education and thus played
12 a critical and prominent role in reducing the inequities women have suffered in our history. It's a
13 gem in Palo Alto's crown and we should be proud to have it in our mitts. Now the school is
14 asking to educate a few more girls and we are talking about a tiny bit of traffic, a couple of trees
15 will worsen the climate crisis, really? Well, this Palo Alto resident strongly supports Casti's [note
16 - Castilleja] proposal. We must put this discussion to proper context and I strongly encourage
17 the Commissioners to think about all the good in the world that will come from each additional
18 girl educated at Casti [note - Castilleja]. Women's education must be a priority. I believe we're
19 now at a place that allows the school to modernize, enroll more students without any
20 significant impacts (interrupted)

21
22 Mr. Nguyen: Please conclude your remarks.

23
24 Mr. Profit: [unintelligible] and I'm thankful for Casti [note- Castilleja] for their hard work that
25 went into these changes and compromises. Thank you, everybody.

26
27 Mr. Nguyen: Thank you for your comments. Our next speaker is Lesley.

28
29 Ms. Lesley King: Yes, hello. Thank you to the Members of the Commission for your service and
30 for listening to our comments tonight. My name is Lesley King and I am a resident of Old Palo
31 Alto, right around the corner from Castilleja School. I wanted to speak in support of Castilleja
32 and specifically, I've heard some of the discussion around events on campus and I don't think
33 the level of scrutiny is warranted. So, I just wanted to specifically address events.

34
35 I've heard a small number of opponents of Castilleja point to a few schools like Hallbrook and
36 Stratford and Pinewood. Although, erroneously as it turns out and in contrast, I've looked at
37 Menlo and Sacred Heart and Crystal Springs. Schools that I think are much more comparable to
38 Castilleja in type and location and found that none of them have any restrictions on events
39 under their CUPs. None. The CUP for Sarah High School, a boy's school on 10-acres in a
40 residential neighbors in San Mateo, only places a limit on events that fall after 10:00 pm

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1 Monday through Saturday or 6:00 on Sunday. And Castilleja never has events that run past
2 10:00 pm on Monday through Saturday and Castilleja has no events at all on Sundays. This
3 means that all of Castilleja's current events would be permitted under that residential CUP 100
4 percent; but let's get back to this site on Bryant, Castilleja's homes for 110-years.

5
6 Carefully reading of the current CUP shows that Castilleja is well within its rights to hold the
7 under of events it has been. The current CUP clearly allows five major events that bring almost
8 all parents and students to the campus and then for events with 50 to 100 visitors, the CUP
9 includes a long and open-ended list of type... of event types. Things like student seminar
10 evenings, science exhibitions, dances, school performances. The school is allowed to have
11 several of each type listed, plus others that are not specifically defined, and there are no
12 specific restrictions on the number of events between 100 and the larger almost all parents.

13
14 The 20 percent reduction in events in Castilleja's Conditions of Approval is a big concession and
15 one Castilleja has made in the spirit of compromise. I would like to see us stop debating this
16 item as Castilleja has already made a dramatic reduction. Instead, I'd like to see the town move
17 this project forward in support of providing young women with a range of experiences and yes,
18 that includes dances and plays and musical recitals. The kind of events enjoyed by students at
19 both co-ed and all-boys' schools. I don't believe that Palo Alto wants to inappropriately restrict
20 an all-girls school while it's co-ed and all-boys' rivals thrive in other towns such as San Mateo
21 and Hillsborough, Mountain View, and Atherton.

22
23 As a Palo Alto resident, I desperately hope that you agree with me. Please approve the current
24 plans so that we can all get back on with life. Thank you very much.

25
26 Mr. Nguyen: Thank you Lesley for joining us tonight. Our next speaker is Alan. Alan if you're
27 there, can you please unmute yourself?

28
29 Mr. Alan Cooper: Yes, can you hear me now?

30
31 Mr. Nguyen: Yes, we can hear you. Thank you.

32
33 Mr. Cooper: Good evening Commissioners. I'm Alan Cooper and I've lived across the street from
34 Castilleja at 270 Kellogg Avenue for 36-years. I seek a fair and equitable CUP for Castilleja and
35 the neighbors. Castilleja wants more students and neighbors want much less traffic. I believe
36 these desires can both be achieved with a new creative approach and that approach is to
37 change the strategic view of the proposed CUP from a penalty approach to a reward approach.
38 Let me explain in words and with an excel table. Please put up the table. Would the
39 [unintelligible] please put up the table? Thank you.

40

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1 With the penalty approach as now proposed shown on the left-hand side of the table with the
2 red arrow. Castilleja would be allowed to grow from its present enrollment of 540 students or
3 some other number overtime at a rate of 25 students per year. They would be penalized if they
4 did not meet their TDM of 1,198 Average Daily Trips, ADT, that is allowed to increase to 1,296
5 trips at maximum enrollment. Castilleja would get more students and neighbors would be
6 burdened with more traffic. This is a win-lose situation.

7
8 Alternatively, with the reward approach on the right side of the table, Castilleja would be
9 rewarded with 540 students as they improve their ADT. After garage completion, for each 1
10 percent of improvement of their ADT, they would be rewarded with two more students the
11 following year. The numbers under the green arrow show that the neighborhood would see a
12 gradual school traffic reduction of 50 percent over 9-years as Castilleja grows to 540 students.
13 So, both Castilleja and the neighborhood would be rewarded. This is a win-win situation.

14
15 The reward approach would challenge Castilleja to implement new ways to reduce their car
16 trips by such things as more bikes, fewer drivers, a comprehensive shuttle program, hold off-
17 campus events, going to a mix of virtual and on-site events, and many other ways they can
18 think of. On the positive side, the reward approach gives Castilleja strong incentives to possibly
19 grow faster and importantly, to regain neighbor trust to achieve this win-win situation.

20
21 The many carefully considered tactical conditions in the proposed CUP should be retained to
22 assure monitoring, reporting, and enforcement. These conditions will help further rebuild trust
23 between neighbors and Castilleja as parties honor CUP guidelines.

24
25 Finally, I ask Commissioners to consider implementing the proposed option to reward both
26 Castilleja and the neighborhood with a win-win scenario. Thank you.

27
28 Mr. Nguyen: Thank you Alan for your comments. Our next speaker is Tom.

29
30 Mr. Tom Shannon: Hi, Vinh, can you hear me?

31
32 Mr. Nguyen: Yes, we can hear you. Thank you.

33
34 Mr. Shannon Nguyen: Good evening, Commissioners. I'm Tom Shannon. I live at 256 Kellogg
35 Avenue. It's directly across the street from Castilleja's Kellogg entrance. I've lived here for 31-
36 years. I'm the guy that sent you three memos pertaining to the Draft CUP you're studying
37 tonight. The first memo was on some existing use issues that I hope we can get corrected. The
38 second one was on Pinewood School's CUP for comparison purposes and the third is a
39 comprehensive study of Draft Conditions and it gives feedback and comments to the
40 Commission on these Draft Conditions that myself and three other adjacent neighbors

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1 assembled. I hope you will study this third memorandum, especially Alan Cooper's reward
2 approach which is included therein, and take our feedback into consideration as you move
3 forward.

4
5 Let me just digress for one moment. I've spent the last 38-years as a property consultant to
6 public school districts throughout the Bay Area. Helping them... helping each of these districts
7 sell or lease their surplus properties in order to raise funds to modernize their operating
8 schools. In even lease or sale, I'm managed from San Bruno to San Jose, I've processed the CUP
9 representing both the school district and the private school. I've managed two CUPs here in
10 Palo Alto. I shepherded the process for Stratford at Garland and I processed the CUP for the
11 Challenger School which occupies the former Spanglish site at Charleston and Middlefield. The
12 Spanglish site is owned by the county but the City of Palo Alto oversaw that CUP process.

13
14 Each of these processes involved a lot of dialog and negotiations will all stakeholders to work
15 out the final set of CUP Conditions. For Castilleja, we have to resort to dialog through
16 memorandums. That makes it a tough exercise. I hope you find the submitted memos helpful in
17 moving towards a mutually agreeable conditions for Castilleja. It's difficult to work out
18 conditions via exchange of memoranda. These negotiations require dialog with all stakeholders.

19
20 I know it's not in keeping with the order of the meeting but given COVID and Zoom connections
21 and the lack of open dialog to date. My neighbors and I are certainly available tonight and in
22 the future to dialog with you and City Staff if you're looking for feedback or if you have
23 questions. Thanks very much.

24
25 Mr. Nguyen: Thank you Tom for joining us tonight. Our next speaker is Blumenfeld Legal.

26
27 Ms. Maya Blumenfeld: Hi, this is Mia Blumenfeld and I will be speaking for myself as an
28 individual, not Blumenfeld PC. That's just a login. It would be great if you could correct that. I
29 am a parent with one daughter at Castilleja and another at Paly. And first I'd like to say how
30 grateful I am that each of them can pursue the path that is right for her in an outstanding
31 school right here in Palo Alto.

32
33 I realize that some people are concerned that only between 25 and 30 percent of Castilleja
34 students live in Palo Alto. That is a quarter to a third of the enrollment or over 125 students.
35 Over 125 girls every year are within walking or biking distance of the school. Now, as an all-
36 girls... an all-girls education is not right for everyone but for the ones that it is for, it can make a
37 real difference. Helping them to develop leadership and find their voice.

38
39 Allowing the school to increase enrollment in the high school will open that opportunity to
40 more girls in Palo Alto. Why wouldn't we allow that, especially when the school have

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1 guaranteed no increase in traffic and the Final EIR has verified that fact? Applying to the high
2 school at Castilleja is extremely competitive with only 10 or 12 girls getting in each year; 10 or
3 12, that's it. That's the total number. No wonder that we all know wonderful girls in Palo Alto
4 who had to be turned away. Allowing the high school to gradually grow would create
5 opportunities for all girls who apply. Including the many girls who live in Palo Alto and have
6 come to understand that Castilleja is the right environment for them.

7
8 Palo Alto is a City built on the ideals of equity, opportunity, and education. The plan, as brought
9 today, has undergone many revisions to accommodate and balance concerns resulting in a
10 state-of-the-art plan. The project has significant positive impacts. The time has come to
11 approve.

12
13 Mr. Nguyen: Thank you for your comments. Our next speaker is Yair.

14
15 Mr. Yair Blumenfeld: Good evening and thank you for this opportunity. My name is Yair
16 Blumenfeld and our family has lived in Palo Alto for over 10-years. As you just heard, my wife
17 and I are strong supporters of this school, its mission to educate young women, and the
18 proposal being evaluated before you. Full disclosure, I'm a product of Los Angeles Unified
19 School district, the University of California Los Angeles and as my wife, Maya just said. Both our
20 daughters attend public schools in Palo Alto and one of our daughters is still in PAUSD. We're
21 both very big believers in public education both in and outside of Palo Alto. That being said,
22 given my time limit, I'm going to assume that I don't need to repeat what even the opponents
23 of the project wholeheartedly admitted. That Castilleja is a premier learning institution, a gem
24 for the City, and unique in its mission of educating girls and young women to meet tomorrow's
25 challenges.

26
27 I'll use this opportunity to dispel a few myths and simply put blatant lies that were spoken by
28 the opponents of the project. Particularly those who spoke at the end of the meeting last week.
29 As someone who works at Stanford and drives along Embarcadero westbound every morning
30 from the Duveneck area at approximately 8:00 am. I feel my... long my corpus [note – course]
31 the effects of the rising Palo Alto traffic. The parking structure proposed will simply not bring
32 more cars to campus on Embarcadero. The parking structure and the number of daily car trips
33 are not linked. However, the permission to enroll more students and the number of car trips
34 are linked. Quite simply, if the number of daily car trips increases the school will not be
35 permitted to enroll more students. That is the most important fact to remember about traffic
36 enrollment. Moreover, Castilleja is the only entity in this entire City which actually decreased its
37 traffic during recent years. That's right, decrease traffic. Show me another Palo Alto entity that
38 mandated carpools, biking, walking, and public transportation among its Staff and decreased
39 traffic over time. In fact, by doing so, they decreased traffic to the school by 25 percent.

- 40
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1 There's a lot of conversation about trust but nobody at the school is saying trust us. As you
2 heard Nanci Kauffman, head of school, saying last meeting, everything is transparent and laid
3 out before you. There are consequences built into the application and the school will lose
4 something it has fought for. The ability to offer this education to more girls both within and
5 outside Palo Alto of all sociodemographic backgrounds if there's an increase in traffic. This isn't
6 a question of trust anymore because there are fixed limits in a permit with teeth.

7
8 The opponents of the project say it's ok to modernize but not increase the number of students.
9 Does anyone really believe that increasing the number of students by 25 students per year for a
10 few years, 25 will really affect traffic? And yes, not all those 25 will come from Palo Alto. Some
11 will actually come from East Palo Alto. There's a popular saying in medicine that states the dose
12 makes the poison. Well, the dose, in this case, is 25. A completely asymptotic dose in terms of
13 traffic. A little perspective, please. As Doctor Profit said earlier, don't miss the forest for the
14 trees.

15
16 Another blatant lie spoke by one of the speakers last week is Castilleja an elitist school. What a
17 lie.

18
19 Mr. Nguyen: Please conclude your remarks.

20
21 Mr. Blumenfeld: [unintelligible] Study the sociodemographic backgrounds of the students and
22 decipher for yourselves. Spoiler alert, it's not. Yes, traffic is an issue in Palo Alto, Castilleja isn't
23 to blame. Look (interrupted)

24
25 Mr. Nguyen: [unintelligible]

26
27 Mr. Blumenfeld: Population, the increase in businesses, and yes, increased work at Stanford
28 University and Stanford Hospital. The Final EIR found that there will be no significant traffic
29 impacts (interrupted)

30
31 Chair Templeton: Mr. Blumenfeld, you've gone over time.

32
33 Mr. Blumenfeld: Thank you for this opportunity.

34
35 Mr. Nguyen: Our next speaker is Tom. Hi Tom, I see you have unmuted your microphone,
36 please speak. Hi Tom, if you're there, it looks like you might be experiencing some technical
37 issues. My recommendation is perhaps you can restart the application or restart your computer
38 and we'll make sure to call on you again.

39
40 Mr. Tom Kemp: Can you hear me?

-
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Mr. Nguyen: Hi, yes, we can hear you now. Great, thank you.

Mr. Kemp: Sorry about that. I don't know what happens there. Hi. I'm a resident and voter here in Palo Alto and I certainly support preserving neighborhoods having lived here for over... well over 20-years. I also support healthy schools as an essential element and healthy neighborhoods.

So, I also want to discuss exacerbation and misrepresentation I hear about events at Castilleja. Specifically, under its CUP Castilleja may hold five large events each year. Far fewer than many neighborhood schools' hosts. Since neighbors have voiced concerns, Castilleja has been in fact scaling back and ironically many residents of Palo Alto ask why Castilleja does not open its facilities to the public? This is because the terms of the CUP do not allow it. My last job was actually head coach of a high school softball team. Not at Castilleja, in a neighboring community. I would have loved to be able to use its softball field but... or... and also coaching Palo Alto girls' softball would also love to use it but that's just not available. And so, I'm really sure the school would want to find a way to invite neighbors to hear speakers or attend open forums or sports teams to use their field if the CUP allowed it.

Meanwhile, the word event is really a misnomer for most of the activity that takes place on campus. These aren't events. They're really just meetings with counselors or teachers or class deans. These are named and counted as events and they are cited by some neighbors as excessive but they're just really the regular programming of a school. So, I just kind of really scratched my head to have a parent/teacher conference, etc. count as events, but truthfully, the reality is, is that many of these meetings include fewer than 10 people. The equivalent of the PTA subcommittee. Not something that could really accurately be called an event at all. In the end, these PTA events have been quietly taking place on the campus for generations and should be allowed to continue to do so. This activity does not harm a residential neighborhood. It really strengthens it so I really would urge... this has been going on for 8-years and they've put forth a world-class plan and I would highly recommend moving this forward. Thank you very much.

Mr. Nguyen: Thank you Tom for your comments. Our next speaker is Kyle.

Mr. Kyle Bordeau: Hi, can you hear me?

Mr. Nguyen: Yes, we can hear you. Thank you.

Mr. Bordeau: Alright, great. Hi, my name is Kyle Bordeau and I live a block from Castilleja. I'm delighted to add my name to the long list of immediate neighbors speaking out in support of

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1 Castilleja. What a huge showing of neighborhood pride and enthusiasm. We love to live in this
2 neighborhood and we love to have Castilleja as part of our immediate community. In fact,
3 Castilleja is among the finest neighbors I could imagine. I honestly cannot understand why
4 other neighbors are upset about events. At the beginning of the year, there is one big event for
5 the first day of school but it only lasts about an hour in the morning and Castilleja gives the
6 neighbors all a gift certificate to go to Juice Prawns as a way to show appreciation. Like I said,
7 Castilleja is a great neighbor. There are also a couple of major events at the end of the year.
8 Otherwise, the daily operations of the school is not disruptive at all.

9
10 I regularly walk through the neighborhood and Castilleja is quiet and respectful. During drop-off
11 and dismissal, there are more monitors than they need, making sure cars move through quickly
12 and smoothly. With the proven success so far, there is no reason to question their TDM
13 impacts. We have the data in the EIR. That's the best news for all of us and also the part that
14 opponents don't want you to notice. There will not be an increase in cars. Traffic is a moot
15 point. Its capped. Castilleja is a mission-driven institution. Enrolling more students supports its
16 mission and the school will not be permitted to enroll more students if car trips increase.

17
18 This conversation about the underground parking facility leading to more traffic is pointless.
19 The school spent the last 8-years working to enroll more students. It's not going to burn that
20 opportunity by bringing more cars to campus.

21
22 There are many of us, as you heard last week, who trust Castilleja to a bid by this new CUP; but
23 of the people who don't, that's completely ok. You don't need to work from trust. You can work
24 from the stringent consequences built into the CUP which Castilleja will cover the cost to
25 enforce. There is ever a reason to approve this project and no reason not to. I appreciate the
26 time. Thank you.

27
28 Mr. Nguyen: Thank you for your comments. Our next speaker is Neva.

29
30 Ms. Neva Yarkin: Good evening PTC Commissioners. My name is Neva Yarkin and I live on
31 Churchill Avenue. I live two blocks away from Castilleja. My family has owned this property on
32 Churchill for over 60-years when Castilleja was a boarding school. If Castilleja expansion is
33 approved and construction starts the enrollment of 438 would be rolled back to 415 CUP until
34 the project is totally completed. There should be no temporary campus while construction is
35 happening. Can any of you imagine new students weaving in and out of a construction zone
36 looking for their classes? What about student bikers, pedestrians, and parents driving students
37 to school in this area with big construction trucks moving in and out? What about safety of
38 neighbors and Paly bikers? How will they be visible in a construction zone? When Stanford was
39 rebuilding housing, their construction zones were closed off to everyone. Construction will
40 probably take more than 3-years, estimated by Castilleja. Why were the safety issues during

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1 construction never brought up to any of the Commissions before this project is being pushed
2 onto City Council? Am I missing something? You need to rethink safety issues during
3 construction.

4
5 Another priority for the PTC should be how traffic will flow for now and in the future? Six and a
6 half weeks ago on September 21st, the XCAP Committee presented to City Council in a six to
7 three vote to close Churchill Avenue for the train crossings. A new train crossing will happen
8 sometime to enable Paly students to get to school. I don't see in any of the hundreds of
9 documents from City Staff, consultants or Castilleja, any mention of the new train crossings
10 which will have a major impact on traffic in Palo Alto. The PTC Commission has an opportunity
11 to make Palo Alto a more livable and innovative place to live.

12
13 Looking at the Palo Alto Comp Plan 2030, we need to have new ideas and be creative rather
14 than archaic as to how Palo Alto's future will be shaped. I believe environmental issues are Palo
15 Alto's top priorities. Castilleja should take the bold steps and be a leader for the Bay Area on
16 environmental issues. This could really happen with a satellite shuttling service for all Castilleja
17 students to alleviate traffic, congestion, and parking problems in this section of town. If satellite
18 shuttling happens, a parking garage which is not environmentally friendly, would not be
19 needed. I'm going to finish with thank you for your time and consideration. Thank you.

20
21 Mr. Nguyen: Thank you for your comments. Our next speaker is a phone caller with the last four
22 digits 0603. Please press *6 on your phone in order to speak.

23
24 Mr. Terry Holzemer: Yes, my name is Terry Holzemer. I wanted to start my thoughts tonight by
25 saying that no one obviously here is against any women's education. My mother and wife all
26 went to an all-girls school and we still recommended it highly today. I have a deep respect for
27 what Castilleja does and the quality of education they provide. However, as a school teacher
28 myself, I know that the mission of education is totally really unrelated to what Castilleja is
29 requesting in this [unintelligible] expansion and it is an expansion. It's unfortunate that the
30 school has continued to classify this public argument around women's education; but
31 nonetheless, it's important to move forward. I think honesty and full disclosure is a critically
32 important issue and I would hope that the school would feel the same. Especially in terms of
33 when they... of how they educate young women.

34
35 I think one of the thing's that is troubling is that these specific exceptions that they're asking for
36 such as an increase in enrollment by 30 percent. Claiming that these will be phased in and
37 somehow will not create any pain to the neighbors or have impact. I think is unacceptable. The
38 school and the City keeps repeating that the claim that this phase-in will be somehow
39 diminished and diminish the pain of traffic and activity; but the school has also continued to say
40 that it needs to rebuild and we agree with that. I think the school does need to rebuild and

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1 modernize and it could increase enrollment modestly. You know 8 percent is what they got I
2 believe in 2000. I think a moderate... modest increase makes a lot of sense. Not a huge
3 increase. If that works out and that modest increase could work out. That would demonstrate
4 that the school can handle more people or more students. So, I would encourage them to start
5 small and build up if that's what they choose to do.

6
7 The current Conditions of Approval drafted by the City are based on an EIR Alternative Four
8 that claims that yes, there will be an increase in traffic but the school will disburse it. It's not
9 really explained how that's going to happen. To say that they are enabled but to say that the
10 school is unable to adjust their plan to better fit into the neighborhood environment because
11 such adjustments won't align with their new operational model. Doesn't really demonstrate
12 what the school is true... should truly be about which is demonstrating to young women that
13 good citizenship and being flexible as citizens of Palo Alto. They should be willing to work with
14 the neighbors to find solutions. There's no legal right for an operational model. Castilleja
15 operates on a Conditional Use Permit (interrupted)

16
17 Mr. Nguyen: [unintelligible]

18
19 Mr. Holsmer: [unintelligible] corporation. In just concluding, I think it would work best if again,
20 neighbors worked with the school and I don't think that's working at all so thank you.

21
22 Mr. Nguyen: Thank you for joining us tonight. Our next speaker is Teresa.

23
24 Ms. Teresa Kelleher: Hello?

25
26 Mr. Nguyen: Hi, we can hear you. Thank you.

27
28 Ms. Kelleher: Great. Good evening. I'm a Castilleja parent and I'm also a close of Castilleja.
29 Castilleja is I believe vital to Palo Alto. I know that opponents focus on the fact that only 25 to
30 30 percent of students reside in Palo Alto but they do not add that among the different
31 communities Castilleja draws from. Palo Alto students far outnumber those coming from any
32 other place. The school directory has page after page of names of students who live in the
33 94303, 94301, and 9406 zip codes. Still, I'm sure many of you know girls from Palo Alto who
34 were disappointed because they were not admitted. With the high school at about 60 students
35 per grade, it's incredibly hard to get in. Maybe 10 or 12 students are admitted each year.
36 Deserving and talented girls are turned away because there isn't enough space. Meanwhile, the
37 Environmental Impact Report proves that the school can make space for these students
38 without negatively impacting the neighborhood. It really mystifies me that anyone is struggling
39 over this choice. Allow more girls to benefit from this education without impacting the

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1 neighborhood. This should not be a politicized issue and one very small school is not to blame
2 for the traffic on Embarcadero and the growth in Palo Alto.

3
4 Castilleja places Palo Alto on the map of cutting-edge learning for girls because Castilleja has
5 frequently ranked as the number one girls' school in the country. This [unintelligible] within our
6 community only serves to elevate the women's issues and drive for educational equity and
7 professional parity that our entire City cares deeply about.

8
9 Castilleja is a mission-driven, not for profit, but furthers the ideals of our City and works to
10 amplify women's voices in all corners of our community. Thank you for your time.

11
12 Mr. Nguyen: Thank you for your comments. Our next speaker is Trisha.

13
14 Ms. Trisha Suvari: Good evening. As a resident of Palo Alto, I am so impressed by Castilleja's
15 proposal. I would really like to focus on how much the school has continuously modified their
16 plans in response to community feedback. Most specifically Castilleja has significantly reduced
17 the size of the parking structure. In doing so, these changes preserve two houses, protect
18 mature redwoods, and mitigate all significant traffic impacts.

19
20 At the most recent ARB hearing, Castilleja presented plans that also significantly reduce the
21 massing of the build on Kellogg, chance the façade to respond to specific neighbor concerns.
22 The plans also include thoughtful changes to the entry on Bryant. I applaud that Castilleja is
23 addressing both the large and the smaller comments from neighbors. Now the final proposal
24 they have is better for the neighborhood, better for the school, and better for the City of Palo
25 Alto.

26
27 In the spirit of cooperation that the school has established with positive and meaningful
28 response to feedback. Including many, many meetings with neighbors over the past 8-years. It
29 is time to approve the project you have before you. As Members of the PTC, I urge you to
30 recognize all that Castilleja has done to make big and small changes to address neighbor's
31 concerns. After 8 long years, it's time for this project to be approved. The goalposts keep
32 moving and it begins to feel that this vocal group of opponents cannot be satisfied. At some
33 point the never-ending do this, no do that, nature of the process is also unreasonable. Please
34 support this project and allow positive progress. Thank you for your time.

35
36 Mr. Nguyen: Thank you Trisha for joining us tonight. Our next speaker is Daniel. Daniel, if you're
37 there can please unmute yourself? Last call for Daniel. I see that you have lowered your hand.
38 Ok, we'll go ahead and move onto the next speaker but we'll come back to Daniel at the end to
39 see if maybe he was having some technical issues. Our next speaker is a phone caller with the
40 last four digits 3576 who unfortunately is no longer in this meeting. So, we will try to come back

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1 to this person at the end if they're in the meeting room toward the end of public comments.
2 Moving onto the next person is Tony.

3
4 Mr. Tony Hughes: Hi. Can you hear me?

5
6 Mr. Nguyen: Yes, we can hear you. Thank you.

7
8 Mr. Hughes: Great. Hey, good evening. This Tony Hughes. As a lifetime resident of Palo Alto, I
9 want to speak in support of Castilleja's underground parking facility which the Final
10 Environmental Impact Report determined to be environmentally superior to that alternative...
11 to the alternative that did not include underground parking. If that isn't enough reason to
12 support underground parking let me outline some facts.

13
14 First, the structure is 100 percent compliant with the City's Comprehensive Plan. Two, the
15 entrance and exit are single lane recessed from the street and hidden behind landscaping. It
16 bears no resemblance to the misleading images showed in past meetings. It's permissible
17 within City Code to have an underground parking facility for school and permitting for an
18 underground parking structures has been granted under a Conditional Use Permit in an R1 in
19 Palo Alto already at Congregation Koh Emeth. Underground parking is preferred over surfaced
20 parking as the more environmentally sound way for the school to meet City drive parking
21 requirements and the parking structure will not increase car trips. Castilleja will not be
22 permitted to increase enrollment if car trips increase. New trips will not be permitted and the
23 garage has no bearing on the number of trips that would permit it.

24
25 Regarding trees, this proposal meets all standards of the Palo Alto Tree Technical Manual and
26 adds 50 percent more trees to campus increasing the overall canopy. Read the facts about the
27 trees and the parking. This is an excellent proposal and should be supported.

28
29 Finally, as a point of perspective, I grew up in Palo Alto and when to school at Green Gables,
30 Jordan Junior High, and Paly. My four children attended Walter Hayes, Juana Briones, Jordan,
31 Termin, Keys, The Girls' Middle School, Gunn, Paly, and Castilleja. We have lived closely to
32 Jordan, now Green Middle School, for the past 27-years where we are affected every day by the
33 morning and afternoon bike and car rushes and the frequent evening activities that are held on
34 campus. On a regular basis, the middle school band marches down our street playing all right
35 now which would be ok except that I went to Cal. I'm not complaining though. I'm just trying to
36 make a point that as a lifelong resident, I know that education is a huge part of what makes
37 Palo Alto a special place to live, and we as residents need to embrace that whether it's public,
38 private, or special education.

39

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1 I also want to point out that many of the neighborhood impacts that people talk about,
2 particularly around traffic and parking, are not solely as a result of Castilleja. From what I know
3 from experience about traffic and commuting patterns and the best way to get kids who have
4 overslept to class on time. I'm pretty there are a number of other actors in this drama who
5 should be recognized. Paly's enrollment has tripled since I was their student there in the '70s
6 and the new Performing Art Center and its new gym both create additional traffic on
7 Embarcadero and parking impacts on the streets near Castilleja. New restaurants and the
8 Trader Joes at Town and Country are significant traffic generators that impact the ability to
9 make that right turn from Emerson on Embarcadero. And Stanford with over 17,000 students
10 plus conferences, seminars, summer camps, and the events generated as the result of their 36
11 varsity sports, particularly football and basketball, have a huge impact on the neighborhood,
12 particularly Saturday afternoons on (interrupted)

13

14 Mr. Nguyen: Please conclude your remarks.

15

16 Mr. Hughes: I'll finish right now. Castilleja is great for this community and their proposal,
17 especially as they have reconfigured it over the past few years to accommodate neighbors and
18 the Municipal Code, should be approved. Thanks for your time.

19

20 Mr. Nguyen: Thank you Tony for your comments. Our next speaker is Yanting.

21

22 Ms. Yanting Cham [note – might be Chang]: Hi, good evening. My name's Yanting. You can hear
23 me?

24

25 Mr. Nguyen: Yes, we can hear you. Thank you.

26

27 Ms. Cham [note – might be Chang]: Ok, ok. My name is Yanting Cham [note – might be Chang]
28 and I currently live at Bryant Street so about 2-blocks away from the Castilleja School and I'm
29 the one of the many neighbors of Castilleja who support this project. I have watched the school
30 make changes to improve the plans in response with City and neighbor feedback. And this new
31 project, Alternative Number Four, it's a positive plan that brings together the very best of the
32 school's hopes and their neighbor's input.

33

34 The project alternative reduced the size of underground parking significantly. Since the
35 underground parking, it's preferred by the Final Environmental Impact Report and to the City
36 plan. I am happy that Castilleja can meet City parking requirements in that way. The smaller
37 structure preserves homes, conserved trees, and still move cars away from neighborhood
38 streets.

39

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1 I'm particularly happy that the redwood [unintelligible] have been preserved and that the plan
2 carefully outlined steps to keep them safe during the construction process. I can also attest that
3 Castilleja will be able to manage the traffic beautifully as they have done already for the past
4 several years. Please take the approval record to the heart. They have also proven that they can
5 comply with [unintelligible], guidelines because they have followed every single schedule
6 [unintelligible] reduction that the City has outlined.
7

8 Well, most of all I'm very excited for the new beauty. I have looked at the extern rendering and
9 I love the way the step back, the [unintelligible], are varied to blend in with the residence scale
10 of my neighborhood. The old building, outdated, and not very appealing visually so the new one
11 will be a welcome improvement and a beautiful update. Thank you.
12

13 Mr. Nguyen: Thank you for your comment.
14

15 Chair Templeton: Sorry Vinh. I just wanted to check that are you still checking against last
16 week's list?
17

18 Mr. Nguyen: Yes, I am. I do note that we have two people on this later that had already
19 previously spoken but [unintelligible] that it's actually the same person or it just happened to
20 be someone with the same name.
21

22 Chair Templeton: Ok and yeah, great, thank you.
23

24 Mr. Nguyen: Our next speaker is Kathleen Huga [note – Hughes].
25

26 Ms. Kathleen Hughes: Hi. Thank you, Commissioners, for your service and for the opportunity
27 to speak tonight. As a resident of Palo Alto for over 25-years, I want to assert that Castilleja is
28 an essential part of our community and contributes to public good in countless ways. At Ada's
29 Café, which I founded to provide meaningful work for adults with disabilities, we count on
30 Castilleja's community outreach to keep our systems running. Castilleja students engage with
31 and work to support other non-profits in Palo Alto including LifeMoves and the Veteran's
32 Hospital.
33

34 As a school, Castilleja fulfills a public good by educating young women in our City. I hear
35 opponents argue that only 25 to 30 percent of students come from Palo Alto but that argument
36 falls apart when you realize that generations of girls from Palo Alto benefit from this life-
37 changing education every year. They will work to find their voices and become strong leaders in
38 this unique setting right in the fabric of their own community.
39

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1 Getting into the high school program at Castilleja is incredibly difficult because there are so few
2 spots. For this reason, all of you probably know a family who has faced the disappointment of
3 not being admitted to Castilleja. This isn't the only excellent school in Palo Alto but it is the only
4 nonsectarian girls middle and high school in Northern California. Gradually increasing the
5 enrollment in the high school while keeping daily car trips capped will open more opportunities
6 for more girls and many of them will be from Palo Alto. I urge you to please approve this project
7 for them. Thank you so much.

8

9 Ms. Nguyen: Thank you for joining us tonight. Our next speaker is Gloria.

10

11 Ms. Gloria Rothbaum: Hi. My name is Gloria Rothbaum and I also live in Palo Alto. I wanted to
12 thank you for this opportunity to speak in support of Castilleja. In a recent PTC meeting, the
13 Final EIR was praised as the most thorough the City has seen. Setting a new standard for
14 research and analysis. Now it's time to let the... rely on the facts in this outstanding report and I
15 just wanted to quickly point out four things.

16

17 The EIR supports a gradual increase in enrollment and does not see moving or splitting campus
18 as a solution. Number two, the EIR and the City's Comprehensive Plan both support an
19 underground parking facility over surface lots. Number three, the EIR confirms that the project
20 will not bring new traffic to the neighborhood; and finally, number four, the EIR confirms that
21 enrollment and traffic will be monitored and reported to the City by a third-party by providing
22 accountability.

23

24 In 2013 the City asked Castilleja to reduce traffic by adding buses, shuttles, traffic demand
25 management participation for employees, and off-site parking. The school has reduced daily car
26 trips by 20... by 25 to 31 percent. These outstanding results prove the school's capacity to
27 follow the city's limits and abide by those changes. Between the facts that are clearly outlined
28 in the thorough Final EIR and the school's proven track record of minimizing impacts on the
29 neighborhood. I think it's time to listen to the facts and approve this project with the Conditions
30 of Approval.

31

32 There are no significant impacts in the FEIR and that means there are no reasons to delay any
33 longer. If spending 8-years on this project is what's considered special treatment? They never
34 asked for that. So, approve this [unintelligible] project and continue to open educational
35 opportunity in Palo Alto. Thank you.

36

37 Mr. Nguyen: Thank you for your comments. Our next speaker is Cindy.

38

39 Ms. Cindy Chen: Hi. Good evening Commissioners. I've lived in Old Palo Alto for over 10-years,
40 just five blocks away from Castilleja and I appreciate the incredible work that the school has

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1 done listening to the neighbor concerns and modifying their plans accordingly. I have followed
2 this project closely for years. Including the fact that neighbors asked for an underground to
3 accommodate any campus modernization. As I look at the plans now with a solar underground
4 parking, improved aesthetics, preserved redwoods, fewer events, outstanding traffic
5 management. I firmly believe it's time this process to draw to a close and for Castilleja's Master
6 Plan to be approved. The FEIR finds no impacts. The proposal is in compliance with the
7 Comprehensive Plan. I truly don't understand this resentment and hostility around their school.
8 This school has modified and modified and now it's time to recognize the plan is... the plan for
9 what it is. One thing is more opportunity to [unintelligible] with no negative impacts.

10
11 I'm a strong proponent of increasing the size of the upper school as long as car trips do not
12 increase. This will increase access for young women, something Palo Alto should be proud of.

13
14 In terms of noises from Castilleja's events, I don't hear anything and have any concerns.
15 Periodically in the fall months, I will hear enthusiastic cheers from fans and music from the
16 marching band from Pally football games. To be honest, during these months of COVID-19
17 Shelter in Place, I miss these sounds. To me, the cheers and the music represent a vibrant
18 community. The immediate neighbors knew they'll be living in a home adjacent to a school with
19 drop off and pick up events, and the joyful sounds of students in the neighborhood. I urge you
20 to recognize the responsiveness of the school, approve plans to modernize campus and
21 increase enrollment, and put for the mitigations necessary so the community can move
22 forward. Thank you.

23
24 Mr. Nguyen: Thank you Cindy for joining us tonight. Our next speaker is Cathy.

25
26 Ms. Cathy Williams: Hi, my name is Cathy Williams. I'm a close neighbor on Bryant Street who
27 wants to support Castilleja because Castilleja is a thoughtful and considerate neighbor. First of
28 all, I appreciate their success in reducing traffic by up to 31 percent so far. Yes, 31 percent, and I
29 believe no one else in Palo Alto has been able to achieve these results and I also appreciate
30 how much Castilleja has worked together and listen to neighbors in the community input with
31 over 50 meetings and 8-years of revising the proposal. They now have a project that is better
32 than the one they started with.

33
34 The underground parking was added to the project in response to neighbors' feedback and is
35 now as small as it can be and still meet City Parking Requirements. This change has saved trees
36 and homes. It also moved cars below ground which I appreciate.

37
38 And I also appreciate with the significant compromises had made in response to neighbors and
39 that's including reserving trees and increasing the number of trees overall. Protecting two
40 homes, reducing the number of events, reducing the number of deliveries, and moving them

-
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1 below grade. Building a sound wall around the pool, making sure drop off mirrors' current
2 patterns, ensuring and increasing safety along the bike boulevard, reducing the above ground
3 square footage, and adding landscaping and increase setbacks. Honestly, the list goes on and
4 on.

5
6 Castilleja has improved this project in all areas and I realize that there are few very vocal
7 neighbors who oppose this project. Even after these significant improvements. It is beginning to
8 seem like that no matter what, they will never be satisfied unless Castilleja moves away, and
9 how sad and disappointing that would be for our City to allow these few voices to drive away
10 an excellent school. And I'm so glad that you are hearing our voice and I hope you can support...
11 listen to our voice and support Castilleja's project. Thank you very much.

12
13 Mr. Nguyen: Thank you Cathy for joining us tonight. The next speaker is Rebecca Eisenberg who
14 I believe has already spoke at the hearing last week. Rebecca, can you confirm that you're the
15 same person?

16
17 Ms. Rebecca Eisenberg: I believe I am so if that's your rule then I'll be fast.

18
19 Mr. Nguyen: Unfortunately, since you already spoke you don't have any more time to speak at
20 this particular hearing so we'll move onto the next speaker who is Bruce. Bruce if you're there,
21 can you please unmute yourself? Last call for Bruce.

22
23 Mr. Bruce McLeod: Got it. I'm here. Can you hear me?

24
25 Mr. Nguyen: Yes, thank you.

26
27 Mr. McLeod: Great, sorry. I forgot I was... I muted my sound too. Thanks for the opportunity to
28 speak Commissioners. You've spent I know a tremendous amount of time because of the scale
29 and complexity of this project. There've been a massive number of documents to read and
30 digest. I also want to thank the City Staff for their work to create a better set of Conditions and
31 were in effect during... from 19... from 2000 rather. Many of these contain metrics for
32 assessment, compliance, and enforcement but they still need some work. A couple of quick
33 comments in general.

34
35 First, trip increases, the Conditions allow an increase of ADT despite what Castilleja supporters
36 say. Why are we even considering any increase at all? The City recently asked Santa Clara
37 County to limit Stanford to no new trips in their recent GUP. Why does Castilleja get a better
38 deal? Besides, Plan Four does not reduce traffic, it just moves it around and through the
39 neighborhood. Moving goalposts, I'd like to remind Castilleja and their supporters that the
40 neighborhood goals have been consistent since they were presented in 2013. To reduce traffic

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1 and parking on neighborhood streets. Lengthy process, most of the time spent on the project
2 has been under Castilleja's control. The school took nearly 3-years to produce the first Master
3 Plan which was deemed non-sufficient by the City and another 2-years on new plans when
4 Castilleja replaced their architect. All while continuing to be over-enrolled and collect tuition. If
5 you're counting that's 5-years of delays and inappropriate under the school's control. Working
6 together, throughout the process neighbors have regularly offered possible alternatives only to
7 be met with we'll study it. Well, that does not meet without objectives. Several years ago, then-
8 Mayor Greg Scharff offered mediation by the City to help find common ground. Yet, when the
9 neighbors agreed, Castilleja backed out. The conditions allow approval without a
10 comprehensive construction management plan. Given the amount of excavation and
11 construction and that that school will continue to operate during this construction. It is
12 potentially unsafe not only for the neighborhood but for Castilleja's own students. A
13 construction more extensive than a map of portables should be a condition before approval.
14 The EIR and conditions erroneously use baseline enrollments and craft the conditions from
15 2017. The baseline should be the conditions from 2000 when the enrollment was in
16 compliance. Changes to plans, the changes Castilleja has made to their plans, the smaller
17 garage, leaving the two residences on Emerson, were not in response to neighborhood
18 demands. They were made so that the school did not have to request nine Variances and risk
19 being rejected. The garage, neighbors asked for a garage when the City vacated Middlefield for
20 what would be the playing field. Castilleja studied it and said it was too expensive. The small
21 working group looked at a garage proposal but only if ingress and egress were from
22 Embarcadero. Less than one month later Castilleja released their Master Plan with a garage that
23 used the neighborhood streets. By the way, the garage, even it's original larger configuration
24 (interrupted)

25
26 Mr. Nguyen: Please conclude your remarks.

27
28 Mr. McLeod: Would not have removed all parking. Thank you.

29
30 Mr. Nguyen: Thank you for your comments. Our next speaker is Curtis.

31
32 Mr. Curtis Smolar: Good evening, thank you for your time. Can you hear me?

33
34 Mr. Nguyen: Yes, we can hear you. Thank you.

35
36 Mr. Smolar: Ok. First, I want to clarify that your job, the Planning Commissions job, is to make
37 recommendations to the City Council based on what the best interest of the City is. Not what is
38 in the best interest of certain private interest to the City.

39

-
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1 Second, I want to clarify the context of your current application. Here before you is a
2 commercial entity that is exempted from having to pay taxes due to its line of business;
3 education. It sells products for \$50,000 a year and offers discounts on that product to only 20
4 percent of its customers. The typical customer pays \$350,000 every 7-years which is
5 approximately 10 times the average savings of a California resident. This is a parade of
6 misrepresentation. Is a... sorry, is a prime example of why we need a parliamentarian at the
7 meetings to point out at the Planning Commission what the facts are and what the law is.

8
9 Here's a law under Palo Alto Municipal Code Chapter 18.76. It has two requirements, one that
10 no CUP without a public that benefit. Two, no CUP if any inconvenience not mitigated. Here are
11 the facts. Castilleja is a private school. Castilleja never opened its doors to the public. Castilleja
12 refused to offer scholarships to needy girls in East Palo Alto, Menlo Park, Palo Alto, and four,
13 Castilleja refuses to offer scholarships.

14
15 In 2013 Castilleja Director Nanci Kauffman signed a contract saying that if she continued to
16 violate the 2000 CUP she would move and allow the CUP to be revoked. Here we are in 2020
17 and Castilleja instead files for a CUP almost doubling its size. When I was in my 20s, I had my car
18 towed because of the fact that I had too many tickets on it. I had to go and pay those tickets. I
19 had consequences for my actions. Castilleja, which is a much larger school which makes \$140
20 million dollars from its students will not face its consequences.

21
22 My mother was one of the first PhDs from Calamita University. She went and she went forward
23 and I believe in women's education. My problem is not with women's education. My problem is
24 facing consequences and showing that as an example so to the women that you're teaching. If
25 you're going to do that, be an example to your people. Thank you. I seed the rest of my time.

26
27 Mr. Nguyen: Great, thank you for your comments tonight. Our next speaker is Joseph Hirsch
28 although Joseph I believe you had already donated your time to Mary Sylvester earlier. Can you
29 please confirm? Hi Joe, if you're are there, can you please unmute yourself? Last call for Joe.
30 Ok, seeing how there's no response we'll move onto the next speaker who is Sulev.

31
32 Mr. Sulev Suvari: Good evening Commissioners. My name is Sulev Suvari. I am a resident of
33 (interrupted)

34
35 Mr. Nguyen: Hi, Sulev, we can hear you a little bit but your volume is really, really low. Could
36 you maybe get closer to the microphone?

37
38 Chair Templeton: Vinh, is it alright if we confirm that he did not speak last week? His name is on
39 the list but I wasn't sure.

40

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1 Mr. Nguyen: I'm sorry?
2
3 Chair Templeton: Can we also ask Sulev before we start the timer to confirm that he did not
4 speak last week?
5
6 Mr. Nguyen: Sulev was one of the people who had their hands raised but when we called on
7 him, he wanted to speak the following week which is this week.
8
9 Chair Templeton: Great, thanks for clarifying.
10
11 Mr. Nguyen: Sulev are you there?
12
13 Mr. Suvari: Can you guys hear me now?
14
15 Mr. Nguyen: A little bit better but still pretty low.
16
17 Mr. Suvari: How about now?
18
19 Mr. Nguyen: Yes, we can hear you very well.
20
21 Mr. Suvari: Ok, wow. Pain of Bluetooth. Anyway, technology. Good evening Commissioners. I'm
22 Sulev Suvari, resident of Palo Alto, and live in the Duveneck/ St. Francis Neighborhood. My
23 name was on the list last week but I took it off and did not speak so this is my first time
24 speaking.
25
26 Tonight, I'd kind of like to address some of... basically step away from opinions and what-ifs and
27 focus on some of the facts and after this, I just would like to urge you to support Castilleja's
28 proposal. So, as we get into these facts, it protects historical buildings the plan as it stands, it
29 preserves housing, it's 100 percent compliant with the City's Comprehensive Plan, and in
30 addition, the Final Environmental Impact Report finds no significant impacts. The circle of the
31 open green space in the center of the campus is reduced in size in the new plan and this smaller
32 circle allows the new learning spaces to pull closer in to the center of campus increases
33 setbacks. And so along with this, there's lower rooflines in many areas and these changes allow
34 the buildings to sit more gently on the site. In addition, these setbacks and heights are
35 completely compliant with the R1 Building Codes.
36
37 I know trees have been talked about and so in reading the Tree Plan, I see that there that only
38 18 trees will need to be removed and 103 will be added to the 139 original trees that will go
39 untouched by this project. And this allowed about 50 percent more trees on-site than there are
40 now. I'm particularly grateful that arborist who studied the project and confirmed that the

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1 reduced sized parking structure will preserve the precious redwood at the edge of the field
2 along Embarcadero.

3
4 As far as the Floor Area Ratio is concerned, I see that the Variance simply maintains the current
5 square footage so this will not densify the neighborhood. Meanwhile, housing is being
6 preserved and I really do appreciate the care that's gone into preserving the trees and
7 improving the site.

8
9 I'd also like to talk about trust. The current Castilleja leadership came in at about 10-years ago
10 and early in their 10-year, they learned that the school was over-enrolled. And I know many
11 people have talked about that over enrollment but it was Castilleja who went to the City to
12 notify about the overage and it was also Castilleja who went to the neighbors and this is how
13 the neighbors learned about the over-enrollment. It wasn't from too much noise or too many
14 parked cars or excess traffic. It was Castilleja. The City thereafter fined the school and did
15 institute rules for gradually decreasing the school's enrollment which Castilleja has done to the
16 letter. Castilleja has dropped enrollment by four students per year for the past several years
17 and it's now at 426 and that's as per the City. So, this is important because the school's in
18 compliance with the City mandated enrollment numbers. And really want I want to bring up is
19 Castilleja does what is right in [unintelligible – audio disturbance] actions are not a question of
20 trust. It's really in demonstration of character.

21
22 Mr. Nguyen: Please conclude your remarks. Oh, thank you. Thank you for joining us tonight.
23 Our next speaker is Greg.

24
25 Mr. Greg Sands: Hello, can you hear me?

26
27 Mr. Nguyen: Yes, we can hear you. Thank you.

28
29 Mr. Sands: Great, thank you very Commissioners, and thank you for your service to the
30 community. My name is Greg Sands and I live on Hamilton Avenue in Crescent Park and I've
31 been a Palo Alto resident for the last 18-years.

32
33 I'll say that I know there are a handful of neighbors who oppose the project. Even though
34 clearly from these proceedings there are many neighbors who support it. I think there are lots
35 of reasons to be in favor of the project as laid out. It's a 100-year old campus with older
36 buildings that were originally built as dormitories that don't allow for things like modern HVAC,
37 which is important for safety considerations given smoke and fires, and this ends up with the
38 same building footprint but materially improved environmental footprint.

39

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1 The school has materially limited traffic over the last 5-years and it has committed to virtually
2 no increase in traffic. A few more high school students enable programmatic richness. Enables
3 educating more girls, both from within Palo Alto and outside the community as a prior speaker
4 noted from Palo Alto and from East Palo Alto. I'll note that 25 percent of students are on
5 scholarship of some form so Castilleja is clearly contributing mightily to the community.

6
7 And while I'm not a professional in the field, I did write my undergraduate thesis on urban
8 planning and I would argue that the school is perfectly placed. Near train station and arterial
9 routes such as Alma and Embarcadero as well as the cluster of Palo Alto High School or Paly and
10 Town and Country. The school has tried hard to listen to the neighbors and to work with them
11 but they honestly don't have a uniform point of view.

12
13 I will note that every single one of them knowingly bought homes across from a school that's
14 been here for over 100-years and near those same arterial transportation routes which frankly
15 create much more noise and traffic than Castilleja does.

16
17 I'd also argue that they aren't unduly harmed by the project. In fact, they have gotten less
18 traffic over the last 2-years. They're probably the only Palo Alto... over the last 10-years rather.
19 They're probably the only Palo Alto residents who have experienced that. Where I live on
20 Hamilton Avenue near 101, the traffic is two or three times worse than it was 10-years ago and
21 it is sometimes so locked up that I can't get in or out of my own driveways. Neighbors have said
22 that this effectively never happens in their neighborhood.

23
24 So, I think Castilleja has actually been a great citizen and a great neighbor. This project is in
25 keeping with Palo Alto regulations and then General Use Permit and I would encourage you to
26 support it. Thank you very much. I seed the rest of my time.

27
28 Mr. Nguyen: Thank you Greg for joining us tonight. It looks like Daniel is no longer in this
29 meeting so we'll circle back to the phone caller earlier who couldn't speak. Phone caller with
30 the last four digits 3576, can you please press *6 to unmute yourself?

31
32 Ms. Kerry Yarkin [note – phonics]: Hi, can you hear me?

33
34 Mr. Nguyen: Yes, we can hear you. Thank you.

35
36 Ms. Yarkin [note – phonics]: Ok, great. Hi, my name is Kerry Yarkin [note - phonics] and I own a
37 home on Churchill Avenue and a lifelong Palo Alto resident. First, I want to just say the reason I
38 was off this time last time was I was looking up the tuition of Castilleja and the tuition is
39 \$52,000 a year, and if you multiple \$52,000 by... times \$432 you have an annual tuition for the
40 school of \$22,360,000. This is not just a nice little girls' private school. This is a very expensive,

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1 exclusive, tony private girls' school but anyway, so that's what I was doing when I wasn't on the
2 phone last time.

3
4 So, I feel that your Commission should not approve the expansion plan because our City rules
5 and regulations about CUP have not been upheld. In fact, Castilleja has consistently
6 misrepresented enrollment numbers, misrepresented their alumni class of community
7 meetings, and continues to skirt their responsibility to work in good faith with their neighbors.
8 And I know you've heard a lot of other things this evening but I think that there was a speaker
9 who talked about misrepresentation and I think that there's a lot of that going on tonight.

10
11 You all know about the deception carried out about the enrollment. In the 2000 CUP John
12 Lusardi, Planning Manager, stated from... well first it went from 385 to 415. That was the
13 approved CUP. John Lusardi who represented the City stated words to the effect that no future
14 enrollment increase would be accepted by the City. I was there. I went to two of those
15 meetings in the year 2000 and I took him at his word. So, I feel that your duty is as Planning
16 Commissioners should be upheld the City's rulings and directives. What they say is what they
17 mean. This basic tenant of City government seems to have been shoved aside to meet
18 Castilleja's desire for a new campus. There is no necessity for their huge expansion plans. It is
19 not a necessity. It is a want. Over 20-years since the CUP, I have attended approximately 50
20 percent of the community meetings which was from the CUP in the year 2000 and those
21 meetings were supposed to "provide an open dialog regarding neighborhood issues." For the
22 last few years, these meetings did not provide an open dialog with both sides listening and give
23 and take from both sides which was the requirement of the CUP. I felt most of these meetings,
24 not all, were mostly like a PR and marketing campaign for a private company. It was quite
25 (interrupted)

26
27 Mr. Nguyen: Please conclude your remarks.

28
29 Ms. Yarkin [note – phonics]: Embarrassing for myself and I know... I'm sorry?

30
31 Mr. Nguyen: Your time is up. Please conclude your thoughts.

32
33 Ms. Yarkin [note – phonetics]: Am I done? Oh, I'm sorry, I was embarrassed that the Castilleja
34 students and teachers being used as props to speak about their education. Not about the actual
35 plans. I have a feeling that Castilleja will say anywhere, whatever it takes, to get their expansion
36 through. Please uphold our City's word and our zoning laws by not approving the party,
37 Castilleja, that has been (interrupted)

38
39 Mr. Nguyen: Your time is up. Please conclude your remarks.

40

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1 Ms. Yarkin [note – phonics]: [unintelligible] of the CUP process.

2

3 Mr. Nguyen: Thank you. Our next speaker is Jen.

4

5 Ms. Jen Carolan: Hi there. Can you hear me?

6

7 Mr. Nguyen: Yes, we can hear you. Thank you.

8

9 Ms. Carolan: Ok, thank you for hosting the meeting. I'm Jennifer Carolan. I'm a near neighbor of
10 Casti [note – Castilleja] and I want to speak in support of the plan in general and more
11 specifically about what the school has done to preserve trees, add more trees, and increase the
12 overall canopy.

13

14 First, just a bit about me, I'm a former public-school teacher. I taught at JLS for a number of
15 years. I'm still in contact with many of my students who have now graduated and gone on to
16 their careers and I did want to mention that somebody, I think it was Curtis who said something
17 about the tuition assistance being low. The tuition assistance at Castilleja is actually 25 percent
18 of the students receive some sort of tuition assistance. So, the school is very diverse among a
19 lot of different dimensions and it's actually a lot more diverse than when I taught at JLS. So, it is
20 doing a lot for girls throughout. I... after my public-school teaching career I went into another
21 career that has very few women and so I just really appreciated this kind of lighthouse school
22 that is educating female leaders.

23

24 So back to the trees, the long drought is... has been really hard on the trees throughout Palo
25 Alto and the Castilleja campus suffered. Moving forward the school created a landscaping and
26 tree plan that is mindful of the world that we now live in with environmental shifts caused by
27 climate change. The new plantings will be drought resistant and will be able to thrive in the
28 current climate. There'll be 50 percent more trees added to campus, increasing the canopy and
29 greenspace significantly. The changes to the garage preserve the mature redwoods along
30 Embarcadero Road. I agree it was the right thing to do and I'm glad that Castilleja sees that as
31 well. I also appreciate that the school has researched and written in ways to protect those trees
32 during construction and while the temporary campus is in place. The tree plan that the school
33 has proposed is in alignment with the standards in the Palo Alto Tree Technical Manual and the
34 Municipal Code. Palo Alto is a City that takes its trees very seriously and the school has met
35 those high standards for this project. Like everything else in this project, years of thought,
36 research, and effort have gone into this tree plan and landscaping design. The renderings show
37 rich and lush landscaping and trees throughout the new campus. The Final Environmental
38 Impact Report supports the tree planting and I'm eager to see these additions to the green
39 space in our neighborhood. Thank you.

40

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1 Mr. Nguyen: Thank you Jen for your comments. That concludes the public speakers we have
2 though I do want to note that I received a message from the applicant, Mindie, stating that she
3 has a rebuttal.

4
5 Chair Templeton: Excellent. Alright, let's move onto the applicant rebuttal. Thank you everyone
6 for your comments and how long is the applicant rebuttal?

7
8 Mr. Nguyen: Three minutes.

9
10 Chair Templeton: Great, thank you so much.

11
12 Ms. Mindie Romanowsky: Hello, can you hear me and see me? Great, thank you. My name is
13 Mindie Romanowsky, I represent Castilleja as their Land Use Attorney. I hope you received and
14 have had the opportunity to read my formal rebuttal letter that I sent yesterday by email. I
15 hope to keep this short tonight but between yesterday and today, we got a letter... yet another
16 letter from Ms. Moncharsh, the attorney from PNQL, which requires a response because there
17 are misplaced requests that you should know before deliberating this evening.

18
19 She first suggests that there be mediation before we move onto City Council. What they didn't
20 share and is continually left out of this dialog is that we have already engaged in outreach and
21 mediation with neighbors dating back to 2013. So, I would like to share with you briefly what
22 we have done to correct the record. First, at the suggestion of City Staff in 2013 we engaged
23 Jeff Ball, a licensed facilitator, to meet with the school and neighbors for approximately 2-years.
24 There were facilitated meetings where copious notes were taken. You know upwards of eight
25 neighbor meetings, nine focus groups, 17 small task force meetings. All of this is in our
26 application and documented but cut to the chase. These meetings facilitated by Mr. Ball lead us
27 to an application based upon neighbor feedback and that is when we first submitted.

28
29 Next, after our application had been formally submitted, at the request of former City Council
30 Member Karen Holman, not Greg Scharff which of course we would have taken it from his
31 suggestion as well, but Karen encouraged us to work with Project Sentinel, a mediation group.
32 So, we engaged them in December of 2017 and they heard both sides. They met with both sides
33 for over 90-minutes... 90-hours I should say and then finally in April of 2017, a mediation date
34 was set for April the 9th. I looked at the calendar. We were cautiously optimistic that progress
35 had been made but unfortunately at the last minute the mediation was canceled by PNQL.
36 Erroneously stated by a member of the community this evening, it was not Castilleja who
37 canceled that meeting and unfortunately, the mediators were unable to bring PNQL to the
38 table so they closed that matter. So, at the time PNQL is suggesting that mediation should occur
39 gives us pause to trust that their motives are true. We can't help but wonder if this is yet

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1 another opportunity to delay, deflect, and distract from the decision that is ripe for
2 consideration.

3
4 I will also just briefly mention in the 30-seconds left that I would urge you not to be swayed by
5 Mr. Levitsky's presentation. It was a misguided interpretation of your code and instead rely on
6 your Staff and your City Attorney who concluded in previous Staff Reports that our
7 underground parking facility is supported by your code. I would also like to say that I don't
8 understand how he did his math because when we did the math and used this map which is
9 attached to my letter. You can see in this entire zone from Embarcadero south, we are the
10 largest parcel and not (interrupted)

11
12 Mr. Nguyen: Please conclude your remarks.

13
14 Ms. Romanowsky: Granting a Variance would be [unintelligible] treatment. I would encourage
15 you to read that letter again. I have so many other things I can add so if you have a question as
16 the night proceeds. I would just encourage you, as one member of the community said, to allow
17 the facts to undo the rederick. We are not asking for a special privilege. To the contrary, failure
18 (interrupted)

19
20 Chair Templeton: Thank you, Ms. Romanowsky.

21
22 Ms. Romanowsky: To maintain our FAR (interrupted)

23
24 Chair Templeton: Please conclude your remarks.

25
26 Ms. Romanowsky: Weight to fairness. Thank you so much.

27
28 Chair Templeton: Alright, I think it is time for a 10-minute break. Please give me a thumbs up
29 Commissioners if you're cool with that? Alright, so let's meet back here at 8:33 and we will plan
30 to be speaking and doing our discussion by 8:35 so, be on and get your camera. I'm giving you a
31 minute or two buffer there. Alright, thank you so much.

32
33 [The Commission took a 10-minute break]

34
35 Chair Templeton: Thank you Commissioners for being back in a timely manner. We'll start at
36 8:35 so the public has a chance to return as well so that's just under a minute and
37 Commissioners I'll remind you that we have people available to answer questions from Staff
38 and from the applicant in addition to the comments that we heard comments last week and
39 today. Alright, Mr. Nguyen may we resume the meeting? Great, thank you very much.

40

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1 Alright, Commissioners, we will... please raise your hand if you have questions or comments
2 that you'd like to make at this time. Alright, I see Commissioner Hechtman first. May... then you
3 other Commissioners may line up and I'll write your name down as I see it.

4
5 Commissioner Hechtman: Thank you, Chair Templeton, though I have a question for Staff and
6 then a process question for the Chair. The question for Staff. One of the recent speakers
7 mentioned a construction management plan which of course I didn't find in the Conditions of
8 Approval. In my experience, though the construction management plan is a Standard Condition
9 applied to the Building Permit issuance and the plan has to be tailor to whatever you're
10 applying to build. So, in Castilleja's situation, there might be one construction management
11 plan for the construction of the underground parking and then a different one when they pull
12 the Building Permit for the academic building. Can Staff comment on where in this process the
13 construction management plan comes from?

14
15 Ms. Amy French, Chief Planning Official: Sure. Amy French, Chief Planning Official. The
16 Conditions of Approval that are related to the Architectural Review Application includes Public
17 Works Conditions that relate to construction management and logistics. In addition, the EIR
18 does discuss construction management and impacts there... from that activity.

19
20 Commissioner Hechtman: Alright so they're actually already in existence, just not in front of us.
21 That group is in front of ARB and will travel to the City Council.

22
23 Ms. French: Correct.

24
25 Commissioner Hechtman: Ok and then my question for the Chair is I was curious how you
26 envision the... after we get through questions of Staff. How you're envisioning our Commission
27 dialog?

28
29 Chair Templeton: I think we're going to take the time we need to rotate through and give
30 everyone a chance to speak. It's a good point to bring up because I think that we do have
31 control for going long on those. So, I would ask the Commissioners to keep a watch on time and
32 if you go over 10-minutes I'll probably interrupt and just let you know that's it's been 10-
33 minutes but I think we'll continue going around so everyone has a turn to speak.

34
35 Commissioner Hechtman: May I offer a suggestion?

36
37 Chair Templeton: Sure, and it looks like Commissioner Lauing has one too so ok.

38
39 Commissioner Hechtman: So, my thinking was that we would have a round, as you say, of more
40 general comments, overview, however long the Chair feels appropriate to talk about the big

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1 picture items. And then a second phase of our discussion would be to discuss the Conditions of
2 Approval and actually to reach resolution on those which I think could be complicated and take
3 a series of votes because I think we have to have a stable set of Conditions of Approval before
4 we can make our recommendations on the Findings. Because the Findings are really dependent
5 on what the Conditions are. And just as a quick example, there... enrollment is going to be
6 something that we're going to talk about, the enrollment number, and I don't know where any
7 of the Commissioners fall but some Commissioners might feel that they can make Findings at a
8 certain enrollment number but not at a different enrollment number. So, I think we have to
9 decide what a majority of us want to recommend as the enrollment number before we can get
10 to the Findings. So, I think (interrupted)

11
12 Chair Templeton: So, have a structured... you're proposing have a structured round of
13 conversation?

14
15 Commissioner Hechtman: Yeah and actually decide, make recommendations on the Findings,
16 reach agreement and... sorry, on the Conditions of Approval and then move... after we're done
17 talking about the Conditions of Approval. Then move to the Findings and make our
18 recommendations there.

19
20 Chair Templeton: Thank you for that proposal. Commissioner Lauing and Commissioner Alcheck
21 wants to talk about process, is that correct?

22
23 Commissioner Lauing: Yes.

24
25 Chair Templeton: Ok, go ahead Commissioner Lauing.

26
27 Commissioner Lauing: Well, first I would agree that we should do a general round as
28 Commissioner Hechtman said, but I just want to remind us all that we're back here for a special
29 meeting to accommodate the request of Commissioner Alcheck. The day after election day and
30 so we're here and we're working on that but we've already been at it 3-hours almost. So, I
31 would like to suggest that we have a time limit on this meeting so that we're fresh all the way
32 through the meeting and we can talk about what that is. It's coming up on 9:00 so if you want
33 to make it 10:00 or something like that. That's what I would suggest.

34
35 Chair Templeton: Before we go to Commissioner Alcheck, I'd be open to checking back in at
36 10:00 in case we are feeling like we're close but if we set a deadline we might find yourself
37 tempted to run off the clock or something like that. So, I want to be as open-minded as we had
38 through the conversation as possible. Commissioner Alcheck and Commissioner Summa, did
39 you want to talk (interrupted)

40

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1 Commissioner Alcheck: Yeah, I want to respond to (interrupted)

2

3 Chair Templeton: Are you in line for... hold on just a second Mr.... Commissioner Alcheck.
4 Commissioner Summa are you in line for the discussion or for the process?

5

6 Commissioner Summa: Actually, I raised my hand about the process.

7

8 Chair Templeton: Ok, so I'm sorry Commissioner Alcheck, let's go to Commissioner Summa first.
9 Sorry about that.

10

11 Commissioner Summa: No, that's ok. I agree that we should have a plan about how to do this
12 with my colleagues who've just spoken. It seems to me like it's a lot to do. We have a lot of
13 feelings and two different sides and we've got pretty lengthy documents yesterday and today
14 from the attorneys from both sides and a lot of opposing ideas. So, I don't know if people want
15 to go through one by one the documents. I don't know if that's what Commissioner Hechtman
16 meant for the Conditions of Approval first which makes sense. It could be... if we go through
17 one by one which is not something we often do but I don't know how we get to making all
18 these recommendations if we don't unless we keep it very general and at a high level and let
19 Staff come back to us. So, I'm also looking for input on how we want to approach discussing this
20 from you.

21

22 Chair Templeton: Alright, good input, thank you. Commissioner Alcheck.

23

24 Commissioner Alcheck: I don't want to go document by document. I have substantial concerns
25 about spending an hour talking about the process by which we are going to talk about the
26 application. I am going to conclude my comment in this moment by moving that we
27 immediately begin our discussion without any restrictions on what we can talk about. I have... I
28 can tell you that in the last year and a half we've never had as much time to spend with Packet
29 that we've had today and our question and answer section last time was extraordinarily long
30 before we even took our first public comment. So, let me reiterate, I am completely prepared
31 to follow the criteria of discussion conditions first before discussing Findings. I think that's a
32 very reasonable suggestion. I do not believe we should have a round of general discussion for
33 10-minutes a Commissioner for 70-minutes which would take us well past 10 o'clock. And I
34 would like everybody who I assume has had a tremendous amount of time to prepare for this
35 meeting to jump in it and I am completely prepared to do that. I have the list of items I would
36 suggest we do to amend the conditions and to begin this discussion. And I want to reiterate
37 that I am very uncomfortable with this continued sentiment that we are never prepared
38 enough to have the discussion that we need to have. I'd much rather see a vote at the end of
39 the night and if individuals can't make the Findings. They can simply vote that they couldn't
40 make the Findings and make that recommendation to City Council.

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1
2 Chair Templeton: Thank you, Commissioner Alcheck.
3
4 MOTION #1
5
6 Commissioner Alcheck: This is... so wait, before I finish, I would like to move to immediately
7 begin the discussion on this topic and I hope I can get a second.
8
9 Chair Templeton: Is a motion necessary for that? I think (interrupted)
10
11 Commissioner Alcheck: It is if we are going to walk around and talk for 20-minutes (interrupted)
12
13 Chair Templeton: We haven't spent an hour, we've spent a few minutes.
14
15 Commissioner Alcheck: I know but we did last time and so it's my prerogative to make a motion
16 that we begin receiving comments from Commissioners at this time without further delay.
17
18 Chair Templeton: Is there a second?
19
20 SECOND
21
22 Commissioner Riggs: I'll second. I feel I'm ready to start talking about this [unintelligible].
23 Second.
24
25 Commissioner Alcheck: Can I please speak to my motion? I would just like to have the
26 opportunity to vote on it.
27
28 VOTE
29
30 Chair Templeton: Thank you. I'd like to speak about it as well. I think it's very out of line and last
31 time we had this discussion we by-passed the process and we tried to shut down voices. I think
32 it's totally fine for us to discuss a process for getting through something this detailed, this much
33 information. We're not going to spend a ton of time on it, but I just don't see the point. So, any
34 other people want to speak on this? Alright, Vinh if you... Mr. Nguyen, can you please conduct
35 the vote?
36
37 Mr. Nguyen: Commissioner Alcheck?
38
39 Commissioner Alcheck: Aye.
40

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1 Mr. Nguyen: Commissioner Hechtman?
2
3 Commissioner Hechtman: No.
4
5 Mr. Nguyen: Commissioner Lauing?
6
7 Commissioner Lauing: No.
8
9 Mr. Nguyen: Commissioner Riggs?
10
11 Commissioner Riggs: Yes.
12
13 Mr. Nguyen: Vice-Chair Roohparvar?
14
15 Vice-Chair Roohparvar: I'm going to abstain.
16
17 Mr. Nguyen: Commissioner Summa?
18
19 Chair Templeton: Commissioner Summa we could not hear your answer.
20
21 Commissioner Summa: Sorry, I was muted. No. Sorry.
22
23 Mr. Nguyen: Chair Templeton?
24
25 Chair Templeton: No. Thank you.
26
27 MOTION #1 FAILED 2(Alcheck, Riggs) -4(Hechtman, Lauing, Summa, Templeton) -1 (Roohparvar
28 abstain)
29
30 Mr. Nguyen: Ok, the motion does not carry.
31
32 Chair Templeton: Ok, there are a couple of people we haven't heard yet on their input about
33 what process could be constructed. We should get through it quickly in the interest of being
34 able to have that discussion. So, if you haven't yet spoken to that, it looks like Commissioner
35 Riggs and Vice-Chair Roohparvar if you have input you may go after him.
36
37 Commissioner Riggs: Well, I mean before that motion was made I was just going to... I was
38 going to suggest that... I mean I thought Commissioner Hechtman's proposal was reasonable
39 but I'd like to excel... I would prefer not to limit... I'd prefer not to overly structure the dialog.
40 My comments are very simple on this and so I'd just like to put my comments out there and

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1 kind of be done. I... so that's... those are my thoughts. So, yeah, I appreciate the sentiment but I
2 don't want to limit the structure of the... structure the dialog too much.

3
4 Chair Templeton: Thank you. Vice-Chair did you have a comment?

5
6 Vice-Chair Roohparvar: Just quickly, I'm fine with, however... whatever people want to do. Just I
7 had comments on the Conditions of Approval so I was going to go through that and then after
8 that give my general sentiment but I'm ready to just beginning through that in that order. It
9 sounds like that's what Commissioner Hechtman is recommending and Commissioner Riggs. I
10 don't know.

11
12 Chair Templeton: I think there was a round of big picture discussion first that was in
13 Commissioner Hechtman's suggestion. I also feel like we don't have to have that much
14 structure to this discussion. We should rotate through so if you're interested in discussing the
15 conditions and you want to preface it with a comment about the big picture feel free and we're
16 going to rotate through. The hands up I see is Commissioner Alcheck, Commissioner Hechtman,
17 and Vice-Chair Roohparvar, and Commissioner Riggs. So, that's the order we'll start.
18 Commissioner... oh ok, sorry about that Commissioner Hechtman. Alright, Commissioner
19 Alcheck why don't you begin and I will try and keep an eye on the clock and give you a reminder
20 if it goes long and it's all self-regulated. If you guys want to go long [unintelligible], ok. I just
21 want to make sure that you're giving everybody air time. Thank you.

22
23 Commissioner Alcheck: Thank you. Alright, I am going to dive in then. I have notes from all the
24 meetings and I tried to aggregate all of them and go through them and figure out a way to
25 approach this and kick off my comments. I have a note that one of the attorneys for residents
26 spoke at our EIR meeting and referenced how common it was for schools to "modernize"
27 through the use of not so temporary portable classrooms. And I think the attorney suggested
28 that the portables that were new and she attended that local school herself. Decades later was
29 still in operation and I mention that because I was struck in that moment by just how unique
30 our community is. To have such significant resources and institutions that have decided to
31 invest in real modernization and significant renovation. Our City benefits from this attribute in
32 ways that are hard to appreciate when living within the bubble of Palo Alto. And those
33 comments really hit home and I made a note of it during that meeting. I also want to mention
34 something that I believe Ms. Moncharsh mentioned last week which was that we shall operate
35 from the position from managing impacts. And I was also impressed to hear that she shared my
36 concern about the over micromanagement of events and so I'm going to begin there.

37
38 With respect to the Conditions of Approval, I'd like to highlight some suggestions that I'd like us
39 to consider tonight and the first suggestion will begin on Page... Packet Page 31. This is Item
40 Number 6. I'm not exactly sure how to articulate my view here. I find the language and tone of

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1 Requirement 6 to be simply repugnant to values of the City of Palo Alto. I am... I have been
2 struggling to hold both my understanding of the community's vision and its values with the
3 language of Condition 6 as it's written here. It's worth noting that I made an effort to learn
4 about the special events requirements of private schools in our broader community and what I
5 learned made me cringe in comparison with what's recommended here. So, in light of that, I
6 would recommend we direct Staff to amend the second sentence of Condition 6 to read that a
7 special event is defined as one that includes more than 120 attendees as defined in Mitigation
8 Measure 4a included in the Mitigation Monitoring Reporting Program, MMRP period. This
9 change would obviously necessitate adjusting some of the language in the rest of Condition 6
10 and in the event that this change from 50 a guest to 120 doesn't earn my colleague's support, I
11 would recommend the following. I would recommend... and I can come back to any of these in
12 the event you need me too. I would recommend that we direct Staff to amend the language in
13 6a to increase the limit to 37 to 50 and the limit in 6a of 5 to 10. I would recommend that we
14 direct Staff to amend the language in 6b to increase the limit from 32 to 40. I would
15 recommend that we direct Staff to amend the language in 6c to increase the limit from 5 to 20
16 and to apply to weekends, not just Saturday, and I would recommend that we direct Staff to
17 delete 6d. I would recommend that we direct Staff to amend 6i to allow for publication twice a
18 year covering 6-months at a time at the start of the academic year and at the start of the
19 calendar year. I can go into more detail about that but I just think that requiring a school to
20 understand all the events it wants to have for the entire academic year at one time is onerous.
21 And so, I think we should give them the opportunity to publish that list bi-annually or twice
22 annually if that's incorrect use of a term; bi-annual. I would recommend that we direct Staff to
23 amend Number 7 on Page... Packet Page 32 to allow Castilleja to make use of the same process
24 for events that they wish to calendar or reschedule. So, this is something that we touched upon
25 last time. It was a question of mine during that session. Is there a way for this... Castilleja School
26 to change or add an event to the calendar that wasn't foreseeable? Providing them some
27 flexibility in their event planning efforts. It seems unreasonable to force them to not have the
28 opportunity to change a large event. Alright, I'm going to move onto Page... Packet Page 33,
29 Number 14, (interrupted)

30

31 Chair Templeton: Pardon the interruption, Commissioner Alcheck. Do... would it be useful to
32 anyone and/or is it even possible to capture these suggestions on a doc that we can all look at?

33

34 Commissioner Alcheck: Yeah, I can copy-paste this into the chat when I'm done if that would
35 help.

36

37 Chair Templeton: Maybe email it to Mr. Nguyen because chats disabled for this meeting.

38

39 Commissioner Alcheck: Ok, I'll do that at the conclusion of my comments.

40

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1 Chair Templeton: Thank you. I appreciate that.

2

3 Commissioner Alcheck: On Page 33, Number 14, when I read Number 14 on Packet Page 33, I
4 am struggling to understand why this language was necessary? Considering that the plan to
5 include athletic field lighting would have had to be approved and included in a Building Permit.
6 So, using this format to restrict such an addition suggests that adding athletic field lighting
7 would otherwise require no permit or approval which we all know is not the case. So, it's not
8 just redundant but it adds to the uncomfortable tone that permeates this whole section frankly
9 and I would recommend that we direct Staff to delete Condition 14.

10

11 Ok, moving to Page 37, Item Number 23. So, it says in Item Number 33 [note – 33 or 23?] that in
12 that first paragraph that the reports shall be prepared and submitted. I'm paraphrasing here
13 and once the school has consistently met the peak hour and daily trip standards required by
14 these conditions and then at that time only two monitoring reports per year shall be required.
15 So, there's this suggestion that after sort of reaching... achieving this threshold, the monitoring
16 requirements would go down. However, it sort of leaves it there in perpetuity. That sounds
17 terribly onerous to me. The value of a never-ending condition is questionable in my mind and I
18 would recommend that direct Staff to incorporate a sunset provision here. Whatever we can
19 get comfortable with I would support. Something like 15-years, 20-years. It just seems like to
20 me ludicrous that we would require this level of reporting in perpetuity, or if we are
21 uncomfortable setting a sunset provision here then maybe we could set a date at which time
22 we can review the value of the continued reporting at such time. Ok, we'll look back at this in
23 10-years, and then PTC will determine whether the reporting and the costs involved in
24 reporting are still necessary to ensure compliance.

25

26 I would ask you to move to Page 40... 42, Number 31. I have a concern about Staff use of funds.
27 There doesn't seem to be any oversight to make sure that the use of funds is reasonably efficient
28 and I would recommend that we direct Staff to incorporate some language that allows the PTC
29 or the City Council to hear the applicant in the event there's a concern regarding the use of
30 funds. I don't obviously disagree that the applicant should be on the hook for the costs
31 associated with this but we need to have some incentive for the City to perform efficiently.

32

33 Ok, Page 42... see Page... actually hold on. Page 40... Packet Page 43, Condition 32. This is again
34 a condition that lives on forever and I would suggest to you that the value of this never-ending
35 condition is questionable in my mind. And I would recommend that we direct Staff to
36 incorporate a sunset provision here as well. In the event that we don't have enough support
37 among the Commissioners to incorporate a sunset provision here. I would also suggest that we
38 include a timeframe by which we would review this within 10-years, 15-years, whatever we're
39 comfortable with to determine whether or not this condition still provides a value and is
40 necessary.

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1
2 On Page 42, Condition 34, this is a question for Staff. What is the dollar value of this condition?

3
4 Mr. Lait: So, Number 34, I think it's left blank because we were still calculating that.

5
6 Commissioner Alcheck: What is Staff... how is Staff determining that value?

7
8 Mr. Lait: Amy, I don't know if you've got or Sylvia, if you have that answer. I think it's one that
9 we're... again, we don't have an answer for you. We don't know what that dollar amount is. We
10 know it's got to be something that's reasonable but again, these are Draft Conditions that
11 we've presented here and we're... we don't have that dollar amount.

12
13 Commissioner Alcheck: Look, what... I guess what I'd suggest to you is that I'm comfortable
14 moving tonight on Draft Conditions as amended as they possibly can be. I'm sure that I won't
15 garner support for every single one of my suggestions and maybe that I don't cover... I don't
16 obtain support for most of my suggestions but I believe that even as written I would
17 recommend moving forward. And so, despite the fact that I think the document as written
18 currently is flawed and that we should take this opportunity now to improve upon it. I would
19 suggest to you that not having an amount here or even language that suggests how the amount
20 is calculated is problematic. And so, what I would suggest we do for this particular item is not
21 move... not including it in our motion and ask that City Council make this determination on their
22 own. So, I would suggest to you that our motion essentially strike Number 34. Not because we
23 don't believe it's a valid component but simply without a number it's... it isn't right for our
24 recommendation. So, we could simply say that Conditions 1 through 37 minus Condition 34,
25 simply because the number isn't there, received... PTC recommends moving forward with those
26 conditions as written and recommends that City Council rely on Staff's insight or information to
27 conclude how they wish on Number 34. I would not suggest that we need to have a second
28 meeting to review simply that number or any of these particularly for that matter.

29
30 Ok, I want to conclude by just thanking the people who attended this meeting and the last one.
31 It's true, this process has been going on for a really long time. I would suggest to you that prior
32 to our last meeting, I wasn't... it wasn't clear that there were or at least my impression was that
33 there wasn't a lot of neighbor's support. I would suggest to you and I would thank those who
34 attended, that the number of individuals who attended last meeting and to frankly this meeting
35 but more so last meeting, who were neighbors in support really changed my perception of the
36 local neighbors take here. And I think one of the issues that I would like to suggest is that
37 reasonable minds can disagree. We have a great process in this City. It's lengthy, it's time-
38 consuming, it's deliberate, and sometimes when reasonably minds disagree there are... there is
39 this perception or feeling that there are winners or losers. It's clear that there is a large number
40 of neighbors that support this project. Neighbors very close to the school and there are large...

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1 there is a significant number of neighbors who oppose it and the disconnect between
2 comments we received was tremendous. Right, we received comments from someone across
3 the street who suggested this is... who never had an issue and other individuals across the
4 street who said this is the worse situation in the world. It's difficult for Commissioners to rely
5 that on that sort of conflicting input and come to conclusions on it. So, I am relying on the Staff
6 Report, the comments, the EIR that I've studied, and the work I've done to understand how we
7 treat other institutions like this one in our City as well as how other local residential
8 neighborhoods relate to similarly situated schools. And I would hope that at the conclusion of
9 this process, when reasonable minds disagree, we can see it just as that, and we can move
10 forward. Thank you.

11
12 Chair Templeton: Thank you, Commissioner Alcheck. Commissioners, I will remind you that we
13 have to have the Findings before the CUP so we will need to have some dialog about where you
14 stand on the Findings as well. Maybe you can get that in your next round Commissioner
15 Alcheck. So, alright, who is next? (interrupted)

16
17 Commissioner Alcheck: Yeah, no, I was following the format of talking... sorry. I was following
18 the format of talking about the Conditions that I think if... like I said. I think I can make the
19 Findings regardless of whether all of my suggestions were incorporated, but I wanted to
20 suggest that I thought the process of talking about what conditions we would want and then
21 can we make the Findings based on those conditions. I think was a wise one so that
22 (interrupted)

23
24 Chair Templeton: Absolutely. I don't want to... it's not a critic. I just wanted to make sure
25 (interrupted)

26
27 Commissioner Alcheck: And I will send my list... my concise list to Vinh now. So, in case
28 anybody wants to pull it up, they could.

29
30 Chair Templeton: Thank you. Yeah, the idea is I'm just thinking ahead to when we do make
31 motions that all of that has to be covers. So, Commissioner Riggs, you're next followed by
32 Commissioner Lauing. Thank you so much.

33
34 Commissioner Riggs: I guess I'll change my response based on what you said. I mean I guess
35 I'm... my ability to make the Findings are contingent on the... on some of the conditions. And
36 the... I guess I'll start with acknowledgment and thank you to the people that spoke and
37 acknowledgment in patience... for them being patient with our process and our deliberation;
38 but also, our desire to make sure that we gave people enough time to process and to express all
39 their amazing ideas to us.

40

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1 And the more I step back, from a rational standpoint on this project, my overarching concern is
2 to not meddle with the bodies on the site but think about the principal impacts on the
3 neighborhood in being the traffic. An R1 Zoned property that is not used as a residential
4 property and therefore there are traffic transportation impacts on this neighborhood. That's...
5 that will be the tone of the three conditions that I want to talk about and really the three main
6 points which are related to the increase in trips which is only an issue because of the number of
7 bodies on the site. The increase in the number of bodies on the site. So, I do not want to dialog
8 the business model nor the... and I would prefer... this is my personal. I'd prefer not to actually
9 discuss the number of people on the site because in my mind the number of people only is...
10 only frames the degree to which there's an in impact on neighbors. And so that... I'll just put
11 that out there.

12
13 The... I'll just go through the three things that I want to put out there is things that I think are
14 important that they talk about in the conditions. I do want to respond to a couple of things that
15 my... that Commissioner Alcheck brought forward too. First off, the number of trips, when this
16 project first came forward we gestured at least that would be net no new trips. I think the
17 public has that clear that that was their expectation, that was my expectation, so when this
18 came back with over 1,200 trips. I was a little surprised and so I actually, from a TDM
19 standpoint, Condition 22, I would... everything needs to be capped at 1,198. So, I would reframe
20 that condition. Hey, increase your campus, no net impacts in terms of trips and that would...
21 could... should... in terms of quick Condition 22 on Packet Page 35. That would cascade from
22 ADT to Peak Hour Trips. And so, you know, the great part about that is Castilleja has an amazing
23 TDM Program already and they can increase the campus. They can increase the number of
24 people but we should hold them to the same standard... I'm flubbing my words here... standard
25 that we hold Stanford too. And I think that... I was going to say this and I'm glad the member of
26 the public already brought it up. Stanford had a trip cap for numerous years, a Peak Hour Trip
27 Cap. They've run the Stanford Capri experiment in 2012. It was FHWA's signature project. I'm
28 sure Philip knows all about it but we have great examples of schools in our ecosystem that have
29 operated under a trip cap for a long time and grown without increasing Peak Hour or ADT. So, I
30 would say that's my first thing I'd like to propose as a Condition of Approval.

31
32 Secondly, I think paralleling that, I feel like the driveway counters if problematic. First off,
33 there's no reason why these shouldn't be real-time counters that directly report to the City. So,
34 I don't think this should be self-reported. I think these should be a digital real-time counter
35 whether or not they're license plate recognition, LPR; or whether or not they're typical nomadic
36 tube counters. I'll let the Transportation Department but we do have technology available
37 where these could be... where the date would not have to be shuttled; or that we couldn't do
38 active enforcement here. Furthermore, I think that I would add to that... and so this I really in
39 reference to Condition 22e. It's unrealistic to just do a driveway counter in this situation. Just
40 the driveway counters need to be complemented by a certain number of counters in the

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1 neighborhood and I think those need to be part of what we ask to be funded. Clearly that
2 comment cascades from 22e over into the specifics of 24. I'll let Staff deal with how they can do
3 that cascading because a lot of the specifics on how the counts are done, but my suggestion
4 would be it needs to be digital. It needs to be real-time and it needs to be more than just the
5 driveway counter. So, it needs to include all the trips that are made in the neighborhood so we
6 have a benchmark for what's happening with neighborhood drop-off. I know we have... I'm not
7 going to go into kind of speculation of whether or not neighborhood drop off or doesn't
8 happen. I'm probably the... I'll say it, Hoover Elementary School, I'm the worse infractor with
9 parking in the neighborhood and then walking my kid in school. Ok, I don't do it everyday Philip.
10 I'm a good parent and train my child to walk and bike but put that on the record that
11 sometimes I have to drive and I park in the neighborhood.

12
13 Finally, I do think that... I... the Section... on Page 42, Section 29, the latency in the enforcement
14 is too long. So, it needs to be... first off if we want to keep this corrective action... active
15 language that's fine but particularly I have the final determination happen a year after the
16 infraction in the case of a penalization is not a big enough stick in this case. And I would suggest
17 that it needs to be more aggressive. It needs to be something like within 90-days and the
18 reason is, is actually it means much more from a value standpoint in this case. So, I would
19 actually suggest that that actually... and if... you know, it doesn't have to be 90-days. It could be
20 by the next semester but to make it the next academic year is... it's like when you have to
21 discipline your kid and you don't do it right after they do the infraction and they just forget. And
22 I just think it's... it doesn't have the efficacy as if it was closer to the time of infraction. So, I
23 would actually... and it doesn't carry the weight. So, I would suggest somewhere... I suggested
24 90-days because it's closer to the idea of an academic quarter but I'm open to feedback there.

25
26 Those are my three primary comments. I did want to say and I did want to notate that none of
27 those related to the special events. I actually agree with you Commissioner Alcheck, not that I
28 don't ever agree with you. I actually agree with you quite frequently but I think that section is
29 fairly onerous and I would support your suggestions there. I think... and I would support the
30 more simple suggestions. You know peak events are not what you design TDM Programs for.
31 You design TDM Programs for the every day and you don't design parking structures for peak
32 events either. So, I actually think that I would support that.

33
34 I'm less comfortable with the idea of striking Section 34 because I do... or and that's the only
35 other thing that little triggered me a little bit is I do trust Staff and I do particularly trust our
36 transportation engineering Staff that they're going to follow Impact Fee Regulation. That there
37 will be a nexus between the impact and the infrastructure that needs to be installed and the
38 Transportation Impact Fee. So, I have no quells about moving Packet Page 43, Number...
39 Condition Number 34. So, and that would be my only other... that's my final comment. Wow.
40 That was efficient.

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1
2 Chair Templeton: Absolutely. Thank you so much. Next, is Commissioner Lauing followed by
3 Commissioner Hechtman.

4
5 Commissioner Lauing: Thank you. Can you hear me ok? Since we got this letter from Castilleja
6 counsel, Ms. Romanowski, and I just wanted to start there just to kind of review the process
7 that we're in right now. This was received yesterday afternoon which shows the ongoing quick
8 receipt of documents we're getting all the time as we go through this process. And the point
9 that I think she's raising there is there was a request for a continuance was a delay tactic. And I
10 really want to point out that PTC is on the recipient ends of what can happen with Staff and so
11 on. And so, 1- week ago we just got this project for the first time. Not about the ERA... EIR, I'm
12 talking about this project. So, we're only 1-week into this and our decision suggested by
13 Commissioner Riggs was to extend public comment because 2-weeks in a row... two Staff
14 meetings in a row, the documents were quite late and I supported that motion. I think it was
15 good as we saw tonight and last week. So, with respect to our actions, there certainly no
16 intention to have any delay tactics and we don't look at this as sort of quoting Brown Acts
17 which you correctly say is correct. We look at how much time does a citizen or a Commissioner
18 have once they see the documents, to study them, and be effective in their comment. And so, if
19 you remember, we raised the problem on our own just for Commissioners having very short
20 delivery. So, I just want to continue to emphasize that this last week and now tonight is the
21 continuance of that first hearing. The EIR was not paced by us and we acted on it as soon as we
22 can. So, for the public or Commissioners to say this has been going on for a long time. I just
23 want to say that we're moving through this I think with dispatch, including special meetings.

24
25 On that, I just wanted to ask for clarification. It doesn't have to be now. It could be from Staff
26 but on Page 4 of that, there was a discussion about the parking. It says that the parking facility
27 doesn't add or bring new cars but moves surface below grade, but I understood that we're
28 actually increasing parking because of the larger... whether it's below ground or above ground.
29 We are increasing the total number of parking spaces. So, I just want to get clarified on that.
30 Can Staff address that one?

31
32 Ms. French: We are increasing... this is Amy French. We're increasing the park... they... we...
33 they, the applicant, request to increase the parking on the site. The current parking is... for the
34 school is not compliant. It is under-parked. So that's the very first thing is to make the parking
35 compliant for the existing number of classrooms and then yes, they're increasing beyond that
36 to the proposal number of classrooms to just meet the code. Note to exceed it.

37
38 Commissioner Lauing: Ok and the second thing I just want to remind us again that we did spend
39 a lot of time on the EIR and that is specifically with a request to... with respect to the CEQA
40 requirements. And when we sent that along on a very lean night because two Commissioners

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1 were missing, that was sent along that we approved the CEQA requirements with mitigations.
2 And of course, mitigations unlike what some of the public just said are not proofs. They're
3 mitigations. I'll comment on that in just a second, but as we discussed last week and pointed
4 out. These Findings from last meeting which is continued to this meeting are intended to be a
5 starting place for PTC's continued deliberations. We should direct changes as needed which
6 we're doing. We have broad concessions over whether the Findings can be made. Conditions
7 for the CUP can be designed to address community concerns well beyond and unrelated to
8 CEQA and PTC has wide discretion over its recommendation concerning enrollment. So, the
9 point I want to make here is that unlike the speed that some Commissioners are wanting to
10 move tonight. We're not on a stopwatch here. We're trying to get it right and there are broad
11 conditions that we have to go over in the Findings, move through it with dispatch. It has always
12 been expected that Staff will amend, write the conditions based on our input and public input.
13 I'm expecting that to be happened... to happen and bring back a finished product, hopefully,
14 finished product at the next meeting or meeting whenever we decide that we want to meet on
15 it, to approve an integrated document. So, one option I think that would be quite interesting is
16 that the City and the neighbors meet to have a discussion about that. Like us, the neighbors got
17 a first look at this a week ago and they came back today with a very comprehensive document
18 that I have not even been able to get through; because again, these documents are arriving all
19 the time, and these suggestions they make, just like we're making, should be taken into
20 consideration. So, I think that what we make, what they make, and some sort of form like that
21 should be combined and the Staff should come back to us with a document to review that.

22
23 So, we... in the context of all these discussions, you know, we've heard from the public and
24 even... and PR Commissioners... PTC Commissioners everything from concurrence with 450
25 enrollment as requested. I'm sorry, 540 enrollment to moving out of Palo Alto and everything in
26 between. And we're being offered the one option to approve or not and/or amend for the 540.
27 So, we also are looking at the trust issues and I appreciate that last meeting Ms. Kauffman said
28 that she understands that those are still there. So, we should address those as well, as well as
29 the TDM metrics which is where I would want to go next. But I think that overall, we want to
30 get the City and the school and the PTC on the same page and get some project done. That's
31 the goal. So, I'd just like to get the temperature turned down on some of these things about if
32 we're moving too fast or if it's taking too long and let's just find a workable Castilleja project.

33
34 So, if I still have some time I'll move to the talking about the suggestions. I actually concur with
35 what a lot of what Mr. Riggs [note – Commissioner Riggs] suggested. Specifically, the TDM is... I
36 think that Castilleja is well-intentioned and they have good results so far on the front end TDMs
37 that they've been worked on. The risk goes up as traffic goes up and so managing the TDM in a
38 tight way I think makes good sense to make sure that it happens correctly and it also helps with
39 the trust. Mitigation is really a plan. It's not data. It's a plan and it's like a spreadsheet in some
40 sense. You put together the spreadsheet and then you execute on the spreadsheet. In business

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1 or in the City it works, sometimes it doesn't; or if you like a different analogy. It's like a game
2 plan [unintelligible]. This is what we're going to do, here are the players, here's the plan, here's
3 how we're going to execute. Sometimes it happens and sometimes it doesn't. So, I think the
4 increase of enrollment, which in cry... which gets more students coming to school, which is
5 correctly I think the emphasis to Commissioner Riggs is relatively high risk on traffic and
6 congestion. So, let's just go through it and kind of step it up and monitor it. So, I agree that
7 there should be higher penalties for missing it. Potentially economic, maybe including a
8 reduction in students but remember, we only go so far to reduction of students, and then we
9 would have to be backing out from the total of 540 in their request.

10
11 I can concur with no new trips as Commissioner Riggs says. We've definitely mentioned this last
12 week. We definitely need shorter [unintelligible] periods. I counted about five spots in these
13 conditions that we would have to adjust that because as I think in response to one of my
14 questions. Director Lait said that it could be taking action a year later basically for some sort of
15 infringement. So, I think we need to tighten that up and raise the penalties for that.

16
17 I would like to see the school say that we don't need to go to 540 right away. Let's sign up for
18 this at 450 where in fact they've already been and then crank it down to lower the risk. And I
19 think also addresses trust and again, a way to kind of settle things down, move forward with
20 the project that does let the school expand. I don't think you should move away. I think you
21 should expand. I think you should remodel but I think that the stake, the scale, is too high
22 relative to the risks until the TDM is proven. So, that's where I leave that one and I would just
23 throw in that I'd love to see the school come back with some goodwill items like, yes, we're
24 following the tree regulations but maybe we don't want to wreck the canopy for that many
25 decades so we can fit it in this way, or whatever. I mean to the whole thing of tone here that
26 I'm trying to get to an outcome that's good for everybody. I'll stop there.

27
28 Chair Templeton: Thank you, you were timely as always. I appreciate that. Commissioner
29 Hechtman followed by Roohparvar and Summa.

30
31 Commissioner Hechtman: Thank you and since we're free-forming this I'm going to... I'm just
32 going to start with some general observations. I would like to hear from the other
33 Commissioners who haven't spoken before I dip into the specifics about the conditions and I do
34 want to start by thanking Staff and the Castilleja representatives and their supporters and the
35 neighbors who were expressing concerns. I realize this has been a long process and it's going to
36 go on for a bit longer. I... and I've got time tonight. I'm not in a hurry to shut this down so I'd
37 like to see how far we can get tonight. At some point later, we can talk about whether we need
38 Staff to bring something back to us as Commissioner Lauing mentioned or whether we've given
39 them sufficient direction that they can move it onto Council.

40

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1 So, I do want to start my remarks tonight with some general observations. I believe in property
2 rights. Those rights are expressed in the tapestry of our locals and that tapestry, it has to be
3 viewed as a whole cloth with all the parts working together and available for use by all property
4 owners. Those laws described our homeowners' rights. To expand or build their home, to have
5 an extraordinary number of unrelated people who act as a single household living in that home,
6 and to operate a home business even if their neighbors don't like it. And those laws give non-
7 residential property owners, like Castilleja School, rights too and that includes the right to
8 obtain relief from the strict application of a law where Variance Findings can be made.

9
10 I believe our jobs as Commissioners tonight is to find a path that allows Castilleja to fully enjoy
11 its property rights without unreasonably and impinging on the property rights of its
12 homeowner neighbors. And I think that properly constructing the Conditions of Approval to
13 augment the Mitigation Measures in the Final EIR. We can do that and that is my focus tonight.

14
15 So, now I want to discuss my views on a few of what I think are the key issues in this project.
16 First is enrollment. I support the phased growth to 540 described in Conditions of Approval
17 Number 4. Our Palo Alto Code does not limit the number of people that can be on a parcel by
18 comparative density to similar uses, or by any other means other than, to my knowledge, the
19 fire department per room maximum. And I'm a bit surgrinned to have to admit that earlier
20 tonight my wife had to remind me that 540 is not a number. It's... it is a number of young
21 women because that's really what we're talking about. And that number is how many young
22 women are going to be able to be educated in... at this sterling school and I think important
23 that we remember that because it's very easy, particularly for me, to just get kind of lost in the
24 numbers. And I recognize and I think this was a point that Commissioner Riggs made earlier.
25 That the students themselves have no impact on the neighborhood as they move about the
26 campus between classrooms. That was true at 415, it would be true at 540, it would be true if
27 there were 1,000 students on the campus. The only potential impact to the neighborhood
28 relates to the number of students is traffic, which I believe will be fully addressed by the
29 Conditions of Approval as I'll discuss later.

30
31 On events, I support 74 special events per year and rather than the ambiguous language in the
32 current CUP or the 90 the school originally requested. The 100 plus some of the neighbors say
33 have occurred or the 70 stated by Staff in Conditions of Approval Number 6. The school worked
34 with Staff to reduce from the originally 90 proposed and determined that reducing to 474 [note
35 - 74] would start to cut the breadth... cut into the breadth of its educational mission. I don't
36 think the City has the expertise to tell any school what particular events they should have or not
37 have and so I think we have to respect the... a school's experience on this and as Mr.... as Mrs.
38 Moncharsh stated in the last meeting and Commissioner Alcheck mentioned and I agree with.
39 The role of the City is not to micromanage a school's operation but rather to control the
40 impacts of that operation on the surrounding uses. In my view, I think the only impacts to the

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1 neighborhood from events are traffic and noise, which I believe will fully be addressed in the
2 Conditions of Approval discussed later.

3
4 On underground parking, I support the underground parking in Project Alternative Number 4
5 over an at-grade parking lot. I think it better serves our code and the neighborhood in terms of
6 open space, noise limitation, and light pollution. If the Bay Area becomes more dense, I think
7 it's commonplace to put parking underground to preserve the surface for other uses without
8 pushing development upward into additional stories. Someone suggested that because the at
9 grade parking would have fewer parking spaces, it would reduce maximum enrollment, but I
10 don't think that's true. All that fewer parking spaces get you is a different level of
11 aggressiveness in your TDM Program because the maximum Average Daily Trips and maximum
12 AM Peak Trips don't change based upon the number of parking spots.

13
14 And then the last kind of overall item I want to talk about is construction of the underground
15 parking. I do understand that constructing that parking will generate a lot of trucks to haul dirt
16 from the site and this concerns many neighbors; but construction and excavation, those are
17 facts of life in Palo Alto like they are in every urbanized area. And our response here in Palo Alto
18 like every other urbanized area is not to prohibit construction to avoid the impact, but rather to
19 control the construction to reasonably limit the impact. And I think the Conditions of Approval
20 do that, particularly with the construction management plan that's not in front of us but it's in
21 front of the ARB and will be in front of the City Council. And all of these conditions do that by
22 applying the same rules that apply to other Palo Alto construction and they're... because there
23 are not special construction rules for this neighborhood or this project. So those are my general
24 comments and after we hear from some of the other Commissioners I have suggestions on the
25 Draft Conditions of Approval. Thank you.

26
27 Chair Templeton: Thank you very much. Vice-Chair Roohparvar followed by Commissioner
28 summa.

29
30 Vice-Chair Roohparvar: Sure. I guess mine are going to be general comments combined with
31 specific conditions. Just Condition Number 5, can we make that letter public? That's just a
32 persnickety comment there.

33
34 For Conditions Number 6, I agree with Commissioner Hechtman. I think 74 events is fine. We
35 don't want to micromanage too much there. With respect to... I really like Commissioner Riggs's
36 suggestion about the digital real-time counters. I think that's a great idea. I would be definitely
37 supportive of that. I think we should do that and have that cost covered by the school.

38
39 Condition Number 16, just another persnickety comment, but when it says updated annually. It
40 should be updated annually prior to the start of each academic year.

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1
2 Condition Number 19, the school shall distribute. We're missing that but you need to put that
3 in, in order for that to work.

4
5 For Condition Number 22, I actually agree with Commissioner Riggs and I am... I feel confident
6 that this is something that Castilleja can achieve with no new net trips, keeping the trip count
7 down because I was reading since monitoring in 2012 they've reduced Peak Hour trips by 28
8 percent. So, that gives me a lot of confidence that this is something that's... that can be
9 accomplished.

10
11 I did have... I disagree with Commissioner Riggs's on the community counters. I just think it's
12 going to be inaccurate. I don't know how you're going to benchmark it or in COVID; like you're
13 going to benchmark it against... you can't really do that now and then how would you know
14 who... if the traffic is increasing because maybe something... other roads are closed and now
15 traffic is being routed that way. And there's nothing that I've read that indicates to me that
16 there's a problem at this site with people dropping students off a couple of streets away. So, I
17 think that's vague, it's messy and it's going to capture the wrong data.

18
19 And then with respect to Condition Number 23 and 32, I do agree we should come back and
20 either sunset this or put a condition that we'll come back in 15-years to... 10- 15- years to figure
21 out what we're doing to do.

22
23 Oh, and then Condition Number 26, it discusses after implementation of the TDM Plan, the
24 Director is going to... can determine something that has become ineffective or infeasible. Can
25 we have some kind of procedure or process? Like within X number of days they're going to let
26 you know and then this is when you have to come back with an alternative. I think that'd be
27 helpful.

28
29 Condition Number 31, if we can say when that \$15,000 deposit is going to be made that would
30 be really helpful.

31
32 I jumped into my comments, but I guess I should provide some high-level feedback too and that
33 is I agree wholeheartedly with Commissioner Hechtman. I mean I'm a big property rights
34 advocate and I do think we need to strike the right balance of making sure that both Castilleja
35 can exercise its property rights and the neighbors have their property rights taken into
36 consideration as well. When I thought about the phased increase in enrollment, I mean I didn't
37 hear from either side that there's... it seemed like both sides support women's education and
38 that's fantastic and you know a great cause and we should all support it. So, the concern with
39 increasing the number of students only relates to the concern about the traffic and if we can
40 control that through the TDM and I feel good about that. I don't have concerns about

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1 increasing the number of students. I think it's irrelevant. It only comes into play with respect to
2 traffic.

3
4 I did want to touch on the issue of trust. I think for me, hearing that Castilleja was the one that
5 approached the City about this issue went a long way. And I don't... for me, I don't think we
6 should punish people for doing the right thing and coming forward with a problem and trying to
7 work with us to fix it.

8
9 Oh, and the basement, I do agree... the underground garage, I do think an underground garage
10 would be more preferable. It's consistent with our Comp Plan and it sounds like it was
11 something that was actually proposed early on by certain neighbors and it was Castilleja
12 reacting to that request and trying to accommodate it.

13
14 And then in terms of the temporary buildings, I don't know if we can set a deadline for those to
15 be removed; or I mean I assume they're going to be removed. I don't know why anybody would
16 want to keep them there but I didn't see any sort of deadline.

17
18 I think that's about it. Oh, and I do agree that it would be... I do like the fact that we're
19 upgrading the buildings and it's going to reduce the footprint. It's going to create a more
20 environmentally friendly buildings and less impacts on the environment overall than using old,
21 outdated buildings. That's it. Thank you.

22
23 Chair Templeton: Thank you and Commissioner Summa followed by Commissioner Templeton
24 and Alcheck.

25
26 Commissioner Summa: So, lots of good comments and I want to thank all the members of the
27 public who have worked so hard in this extra week. And I agree with Commissioner Lauing that
28 we really haven't had time to work with that as much and that the worst thing we could do
29 right from my point of view is rush a process and end up with a project that was not successful
30 because that's the ultimate goal here. Is to have Castilleja stay in our community and have the
31 nearby neighbors be successful. I mean happy with what's going on at the school and not feel a
32 lot of negative impacts.

33
34 With regards to that, I guess I disagree with some of the comments I've heard about the phased
35 enrollment. I think the enrollment should start at a much lower level and I think we should just
36 wait and see. It's my understanding that Castilleja can ask for a new CUP, I think it's every 2-
37 years. Staff can tell me if that's not right but and I would think given the history of this site and
38 the history of the violations and Staff... our City Staff from the school not having very much
39 success in managing those. I would think it would be appropriate to keep the enrollment low,
40 which will help with the concerns about the traffic impacts and noise impacts which concern

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1 me a little less and then also, the events. So, I would think that... I also think we should respect
2 the fact that the people who are in the neighborhood who are concerned about this have
3 suggested very specific remedies and standards for some of these things which I think we
4 should take into consideration pretty seriously. I would like to look at a process going forward
5 that brings these two sides together. I mean there's so much... there's such a huge distance in
6 between even what people say happened. One side says this, one side says another, you know
7 the trust issue, what they think will be successful. There's a very large divide between the
8 applicant and the neighborhood who is protected by the Conditionally Use Permit and Variance
9 Findings. So, I would like to find a middle ground that really made a successful project.

10
11 With regards to events, I think it's way too many. The current CUP was vague in its language but
12 it did acknowledge the five key major events that the school has historically. That's very
13 important to the school and then it allowed several others. So, I think jumping to 70 is probably
14 way too much. I think in this regard the school calculated something akin to 45 or 50.

15
16 So, I like Commissioner Riggs's comments about problems with driveway counters and some of
17 his other ideas and agree that no net new trips should be the goal here. There are other
18 options, especially for an institution like this and they have demonstrated an ability to
19 understand TDMs and have quite good results.

20
21 So, something that I think is still a question for me and I know it's a huge question from the
22 public based on what we heard again tonight. Is how the FAR is counted on this site and I do
23 think that that is still... has not been cleared up. There's a lot of questions about it and I think it
24 would do a lot to bring both sides together if that could be cleared up and there's different
25 components to that. One is how the existing access shall be retained and how it got there in the
26 first place which should be very easy to clear up. And the other issue is counting of
27 underground space based on one not extremely relevant precedent and this was brought up
28 very well tonight by members of the public again which is the Synagogue Kol Emeth.

29
30 So, I am looking towards... oh let me also mention about penalties. I don't believe it came up
31 tonight. Maybe one of my colleagues mentioned it but I think the reduction of... if trips don't go
32 down, if the TDM is not successful, removing girls from the school ahead of their natural
33 graduation time is pretty... or another way to leave the school naturally is pretty draconian. I
34 just who... how... which five would you pick? Last in, first out? I just find that penalty to be really
35 hard for me to understand how that would be fair, how it would be workable, how it would not
36 have really negative effects on specific individuals? So, I think that somebody mentioned raising
37 the penalties and also acting on the penalties in a more timely fashion. I would not be
38 comfortable with removing girl's mid-year or even mid what they expected to be their time at
39 that school. I would like to manage those kinds of violations in a way that won't directly hurt
40 individual young women.

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Let me see, I (interrupted)

Mr. Lait: Sorry to interject here, Commissioner Summa, but while you're collecting your thoughts I just want to be clear. That was... that's not part of the condition or the recommendation. The idea is that it would affect the incoming class. That it would have less enrollment coming in but effect any of the students that were already admitted.

Commissioner Summa: I think perhaps Commissioner Templeton and I both misunderstood that from the last meeting then so that's really good to hear. So, strike that as a concern of mine and I do... I don't know what to make of the fact that members of the public from the concerned neighbors said that Castilleja canceled mediation in the past, Castilleja said that they canceled mediation in the past. Maybe the way to get around that is not worry about what happened in the past and allow a process where the specific Conditions of Approval can be worked on with members... I don't know what Staff would think would be appropriate. Maybe City Council Members, maybe just Staff, and some of those neighbors to really get down to what the questions are and that would pertain also to concerns that were raised by our former arborist Dave Dockter about protected trees on the campus. That being said, there have been... I think that... I'm looking forward to seeing the ARB meeting tomorrow and seeing their response to the new plans from that point of view.

And with regards to construction logistics, we do not take that into consideration when we are approving projects or CUPs or Variances because construction is a given, but I do worry actually, that having the students there during especially the demolition and construction of the underground basement. That may not be a workable situation, I'll just make that as an observation, due to the high amounts of dust and noise. I don't know how the girls would find that to be... and they're going to be right on top of it... a very workable situation but that's just a comment that I'm making for people to think about.

I also think we haven't really... this is going to be a lot of construction impacts in a tight area and if we get back to pre-COVID traffic on Embarcadero. It's going to be hard and if we get to someplace where we're doing some kind of change to the grade crossing at Churchill and who knows what the timing of this is. It's going to be a very difficult construction process to manage so I think we should take into account things that we can do, as much as we can do them at this point, to protect the students and employees and the close by neighbors from the noise and dust and truck impacts. And that also includes safety on Bryant Street bike path and I don't know where I am time-wise but I'll leave it at that for now.

Chair Templeton: Thank you very much. I'll go next and then we will have Commissioner Alcheck with is his brief [unintelligible]. So, I also want to thank the Staff and all the public

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1 speakers. I think that we have very thoroughly discussed many aspects of this project and that's
2 been very helpful.

3
4 I don't personally feel that I need more time. I think we have discussed it extensively. One thing
5 that in general that I have feedback on about the CUP is that there's a lot of specifying the
6 method and instead of specifying the outcome or maybe in many it's both. And I think that that
7 is sometimes tricky because it can lead to frustrations if the method needs to change or there's
8 updates in the technology; or if somebody might want to focus on some frustration on how
9 something is being measured versus the measurement itself. So, I just caution us on that and I
10 think some of the other Commissioners have brought that up as well in their comments.

11
12 So, I think also just regarding the underground garage/parking facility. I'm extremely frustrated
13 by this recommendation as well because we do have inconsistencies in our code and you can
14 look at this one, or you can look at that one and you may have a different conclusion about how
15 compliant this is or how ideal it is as a solution. I think that we've heard from members of the
16 public tonight about the benefits of it and how it is something that the City is asking for in some
17 cases. And we've also heard from people that say that this not something that we allow and
18 they have reasons for that. I think as in a side; my hope would be that we can clear up some of
19 these discrepancies. So, that it doesn't have to go back and forth so much in the future because
20 we're going to undoubtedly if this goes through, we're going to see more requests for
21 underground parking facilities. And we don't want to see an inadvertent side effect of use of
22 this particular kind of structure. So, I mean we should think about what can we do to learn from
23 this whole discussion to improve and prepare for future discussions. So, that's kind of an
24 abstract piece of feedback.

25
26 Regarding the property rights, this is really the crux of the matter, right? We've got property
27 rights of the applicator, we've got property rights of those who are adjacent or impacted by the
28 applicant... by this project so, I think it's really good we're having this discussion. We're really
29 focused on mitigations. I think that's a positive way to handle it.

30
31 So, I'll go through some of the comments that were made. Commissioner Hechtman talked
32 about the enrollment. I'm fine with enrollment increases and I think that this is again, our over-
33 specification of how to achieve our goals. I think Commissioner Riggs also mentioned this. If our
34 goal is to reduce impact or to mitigate impact, that's where we should focus and if the school
35 isn't able to mitigate with a certain number of students. Then they have to think about the
36 number of students and I'm not sure that we want to get too caught up in 540, 520, whatever,
37 as long as the impacts are being mitigated. So, I'm ok with this. I do think that the gradual
38 increase is wise.

39

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1 Regarding the impacts in Number 6, I completely agree with Commissioner Alcheck here in
2 changing these numbers and revising them upwards. Again, we need to specify the impacts and
3 the rest should be details that we can... that the applicant can manage as long as we're very
4 clear on the impacts. So, I think this is a way of describing the impacts but it doesn't actually
5 describe it. So, if you have fewer events, you have less traffic; or less noise; or other nuances.
6 So, I would... could Staff maybe address we went this route of being so specific about every kind
7 of event and every number of attendees and so forth?

8
9 Mr. Lait: Sure. I guess there's a couple of reasons. One is the existing CUP is really inadequate in
10 defining the number of events and we've seen the implications of that; how that's played out
11 over the years. So, in part it's a response to what we've heard from the residents but then also,
12 trying to understand the level of intensity and frequency of events that were needed by the
13 school. And so that's what we were trying to address was the disturbance that we thought we
14 understood from the residents in terms of when the noise and traffic was being experienced
15 and that frequency of that.

16
17 Chair Templeton: So, maybe this is easier to measure than the nuisances themselves? It's easier
18 to measure the number of events or something like that.

19
20 Mr. Lait: Well, yeah, I mean as I mean thorough this we try to find clear areas to identify where
21 there's an impact because the more subjective it is the harder it will be to enforce. And so, by
22 having it be more prescriptive like this, it's clear when there's an impact and when there isn't;
23 or when there's a violation and when there isn't.

24
25 Chair Templeton: Well but some of the events might not have any impact at all if they're small
26 enough or if they're during a certain time of day. So, I think it would be wonderful if next time,
27 you know I don't know if it's going to be 10-years from now or 20-years from now, but if next
28 time we can think about how to measure what is actually the problem so we don't have to
29 control it at that level but I'm with it. I like the idea of increasing the numbers that both
30 Commissioner Alcheck and I want to say, Commissioner Hechtman, I can't remember if he said
31 to change it to 74 special events. Those are fine with me. I'm ok with those suggestions.

32
33 Average Daily Trips, I agree with Commissioner Riggs here and several of the other
34 Commissioners on not increasing the trips. That's pretty straight forward. I think that would be
35 a very clear way to show that we're not... that this CUP does not cause more damage.

36
37 Sunset provisions are fine with me. To the point on Number 29 that both Commissioner Riggs
38 and Commissioner Summa brought up. It's good to hear that the intention of what was drafted
39 was that it wouldn't affect until the next school year's enrollment numbers, but if we change
40 the frequency of this restriction. Then it might... and I think that's what Commissioner Riggs was

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1 proposing instead of waiting until the next academic year. He was proposing to do it more in a
2 more timely manner. I do worry that that would affect the students so I really... I'm troubled by
3 anything that would affect an already enrolled girl. So, I want to make sure that nothing here
4 does that so I would not want to adopt the frequency change that Commissioner Riggs's
5 proposed on 29.

6
7 I'm not bothered on 34 by having a blank there. Not bothered either way. I think that you're
8 saying that you'd come back before it goes to Council with a number. Is that correct?

9
10 Mr. Lait: We would have a number for City Council.

11
12 Chair Templeton: And I like the idea of the sunset provisions that were mentioned. So, that's
13 my feedback on the CUP. Commissioner Alcheck? I just wanted to make [unintelligible] your
14 hand up, please.

15
16 Commissioner Alcheck: So, first let me just say I agree with almost everything that
17 Commissioner Hechtman said. Very well said. I particularly appreciate the lens through which
18 you are approaching this, whether I should thank your wife or you, it remains to be unclear, but
19 no, all seriousness, what I heard from you was very encompassing of how I am approaching this
20 project and I just wanted to acknowledge that frankly. And I think actually I'm seeing a lot of
21 consensus here. I feel like Commissioner Templeton, Commissioner Hechtman, Commissioner
22 Roohparvar [note – Vice-Chair Roohparvar], Commissioner Riggs, we're all on the same page,
23 including myself, on enrollment. On the enrollment number. I think we're all comfortable with
24 that. I think that there seems to be a good consensus on the traffic, the [unintelligible]
25 regarding traffic, the TDM suggestion. I mean we haven't gone specific but how we're
26 evaluating the real focus is it should be the impact of essentially the arrivals or something it be
27 the number and why people... the five of us are sort of on the same page there.

28
29 I think we have a consensus on the parking garage. That if the utilization of the parking garage
30 is something we're comfortable with and I think that there is consensus on events. I would
31 suggest that that's the one area where I would politely request Commissioner Hechtman to
32 consider maybe a second time. I would suggest... and you know, we got some feedback tonight
33 and I think if... look, Staff's done a remarkable job managing the EIR and preparing this process.
34 And I appreciate that Staff, they were trying to be responsive to the community, to the
35 residence and this six... Item Six was a way for them to do that and that's what I'm hearing from
36 Director Lait. I think part of our rules sometimes is to step in and say, whoa, whoa, ok, I think
37 you were trying to be responsive. Maybe you went a little too far. I know that originally one of
38 the concessions was to bring the events down to 90. Director Lait mentioned that the prior CUP
39 or the in-place CUP was completely inadequate with respect to events and I think that one of
40 the concessions was to come up with 90 events. I would suggest that that reduction of

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1 additional 22 percent is overreaching and if you didn't like my original suggestions
2 Commissioner Hechtman and Roohparvar and Riggs and I know Commissioner Templeton [note
3 – Chair Templeton] you were comfortable with them but if the other three weren't comfortable
4 with them. Maybe we could consider going back to the 90. Particularly, because I think that was
5 in the original concession and maybe our effort to address the actual impacts... this is a
6 number. In the same that the number of individuals on campus is not just a number. It's people,
7 its young women learning. The events are also a number and you know, 50... if we do keep the
8 number 50, 50 guests, which again I think the five of us have articulated a little discomfort with
9 that connection to an impact and guests. You know a soccer game, I mean just basically every
10 sport could rise to that number and I'm just a little concerned about that. Especially in
11 comparison to Palo Alto High School which has the football field and lights that light up the
12 neighborhood and no one seems to bat an eye at it. So, I guess maybe if you could consider the
13 idea of going with the original concession by the applicant of 90 events, maybe we'd have... I
14 won't let it stop me from supporting a motion. Let's just put it that way but I would like it more.
15

16 And then I guess my request or my question would be if you don't mind Commissioner
17 Hechtman, I'd love to hear you go into detail on your changes because I think you kicked off a
18 significant amount of consensus in your approach. And I think maybe we can call get behind
19 your suggestions and I would ask that you maybe consider just kicking it off now.
20

21 Chair Templeton: I'm seeing some hands that are still up from prior speakers. If you... I believe
22 we went Commissioner Summa, Alcheck, and then next would be Hechtman but Commissioner
23 Summa, did you want to speak before? You've got your hand down, ok. Commissioner
24 Hechtman.
25

26 Commissioner Hechtman: Thank you. So, I'm going to talk about the suggested changes to the
27 conditions and I think the way I want to do this to try to stay organized is I had identified some
28 changes I'd like to recommend. I want to go through those and then I want to come back and
29 touch on some of the suggestions that my fellow Commissioners had made. If I tried to do it all
30 at once I'm going to lose threads.
31

32 So, I did submit earlier a set of minor clean up changes to the Draft Conditions with the idea
33 that I wouldn't need to take everyone's time to go over those one by one at this hearing. I'm
34 hoping that my fellow Commissioners and the public have reviewed those in advance of the
35 meeting and that eventually tonight we can to agree to incorporate all those into the Draft
36 Conditions that we recommend to the City Council. Again, those are minor, non-substantive
37 clean-ups for example. Vice-Chair Roohparvar, I found that same missing shall and so things like
38 that. Where sentences didn't make sense or would benefit from a little clarity.
39

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1 I do... before I launch into the conditions, I want to encourage Castilleja to carefully review
2 every Mitigation Measure and Draft Condition and to clarify any ambiguities with Staff before
3 the City Council hearing; because after approval, you're going to be bound by them, and to
4 change them is going to require more public hearings. And I don't think that that is good for
5 Castilleja. I don't think it's good for the community. I think the thought of them coming back in
6 2-years for modification, I imagine people watching this throughout Palo Alto just shuttering on
7 both sides of this issue. To think that we could recreate this in a couple of years on an increased
8 enrollment.

9
10 So, I am only going to refer to the conditions I have questions about or suggestions for and the
11 ones that I don't bring up, either now or covering the other Commissioner's comments, it's
12 because I think that they're appropriate, adequate, and will be effective for their purpose as
13 proposed by Staff.

14
15 So, I'm going to start with Condition 6, as I stated earlier I believe the maximum number of
16 special events per year should be 74 and I am are going to break from what I said I was going to
17 do. On this one Commissioner Alcheck, I'm not conceptually opposed to your broadening or
18 broadening by reducing but what strikes me here is again, we're trying to balance
19 neighborhood concerns with what Castilleja needs. And they have apparently communicated to
20 Staff that they can live with this Condition 6 with 74. Staff was recommending 70, Castilleja said
21 74 and to me, that's good enough. I don't need to give them more liberty than they're asking
22 for on this particular issue.

23
24 Let's see, Condition Number 7, I think that the idea of Castilleja and our public-school sharing
25 resources is something we should promote for the benefit of both. It's not clear, however,
26 whether these Palo Alto Unified School District events will be subject to Mitigation Measure 4a
27 or the Traffic Management Requirements on Castilleja's special events. And so, I think it would
28 be important to require Castilleja to manage traffic at these events because the attendees of
29 these public-school events, unlike Castilleja's families, will not have been educated about
30 where to enter and where to park. So, I think that that's something that I'd like to see Staff add
31 some language imposing that obligation on Castilleja if it's not already there and I missed it.

32
33 Section 9 is a... Condition 9 is about summer school and it says that the same limitations apply
34 to summer and the school year, but I think it should also state that the maximum summer
35 enrollment is the same as the maximum academic year enrollment for the year ending that
36 summer. To eliminate any ambiguity about that because it's unclear at this point whether we
37 get last year's enrollment or next year's enrollment for the summer. So, I think we can clarify
38 that and there will never be a dispute. I'll also mention that Condition 9 prohibits renting and
39 that was an issue we saw in some of the letters. Concerns about loaning or renting out the
40 space. It's in the conditions.

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1
2 Condition 12, I just wanted to highlight the Condition of Approval regarding noise. The only
3 thing that happens on the campus that has the potential to affect the neighborhood is noise
4 and I think that this condition combined with Mitigation Measures 8a and 8b reasonably
5 protect the neighborhood from that potential impact.

6
7 Conditions 20 to 27, I've been involved in a lot of projects, many that were larger than this and
8 with many times more traffic, but I have never seen a TDM Program remotely approaching the
9 comprehensiveness of what's set forth here. I think that the school is going to need to hire a
10 new Staff member to manage this program and to ensure compliance with it, but if the school
11 does comply with the program. Then the key traffic indicators at the 540 enrollment are going
12 to be comparable to what they are today; which is of course what the TDM is designed to do
13 and when I say comparable, I'll be more specific. No net growth of AM Peak and I believe it's a 9
14 percent growth of Average Daily Trips, ADT, with a 30 percent enrollment. And I do want to
15 pause here for a minute on this issue of no net new trips because I'm very nervous about that
16 concept because what we're going to be seeing in the years to come in Palo Alto is everything is
17 going to get more dense. People are adding bedrooms to their house rather than moving and so
18 we're not going to tell somebody well you're adding that bedroom for your 16-year old, but no
19 net new trips. So, you have to figure out a way to... even though your 16-year old is going to
20 want to drive. You've got to figure out a way to not increase the trips coming from your house. I
21 think a 9 percent... these are public streets. These belong to all of the citizens and businesses of
22 the City of Palo Alto and I think a 9 percent increase over a period of years is very reasonable in
23 addition to not a significant impact in the Environmental Analysis. So, I'd ask my fellow
24 Commissioners to reconsider that. That no net trips concepts and the ripples it might have
25 throughout our community.

26
27 The other... since I'm on this. Commissioner Riggs had suggested some higher-tech counting.
28 I've got no issue with that. I yield to your greater knowledge on that, but the idea of the... the
29 concern I have about counting in other places than on the school driveways is I don't want us to
30 get into a situation where we're comparing apples to oranges. My understanding of 1,198 is
31 that it was counted on the driveways and so if we keep counting on the driveways but add to
32 that some calculation of counts of other places. Then I don't understand how that can work and
33 I don't want to... I think we have a baseline and I think we have to have a system that is tailored
34 to that baseline.

35
36 Let's see, turning to the enforcement conditions, I think it's worth pausing at Condition 28
37 because that provision incorporates all of the Mitigation Measures into the Conditions of
38 Approval and it provides that if there is an inconsistency between the two. The more restrictive
39 one applies. Now, that should be of interest to Ms. Moncharsh, who advocated that... for that
40 in her last letter.

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1
2 I also want to talk for a moment about the relationship between Condition 29 and Mitigation
3 Measure 7a. Mitigation Measure 7a is a very detailed measure strictly regarding the TDM
4 Program. It identifies the maximum ADT and AM Peak Levels, it describes the monitoring, the
5 reporting requirements, and states the progression of penalties for failure to stay below the
6 maximum; which culminates in a potential 10 reduction in enrollment and as Director Lait said,
7 that's enrollment in the incoming class. So, that's a powerful measure focused on the aspect of
8 the project that has the most significant possibly impact on the neighborhood. When I look at
9 Condition 29, it's like a mini, generic version of Mitigation 7a and it says applies to violations of
10 the Conditions of Approval. Including violations of the TDM but the penalties are not
11 necessarily the same. So, I think that Condition 29 should make clear that it does not apply to a
12 violation addressed in Mitigation 7a, which should be the exclusive method for addressing ADT
13 and AM Peak exceedances.

14
15 Let's see, Condition 35a fills in a gap in Mitigation 7a, clarifying that the Director's enforcement
16 power during the construction period does include scaling back enrollment if the school traffic
17 maximum are exceeded in three or more consecutive reporting periods. So, I think that's an
18 important hole that Staff filled.

19
20 I think that I covered... let me mention the concept of the sunset provisions in I think Conditions
21 23 and 31. I like the thinking but I think that there should be a... rather than just a sheer sunset.
22 I like the idea of coming back for a review to decide if it's still necessary. I like 15-years. You
23 know, it's a multi-year project before they could... they're going to get to 540 and I think this
24 needs to run 5- 6-years after that. So, I like the idea of hearing in 15-years to determine if those
25 twice-yearly reporting requirements should be there.

26
27 I think that is... that's all I got for now.

28
29 Chair Templeton: Thank you, Commissioner Hechtman. So, we agreed earlier to check in and
30 see how we feel it's going with our discussion around 10:00. It's 10:13. I feel like we're making
31 good progress. I'm available to continue going. Any other comments on that? Commissioner
32 Alcheck, Commissioner Riggs.

33
34 Commissioner Alcheck: I wanted to ask Commissioner Hechtman really quick about his
35 comments so I (interrupted)

36
37 Commissioner Riggs: Well, I just want to weigh in on the check-in. I probably can't go... I'm like...
38 I got to drive somewhere at 4:30 in the morning so I cannot go later than 11:00. So, I just... this
39 is a... I'm exhausted already so.

40

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1 Chair Templeton: I appreciate that.

2

3 Commissioner Alcheck: Can I ask my question real quick?

4

5 Chair Templeton: Yes.

6

7 Commissioner Alcheck: Yeah, so Commissioner Hechtman, I want to say I'm almost
8 embarrassed that it didn't occur to me that this idea of no net trips might set a precedent for
9 any reasonable expectation in the City moving forward with any project. But I think it
10 represented such a fundamental component of this discussion and project and review that
11 we've done over the years that it didn't occur to me to think about alternatives. If you wouldn't
12 mind, what exactly are you suggesting we adjust with respect to that approach? I agree with
13 you. Enrollment increases at Paly for example, or anywhere, they wouldn't even... that's a type
14 of change that wouldn't even come within our purview but so is creating a process by which we
15 say well look, if you want to do something in this City you can't increase any net new trips.
16 However, any other person that falls into the residential world, they may experience new trip
17 increases without any oversight which I'm not suggesting we do. So, I guess my question is how
18 did you craft that adjustment at this point?

19

20 And then my second question would be would you consider... particularly because... although
21 again, we probably have a quorum without you Commissioner Riggs, but would you consider
22 beginning to formulating a motion with respect to the items that you have in batches? So, that
23 we can get a sense of where we stand on the Conditions of Approval so that we can make
24 progress on the Findings.

25

26 Chair Templeton: So, I know I'm going to go a little bit out of order Commissioner Alcheck and
27 I'll get to you Commissioner Hechtman. Are there any other comments about continuing at this
28 point? It seems like... I saw Commissioner Summa's hand go up. Ok, there you go. Briefly, and
29 then we can get back to the discussion but are you (interrupted)

30

31 Commissioner Summa: Yeah, thank you. So, given Commissioner Riggs's request which I think is
32 a reasonable one. I think a lot of people may have been up late last night, big day. I am
33 wondering if Staff... if we gave a few broad, general concerns or directions to Staff. If they think
34 it would be appropriate to take one more round from everybody, maybe let Billy [note –
35 Commissioner Riggs] go first and for Staff to come back. I'm concerned about doing this more
36 quickly than we need to for the best outcome for everybody. And if Staff thinks we could... they
37 have enough direction to come back and when I say that, I'm including direction from the public
38 and what the public is still concerned about.

39

40 Chair Templeton: Director Lait.

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1
2 Mr. Lait: Well, I thank you for that question, Commissioner Summa. I think that really depends
3 on the nature of the motion that the Planning Commission advances. I did not hear the
4 elements of your last part of your statement there summarized in Commissioner Hechtman's
5 bullet list and but with respect to the comments that Commissioner Hechtman raised. I did not
6 see significant modifications to the conditions as he presented them. So, I think I would have to
7 wait to understand the Commissions to fully answer that question.

8
9 Commissioner Riggs: I just think I don't want my... I'm just trying to make sure that I don't get
10 sick. So, please don't (interrupted)

11
12 Chair Templeton: We got it. Don't (interrupted)

13
14 Commissioner Riggs: I won't, I won't... I mean I don't want to... I actually think we could do this
15 tonight and so I appreciate Doria [note – Commissioner Summa], I appreciate you saying that,
16 but I think... I don't think we're that far from having a consensus-driven recommendation here
17 is my gut. So, I would just... my hope is that we could finish this before 11:00.

18
19 Chair Templeton: I think we've had a chance to hear from people who wanted to speak on this
20 item. I see a lot of hands up. I assume it's for discussion purposes. You can unmute yourself
21 now if you have something to say about this particular check-in because I want to move on.

22
23 Commissioner Alcheck: I'd like to continue. I think we can do this, I really do, and let's
24 persevere guys.

25
26 Chair Templeton: Anyone else? Alright, we're going to move on and Commissioner Alcheck had
27 some questions he raised earlier for Commissioner Hechtman. If you wanted to respond. I also
28 see Commissioner Riggs's hand up. So, why don't we start with Hechtman because it was a
29 direct response to Alcheck and then we'll go Riggs, Lauing? Ok, thank you.

30
31 Commissioner Hechtman: Thank you. So, I think the question was if I understood Commissioner
32 Alcheck, how would we frame the Condition of Approval to limit this increase to 9 percent. Is
33 that (interrupted)

34
35 Commissioner Alcheck: I just... you suggested that we consider the implications and I just was
36 wondering if you had your way, what would that language look like? It sounded to me that you
37 were suggesting that a no net increase was maybe too high a hurdle and are you suggesting
38 that we amend that requirement slightly and create the flexibility in there? So, that we don't
39 set an unnecessary precedent; or alternatively, simply communicate to City Council that it
40 made us a little uneasy. I mean either way, again we're a recommending body. We're not

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1 tasked with figuring this out perfectly. We need to just share with them how we feel about it
2 and I'm curious to know if you would amend the language or simply communicate it to them in
3 some sort of concise way. How you would proceed? I don't want to spend too much time on it.
4

5 Commissioner Hechtman: Ok and so I think I understand the question. So, I think that the
6 Conditions of Approval, the combination of the... well, the Mitigation Measure actually is where
7 it is. As I understand it, the requirement that the ADT come down from its current 2.7 trips per
8 student to whatever it is; 2.4? I'm not remembering that number. That takes the average trips
9 per day from a current 1,198 to I think the number is 1,296. It was actually in Mr. Cooper's
10 presentation where he had the penalty versus reward concept. It was the left column and so
11 that's where I get my 9 percent. Is to go from 1,198 to 1,296 gradually as you work up to 540.
12 So, it's baked in and so what it means is traffic can't increase by more than the 9 percent. The
13 Average Daily Trips cannot increase by more than 9 percent because when it does, it goes... it
14 starts this enforcement mechanism. So, that's our control and to me, 9 percent is a comfortable
15 growth. Did I answer?
16

17 Commissioner Alcheck: I think you did. I would love for you to be articulate about how to move
18 forward with a motion on conditions so we can see if there's consensus with some of your
19 ideas.
20

21 Chair Templeton: So, hold on guys, getting ahead of yourselves. We've got a bunch of hands up.
22 Commissioner Riggs.
23

24 Commissioner Riggs: Actually, I wanted to address this that's why I was talking so it probably
25 would have been more convenient if you've had just gone out of order.
26

27 Chair Templeton: Oh well.
28

29 Commissioner Riggs: It's ok. I'm trying to respect order. I just kind of jump in (interrupted)
30

31 Chair Templeton: Thank you.
32

33 Commissioner Riggs: Quite a few times last time. Commissioner Hechtman, I actually
34 completely disagree that it is precedent-setting. Precedent is already there. We hold
35 companies, non-profits to these kinds of standards. For-profits, these kinds of standards all the
36 time. Throwing out a single-family example is... you should... is not a good example. Those fall
37 under CEQA exemption if they're under and I don't know the square footage off the top of my
38 head but is actually, that's a little fear-mongering and I'm just going to say it. That's not a good
39 example in terms... to put out there in the part of the public. That would not be a realistic

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1 scenario that a single-family home renovation would have... for your 16-year old would have no
2 net new trips and I think we should dispel with that example.

3

4 I do not think it's unrealistic to set an aggressive TDM Policy. It's again, it's not precedent-
5 setting. I don't actually... and I think the notion of Palo Alto becoming more dense and every... if
6 either one of you that ran for Council, every Councilperson, they all agree that we need more
7 housing, right? The issue is yes, we're going to absorb more people and you deal with traffic in
8 two ways. You change behavior through TDM, or you deal with gridlock that changes behavior,
9 and to be honest, streets are like pipes. You can only put a certain amount of cars through
10 them. So, the best situation here is to actually be aggressive with large trip generators whether
11 or not they're at corporate parks, or stores, or any type of office. Schools and again, we have an
12 awesome trip degeneration program in our... at the City, Save Routes to School Program, that
13 does exactly this. It works with schools to help them reduce their traffic impact because it's a... I
14 wish there was a solution where you could cannonball kids out the back of the car but you
15 can't. It is a complicated situation so I actually don't think this... it's a reasonable expectation. I
16 think it benefits the neighbors particularly in this situation where we have a long-term non-
17 conforming site that wants to get bigger. And in my mind, I'll just put this out, I do not think I
18 could make the Findings with that impact and I think that it is absolutely accomplishable that
19 this school could expand to their desire and even like you said 1,000, and an even higher
20 number of students and still keep the same number of trips going in and out.

21

22 And I'll let go of the... I'm willing to let go this idea of... I do think there's an effective way and
23 Philip did actually say that they were going to be monitoring and I don't know if I want to get
24 him on here. I don't... I think he said that they were going to be monitoring neighborhood trips
25 and I just think it would be effective to have some digital tools to be able to do that but I'm
26 willing to let that go, but I do think this is a really important condition for us to consider.

27

28 Chair Templeton: Alright, thank you. I see two more hands raised. Commissioner Lauing and
29 Commissioner Summa.

30

31 Commissioner Lauing: Thank you. Yeah, I agree with Commissioner Riggs. I think that's the way
32 to stay with it so I completely align there. I want to shift just a second to a process point
33 because I'm already hearing about motions. Again, my understanding... well, [unintelligible]
34 understanding, the best way to go from my perspective is to take all this comment which has
35 been quite constructive, and take some time to look at the data that came in I think it was
36 today from the neighbors. And also, as has been suggested by Commissioner Hechtman, we
37 obviously need to go back to Castilleja and say this is now what we're proposing. Is that going
38 to work? I don't think their comments should go directly to City Council. I think they should
39 come to us so we can mesh the comments from them and the comments from neighbors and
40 the comments from us and decide on a final draft that we're in favor of by some vote and then

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1 send that to Council. So, to make a motion tonight to approve the conditions just doesn't make
2 sense to me. I just don't see how we could do that because there's so many moving parts and
3 we want to see the text. So, that's the process question.

4

5 Back to the other (interrupted)

6

7 Chair Templeton: Can I jump right in with a quick follow up on that?

8

9 Commissioner Lauing: Sure.

10

11 Chair Templeton: Can we see if Staff and is the applicant still here to answer questions if
12 Commissioners do have them?

13

14 Commissioner Lauing: I didn't hear your question.

15

16 Chair Templeton: Oh does... is the applicant's representative or applicant still here if we do
17 have questions? To your point, I'm just wondering if they're able to answer questions if we
18 have them.

19

20 Mr. Lait: So, at the (interrupted)

21

22 Ms. French: The applicant is here.

23

24 Mr. Lait: At the Chair's discretion you can ask questions of the applicant team which is they are
25 here.

26

27 Chair Templeton: Yeah, I thought that was a good point Commissioner Lauing. I just wanted to
28 make sure you knew if they were available or not.

29

30 Commissioner Lauing: Even [unintelligible] the availability, would not it be more efficient for all
31 of the items to be meshed together and come back with a draft; or Castilleja and Staff and PTC?
32 I think so, so and I don't think that's going to need a motion. That's going to just mean
33 incorporate to Director Lait and they... you can't do it 100 percent because we're not going to
34 be in total agreement but at least you could pick one of the other in a couple of cases there. So,
35 we can come back to that.

36

37 Let me just make a couple of comments. I think that the difference here... I'm stating this to
38 three attorneys how are property attorneys so I'm expecting a lot of pile on here. But I think
39 the difference in the property right situation is that for the school number one. We don't have
40 to take any risk that we don't want to take as a City because it is a Conditional Use Permit and

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1 we design and opine on that and Council makes a decision on it. So, it's not a risk that we have
2 to take in terms of the design of the CUP, and the issue of 540 right away, just to me takes too
3 much risk. So, I agree, I think, with the beginnings of the statement that Commissioner
4 Roohparvar [note – Vice-Chair Roohparvar] said that she has confidence in their ability to
5 manage the TDM but that's at the level that they've already managed it. And what I'm
6 concerned about is if something goes wrong on the way up to 540 or 1,000. We have to have
7 pretty serious, as we've talked before, penalties for that and it's not a risk that we have to take.
8 So, I don't understand why we would take that. So, if one of you three property attorneys want
9 to come back with... feel free to answer that question.

10
11 I think the new suggestion from Commissioner Hechtman on the review rather than sunset
12 makes a lot of sense because there is some concern on paper that once you get to the final 40 if
13 that's where it happens to be put which I don't think it should be, but if that's where it. Then
14 you can't just ignore it and assume that everything is going to be great. So, I think the review is
15 fine but I do understand that it doesn't have to go on in perpetuity for 100-years.

16
17 So, with respect to the underground garage, I just want to come back to that. I really do think
18 that if there's going to be that incorporated at all. That it's incumbent upon Staff to actually
19 change the law to get it consistent as opposed to just a Synagogue as precedent for this
20 situation. So, I think there's some clean up of the code there has to be done. I'll pause there.

21
22 Chair Templeton: Thank you so much Commissioner Lauing. Commissioner Summa followed by
23 Commissioner Alcheck.

24
25 Commissioner Summa: Thanks, so I agree with Commissioner Riggs and Lauing that this... I
26 don't think there's any danger of this no net new trips being applied to R1 broadly. I think the
27 CUP Findings make it very clear that CUPs are held to a high standard and we know how
28 concerned neighbors are. So, I don't think that's a realistic concern.

29
30 I was going to say about I do agree with about the not having a Condition for... like that for
31 perpetuity and having review. I was going to say there should also be a clause that lets the
32 public... lets them trigger a concern for a request to review and that it shouldn't be prescriptive
33 to 5-years or 6-years because who knows when it will happen. So, that would be my concern
34 there.

35
36 And I also... I very much agree that 540. And this is based on the fact that this is a conditional
37 use and it is not really relevant what other schools do in other areas necessarily. Especially a
38 very large school on a lot of acreage. This is the densest school around because it's on a very
39 small site. So, I think we should go ahead and go with 540 for enrollment; and as they do a
40 really good job on the other impacts, mostly traffic and to a certain extent noise. We can go

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1 ahead and let them apply in an orderly fashion for a new CUP with no new... I think they can do
2 that every 2-years or maybe I'm making that up. But I prefer to start at a non-risk level, to use
3 Commissioner Lauing's words, and not saddle... front load this project with failure from the
4 point of view of a lot of people in the City.

5

6 Chair Templeton: Alright, thank you, Commissioner Summa. Commissioner Alcheck.

7

8 Commissioner Alcheck: Look, first I just want to say thank you for the comments from
9 Commissioner Lauing and Commissioner Summa. I respect your positions on this, my item. I
10 think that there's consensus here. I think there's probably consensus here for a 5-2 vote. I
11 doubt that there's consensus here for a 7-0 vote whether it's tonight, in 3-weeks, or in 6-
12 months. I don't know that there's a version of the conditions that all of us would agree on and I
13 want to suggest reasonable minds can disagree here. And I would employ you... because I'm
14 about to make a motion. I would employ you to consider... hold on, don't worry, it's going to be
15 not what you expect. I would consider... I would consider... I would employ you to not continue
16 suggesting that I haven't heard that some of us haven't spent a great deal amount of time on
17 this and feel quick to make some decisions tonight. Because I do and I think one of the things
18 that we have to be very careful of is that when we disagree, we can disagree; but suggesting... I
19 think the same way you probably reacted to comments from the public about delay tactics is
20 the way I would suggest that I am reacting to comments that we're somehow working at a brisk
21 pace here. I feel like we've been through the process here and I feel very prepared.

22

23 What I would like to do is ask Staff if it's possible to put up a blank piece of paper... blank word
24 doc up on the screen so that I can begin to work with the Commissioners interested in moving
25 forward tonight by putting up suggestions for amendments to the conditions. I don't believe we
26 can do this off the cuff. I think we're going to need the way Council sometimes does by having a
27 shared visual and suggesting the changes that we agree on. And I think the best way to do this
28 would be, not the straw poll approach that really made 2016 and 2017 hard, but let's get up
29 there a basic set of recommendations that I think there was consensus on. And then maybe we
30 can have Commissioners who want to propose some adjustments to do so. So, would Staff be
31 able to do that? Is there a way for you guys to do that and I can begin the... again, what I'm
32 suggesting we do is make a motion on Conditions of Approval that we believe City Council
33 should... that we recommend City Council accept and then there'd be a second motion based
34 on the Conditions of Approval? We should probably determine whether we can make the
35 Findings which several of you suggested, depending on the conditions, would make it possible
36 for you to make a Finding. That for example, the granting of the application would not be
37 detrimental or injurious to property or improvements in the vicinity. So, this is the approach I
38 suggest we take. Whether we can get both done tonight remains to be seen but I think we
39 could probably get a decent way through some conditions so that we don't have to start fresh.
40 So, I've seen... seeing Ms. French there, I'm hoping there's away?

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1
2 Commissioner Lauing: Can I just ask a procedural question just to understand?
3
4 Chair Templeton: Sure.
5
6 Commissioner Lauing: Chair?
7
8 Chair Templeton: Yes, Commissioner Lauing.
9
10 Commissioner Lauing: I just... so are you suggesting Commissioner Alcheck, that we're going to
11 reconstruct this document live and then (interrupted)
12
13 Commissioner Alcheck: No.
14
15 Commissioner Lauing: Hang on, I didn't finish the question yet and it's not a delay tactic. I just
16 want to ask my question.
17
18 Commissioner Alcheck: [unintelligible]
19
20 Commissioner Lauing: Is it... we're going to reconstruct the document with changes and then
21 we're going to take a vote on that and whatever the vote is if it's more than 4 to 3. You're
22 suggesting that that be finished? I'm just wondering (interrupted)
23
24 Commissioner Alcheck: I'm sorry. Yeah, no, no, no. I'm suggesting that I believe that if I wrote...
25 if I make a motion now that we move forward the Staff recommendation with respect to the
26 Conditions of Approval with the following changes. My first suggestion would be all of the non-
27 substantial changes submitted by Commissioner Hechtman earlier, prior to the meeting, that I
28 believe are not significant. I should say not significant but not... yeah, well, not significant let's
29 just say.
30
31 Chair Templeton: Material.
32
33 Commissioner Alcheck: Not material, thank you, and then I would suggest that we... I would
34 then basically pass the ball and say are there... is there anyone who would essentially find
35 seconding this motion with slight changes to the Conditions of Approval. So, I am not
36 suggesting... I heard 74 was consensus for the Conditions of Approval. As it's currently written
37 it's 70 so there's one area where we'd have to make a little change. I think we can do that.
38
39 Commissioner Lauing: My question, just to shorten things here so we save some time. My
40 question is what happens to that motion? Let's say it passed (interrupted)

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1
2 Commissioner Alcheck: The idea here is we've got a group of seven people ready potentially to
3 either agree or disagree on sometimes and I would like us to see if there is consensus on
4 Conditions of Approval that we are reviewing tonight. I'm hoping you'll allow that.

5
6 Commissioner Lauing: No, you're saying (interrupted)

7
8 Chair Templeton: If I may?

9
10 Commissioner Lauing: I'm just trying to figure out where this is going to go after the motion? Is
11 it going to be going to Staff (interrupted)

12
13 Commissioner Alcheck: The say way it goes every time we do these. Essentially (interrupted)

14
15 Chair Templeton: May I try to clarify?

16
17 Commissioner Alcheck: Yeah, sure.

18
19 Chair Templeton: So, I think what Commissioner Lauing is asking is, once we have consensus on
20 the edits, are then doing something like giving them to Staff to come back with, or are we
21 asking them (interrupted)

22
23 Commissioner Alcheck: No, I am not suggesting that. I am suggesting that we move
24 (interrupted)

25
26 Commissioner Lauing: That's the question.

27
28 MOTION #2

29
30 Commissioner Alcheck: This item with slight recommendations of adjustment for Council to
31 accept in conjunction with Findings that we would make ideal immediately after, that... or with
32 a motion, excuse me, that suggests that we can make the Findings for the Draft CUP and
33 Variance. So that it can be recorded and City Council can review it with all of the feedback
34 frankly, that will be included in our minutes. I don't believe we serve the Council well by
35 attempting to provide them with exactly the wording that we think or that we can all agree on.
36 I think we do better when we provide Staff with feedback on... to some extent generally to
37 share with City Council and that's what I would suggest here. So, let me do it.

38
39 I'd like to move that we move forward with the Staff recommendation regarding... that we
40 recommend the Staff Report's Conditions of Approval to City Council incorporating the

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1 amendments that Commissioner Hechtman and potentially Commissioner Roohparvar [note –
2 Vice-Chair Roohparvar], I don't know if you sent something in, sent to Staff prior to the
3 meeting. Those would be the in-material changes.
4

5 I would also suggest that... I'm getting ahead of you, I know, but I would also suggest that in
6 Condition 6 we amend 70 to 74. I'm essentially going through this so that Staff has a really good
7 collection of exactly what we're hoping to do here.
8

9 I would also add that the Commission... that there seems... I would suggest that we include
10 language that allows the provisions... hold on a second... Conditions 23 and 32 to return to the
11 Commission for review after 15-years to determine whether they should continue for additional
12 years.
13

14 Chair Templeton: Can I make a quick suggestion and also, I want to acknowledge that
15 Commissioner Summa had a question. So, we're going get to you when Commissioner Alcheck
16 is finished up. But Ms. French, if you could put each of these in a lettered list so that we can
17 refer to each item. We may want to think about... are you... is your intention Commissioner
18 Alcheck to get input from others on this motion?
19

20 Commissioner Alcheck: I'm trying to put forward a motion that I think represents the consensus
21 where we're at and I'm hoping is that I can get a second and maybe there would be some
22 friendly amendments, which are permitted by our process, that I would be happy to entertain if
23 I miss something.
24

25 Chair Templeton: Ok.
26

27 THE MAKER CONTINUED WITH MAKING MOTION #2
28

29 Commissioner Alcheck: After 23 and 32 I would suggest and this is a harder one for me to do
30 eloquently. I would suggest that I believe there was consensus and I would add to the motion
31 that we direct Staff to incorporate language that reflects a higher degree of measure
32 technology... am I doing this right?... for the counts. This is something Commissioner Riggs
33 touched upon.
34

35 Commissioner Riggs: So, it's Condition 22e.
36

37 Commissioner Alcheck: Ok, the Condition 22 (interrupted)
38

39 Commissioner Riggs: And I don't... I think it's just looking for... I would just say provide for real-
40 time (interrupted)

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1
2 Commissioner Alcheck: Perfect.
3
4 Commissioner Riggs: Data. Condition 22e also reflected in Condition 24.
5
6 Commissioner Alcheck: Ok. I think there was consensus with respect to that as well and I'm
7 going to stop there and if there's something I missed that's particularly important to those of
8 you who feel like you can support this motion, please let me know.
9
10 Chair Templeton: Was there a second?
11
12 Commissioner Riggs: Wait no, I got to... wait, wait, wait. Can... he did miss something before
13 there's a second.
14
15 Commissioner Alcheck: Wait, let me just see if I can get a second, and then you can make a
16 friendly amendment. How about that?
17
18 Commissioner Summa: I have a process question first.
19
20 Chair Templeton: Ok, let's go to Commissioner Summa.
21
22 Commissioner Summa: Yeah, I didn't want to interrupt you when you were trying to gather
23 your thoughts Commissioner Alcheck, but you know we don't... have never had a process
24 before where we had assistance by Staff as we were craft a motion. And so, is this setting a new
25 precedent? Will we now have this for all our motion because I've often thought we needed
26 something like that but are we just doing it for this motion or what's going on here?
27
28 Chair Templeton: I think that's a really good question, Commissioner Summa. This is something
29 I tried to bring up earlier in the conversation as we were going around so we could capture our
30 comments. You're right, we don't do that on a regular basis here and I don't know if Staff,
31 would you like to speak to this? Some of our items could get complex, it might be nice.
32
33 Mr. Lait: Thank you. Well, I want to thank you for stepping into the void there and trying to
34 address the Commission's interest there or Commissioner's interest. I am concern frankly. I
35 mean I think it's fine for us to explore adapting that model but to ask us to do that on the fly I
36 think is just a bit much right now. So (interrupted)
37
38 Chair Templeton: Fair enough.
39

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1 Mr. Lait: I think the motion, at least as it's been communicated, is... to this point... I actually I
2 don't even know if it got seconded but to those comments are very clear and I'm happy to
3 restate them if needed, but right now it's pretty straightforward.
4
5 Chair Templeton: Well, then let's not put you on the spot and I thank Commissioner Summa for
6 bringing that up. You guys are always welcome to tell us if that's too much but it is... if we do
7 have a laundry list of things that we're going to ask. We do need to be able to know what we're
8 approving so I think we're kind of at a difficult spot.
9
10 Mr. Lait: I think Chair, we're going to take some notes and I'm happy to be flexible and see what
11 we can do. I just... I'm... you know, our Staff does it really well at City Council and they make it
12 look seamless but it is not as easy as they make it look. So, I'm happy to (interrupted)
13
14 Commissioner Alcheck: I didn't mean to jump on (interrupted)
15
16 Commissioner Riggs: I was ready to share my screen with notes from what Mike [note –
17 Commissioner Alcheck] was saying. So, I don't think it had to be you, Amy. I just didn't want to
18 jump in too early.
19
20 Ms. French: And I'm happy to compose some of the notes that I was taking and if you'd like,
21 move onto something else.
22
23 Mr. Lait: I'm sorry, I just need to... so, I apologize for missing it. Was there a second to the
24 motion?
25
26 Chair Templeton: No, we haven't even decided if (interrupted)
27
28 Commissioner Riggs: There wasn't but I will second. I will second.
29
30 Chair Templeton: Hold on. Guys, hold on a second. There was a procedural question of how do
31 we know what the motion is so that's why we never to a second.
32
33 Mr. Lait: Ok.
34
35 Commissioner Alcheck: Well, just to be clear, it sounds like he's willing to repeat the motion
36 and... because if it's uncomfortable for it to be visual, I get it. I'm not trying to make this
37 complicated. I'm trying to make this rather easy and I thought that would help.
38
39 Chair Templeton: You're definitely not making it complicated.
40

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1 Commissioner Alcheck: If Staff's uncomfortable, maybe you could just swipe back to that screen
2 and everybody could screenshot it with their telephones or something. And then we can kind of
3 work off of it because I certainly don't want someone to suggest later on that they don't know
4 what the motion is.

5

6 Mr. Lait: Well, let me, let me (interrupted)

7

8 Chair Templeton: Hold on, hold on.

9

10 Commissioner Alcheck: But we did... but we do have a second. It is a motion.

11

12 Chair Templeton: Guys, give me a second.

13

14 Commissioner Summa: Well, I brought up my objection before you had a second.

15

16 Chair Templeton: There's not a second yet.

17

18 Commissioner Summa: [unintelligible] Michael [note – Commissioner Alcheck], because we
19 haven't used this process before and I'm not sure... it wasn't something I think that the Chair
20 had contemplated or the Vice-Chair. I'm not sure what we're doing here. We're just creating a
21 new process and I'm not 100 percent comfortable with it.

22

23 Commissioner Lauing: [unintelligible – crosstalk]

24

25 Chair Templeton: So, I would like a chance to speak. Hold... I'm sorry, Commissioner Lauing I
26 didn't hear you.

27

28 Commissioner Lauing: I said plus we're losing a Commissioner in 15-minutes and we're just at
29 the beginning of this thing.

30

31 Chair Templeton: Yeah, so what I want to say is that I did anticipate we would have a
32 tremendous number of edits to a... what is it... 7 to 8 Page document. Ok, so we did talk about
33 that and I did ask earlier in the meeting would it be possible to capture these. It sounds like
34 there are some notes that have been taken. What I am concerned about is with a long list of
35 changes, it is more complicated for people to process and I don't suggest that any
36 Commissioner has made this complicated. It is complicated. So, how do we know what we're
37 agreeing too and it sounds like we have an alternative that has been suggested. We've got two
38 alternatives. One is somebody displays a screen and one is somebody reads the notes. I think
39 either one is fine. I think the screen is clearer for all of us, but we don't usually do that. So, if we

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1 have a fallback plan, which is our normal process where Staff wants to repeat the motion back,
2 that's totally acceptable as well. Does anyone have a strong feeling about this?

3
4 Commissioner Alcheck: I would just request that as the maker of the motion that you choose
5 one and we proceed.

6
7 Commissioner Summa: Well, I think what we have done in the past when we have a long list
8 like we do with code clean up. We actually go down it, across the row, one by one and Staff
9 tries to gather consensus and I think that would be more appropriate here. This is a very
10 important thing for both the applicant and interested parties and I'm just... I don't know. If
11 we're not going to do this... if we're not going to have basically the motion up on the screen
12 from now on. I'm uncomfortable with doing it for one specific project. I don't see how that's
13 consistent or fair.

14
15 Chair Templeton: So, I know we have a motion that we're waiting for it to be seconded. Would
16 it be appropriate... I'm asking Staff but experienced Chairs may also want to weigh in. For me to
17 make a motion about tonight having a visual aid for this discussion? Any objections?

18
19 Ms. Albert Yang, Assistant City Attorney: I don't think a motion is required for that because this
20 I just a (interrupted)

21
22 Chair Templeton: Ok, then I'm going to just make the call that tonight and show be available to
23 future if we can incorporate that somehow into our process when there's a very long motion or
24 a complex motion. That Commissioners or motion makers should be able to ask for the process
25 of having a visual aid to make sure the motion is clear so that voting is clearly understood by all
26 participants. So, Ms. French or whoever wants to do it, if you could please share the motion on
27 the screen. We'll go back to Commissioner Alcheck. Is this your motion?

28
29 Commissioner Alcheck: Thank you so much, Commissioner or Chair Templeton. Yes, this is what
30 I'm suggesting, and what I would like is to hopefully earn a second and if there are friendly
31 amendments. I'm happy to entertain them and hopefully, my seconder will too entertain
32 hearing them.

33
34 Chair Templeton: Is there a second?

35
36 SECOND

37
38 Commissioner Riggs: Well yeah, there was a second with a friendly amendment.

39
40 Chair Templeton: Ok.

-
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FRIENDLY AMENDMENT #1

Commissioner Riggs: So, the only thing that was amended from this and I know there... we might have unanimous consensus... was that Condition Number 22 and 22a and 22d are modified so that the ADT shall not exceed 1,198 and the AM Peak shall not exceed 383.

Chair Templeton: Is the amendment accepted? Commissioner Alcheck, do you accept the friendly amendment?

Commissioner Alcheck: So, just so I'm clear, is that essentially the opposite of the 9 percent that Commissioner Hechtman was suggesting earlier?

Commissioner Riggs: That's the... it's basically no net new trips. That's what you would have to do.

Commissioner Alcheck: I don't know that there was consensus on making that change but would you get comfortable if I just... if we heard from a few more people?

Commissioner Riggs: I won't second it without that.

FRIENDLY AMENDMENT #1 ACCEPTED

Commissioner Alcheck: Ok. Is there anyone else who wishes to second the motion without that change? Ok, well then, I will accept it and we can proceed.

Chair Templeton: Great, so I see Commissioner Lauing, Alcheck, and Hechtman with their hands up. Do (interrupted)

Commissioner Alcheck: My hand is not up. I'm so sorry. My hand is not up.

Chair Templeton: Commissioner Lauing, Commissioner Hechtman, do you wish to speak to the motion?

FRIENDLY AMENDMENT #2

Commissioner Lauing: Yes, both in specific and general. I think the whole enforcement section, 29 through 35, we're my earlier comments. It has to be overhauled because I think we need stiffer financial penalties and as we've been discussing we certainly want to make sure that there's nothing that's going to be reducing... taking girls out of school. But I think we need some

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1 stiffer penalties there since we're not going to be wanting to take girls out of school and maybe
2 some shortened timeframe for the cure and then for the violation to be fined.

3

4 Chair Templeton: Are you offering an amendment?

5

6 Commissioner Lauing: Well, I'm just trying to give guidance to Staff because I think this is their
7 bailiwick to draft this. Not for us to wordsmith it.

8

9 Chair Templeton: Ok.

10

11 Mr. Lait: So, I (interrupted)

12

13 Commissioner Alcheck: So, I... my... can I just ask? My preference would be if you want to make
14 a friendly amendment to communicate a position to Council in addition to the comments that
15 are apart of this motion. If you have a friendly amendment, put it forward and maybe we can
16 come back to you if individuals who are... who have created a lot of consensuses tonight have
17 some friendly amendments. I'd really like to hear them.

18

19 Commissioner Lauing: That was supposed to be a friendly amendment.

20

21 Commissioner Lauing: That was supposed to be a friendly amendment.

22

23 Chair Templeton: Do you accept that amendment?

24

25 FRIENDLY AMENDMENT #2 NOT ACCEPTED

26

27

28 Commissioner Alcheck: No, I'm not going to accept the amendment to allow Staff to generally
29 overhaul Sections 29 through 35.

30

31 Commissioner Lauing: Well, it's not generally. It's with the guidance of shorter peer periods and
32 higher fines. That's all it is.

33

34 Commissioner Alcheck: Yeah, no (interrupted)

35

36 Commissioner Lauing: I just didn't wordsmith it.

37

38 Commissioner Alcheck: I didn't get to finish the sentence. With the higher fines and stiffer
39 penalties, I won't accept that friendly amendment. With all due respect Commissioner Lauing, I
40 really respect your view on this. I just won't accept that specific friendly amendment at this

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1 time. I think I'd like to hear from the Commissioners who I think have consensus on this and
2 then see where they stand on the issue. And if there is a friendly amendment that was... with
3 respect to some of those issues, maybe I will accept it.

4

5 Chair Templeton: So (interrupted)

6

7 Commissioner Alcheck: I'm trying to build consensus here if that's not here and I'm worried
8 that you won't support the motion regardless of whether I include that or not.

9

10 Commissioner Lauing: Ms. French? You... depending on how this goes you may want to keep
11 that text increase Commissioners want to split this into different motions.

12

13 Mr. Lait: So, Chair, if (interrupted)

14

15 Chair Templeton: Yeah, sure.

16

17 Mr. Lait: I may interject and maybe City Attorney... Deputy City Attorney Yang can validate this
18 if I'm wrong, but we can't assess fines that are beyond what we've already stipulated in our
19 Municipal Fee Schedule. So, I mean the fees are what the fees are. The penalties are what they
20 are and we can't just make them higher for this application. So, that really is just I don't believe
21 an area where we can go.

22

23 Second, just to reiterate, we're not talking about... we would never suggest that any student
24 gets removed from the school. That is... so I think we've discussed that. Now if you wanted
25 shorter reporting periods, that's something that we can certainly... we would welcome
26 Commission feedback on what you want that to be, or you can direct it to us. Right now, it's
27 three times a year so if it needs to be more frequent than that then let us know.

28

29 Chair Templeton: Do you want to make any other (interrupted)

30

31 Commissioner Alcheck: To be clear I didn't accept that friendly amendment, Director Lait.

32

33 Chair Templeton: Anything else Commissioner Lauing?

34

35 Commissioner Lauing: Nope.

36

37 Chair Templeton: Thank you. Alright, Commissioner Hechtman followed by Commissioner
38 Summa.

39

40 FRIENDLY AMENDMENT #3

-
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1
2 Commissioner Hechtman: So, I suppose this is a friendly amendment. Let me state it and then
3 I'll explain it. The motion, as I understand it, is to adopt the Staff recommendation on the
4 Conditions of Approval with the following changes. So, the friendly amendment I would suggest
5 is a softer approach that we recommend the following changes to the Conditions of Approval
6 presented by Staff and the difference is that... and I think this was your intent, but your motion
7 is a terminal motion. In other words, we get one shot at this because we're taking Staff's
8 version and only making the following changes, and then it's gone. We have one motion to do
9 all this work and I think the risk there is that all you need is four Commissioners to each not like
10 one aspect that somebody else has said. And Commissioner Riggs has added something I'm not
11 sure I'm in favor for. I might like everything else but I'm going to say no because of one thing I
12 don't like and if three others do the same, the whole motion fails. So, what I'm thinking, the
13 reason I'm suggesting this friendly amendment is let's use this as a building block. Let's make
14 the first motion to try to get through all the stuff that there really is consensus on and then we
15 might have to wrangle on particular motions, like if it's whichever one... 22a and 22d that
16 Commissioner Riggs mentioned. If we're going to vote on that discretely and I vote not but it
17 carries by a majority. Fine, we move it on. So, that's my friendly amendment.

18
19 FRIENDLY AMENDMENT #3 ACCEPTED BY THE MAKER
20

21 Commissioner Alcheck: Ok, I will accept that friendly amendment and I will suggest to you that
22 isn't very much my intent here. My intent... look I didn't... I suggested many times tonight that I
23 wanted to see more than 74 events but I don't believe that's going to carry the day and I don't
24 need to create a second motion to see to what extent that idea is unpopular. And what I think
25 I'm hearing from you is that you would like this language that I've put forward to be a little
26 softer and also, potentially not include the item about 22a because you'd like to have that be a
27 separate, specific item that you can indicate your disagreement with. I suspect that the
28 seconder of my motion won't like that and so I think in order to accept your friendly
29 amendment, I will need a seconder because if my seconder doesn't accept it. So, if you're
30 willing to step forward and do that then I'm willing to accept your friendly adjustment of the
31 approach here.

32
33 And I also want to suggest to you that I have no intent to go down my list of items that I wanted
34 to change tonight and just see how popular they are. I think the gist of our recommendation is
35 there and I tend to believe that perfect is the enemy in good of what we do and so I accept your
36 friendly amendment with the hope that my seconder will allow that change to 22a to be
37 discussed as a follow-up item. So that those who don't agree with that change can still
38 participate in our first motion.

39
40 FRIENDLY AMENDMENT #3 NOT ACCEPTED BY THE SECONDER

-
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1
2 Commissioner Riggs: No, that's a... this is a separate motion so you'll need to either withdraw
3 the motion Mike [note -Commissioner Alcheck] and Bart can actually set up a straw poll for
4 each of these. I'm not going to decouple these.

5
6 MOTION #2 WITHDRAWN AND MOTION #3 WAS PUT FORTH

7
8 Commissioner Alcheck: Ok. I think then what I'd like to do is withdraw and remove to
9 everything that you see here with the acceptance of the 22a item (interrupted)

10
11 Commissioner Riggs: I don't think this is going to [unintelligible](interrupted)

12
13 Commissioner Alcheck: Incorporating the language... excuse me... incorporating the language
14 that Hechtman used that I would suggest is a softer approach and my hope is that I would get a
15 second on this and we can move forward on the items that we have consensus on. And then we
16 can come back to these items that are specifically important to individuals and we can dispense
17 at those in an efficient way. I don't believe we'll be going through very many. I suspect there
18 are a few items that we don't have consensus on and that the majority of them we do. So, do I
19 have a second?

20
21 Chair Templeton: If you are planning to second, please unmute yourself. I have hands up
22 already. I can't tell which is for what.

23
24 SECOND

25
26 Commissioner Hechtman: Sorry, I can't get my hand up but I would like to second the motion
27 and I'd like to speak to my second.

28
29 Chair Templeton: Ok and then Commissioner Riggs has a comment after you.

30
31 Commissioner Hechtman: Just to clarify, the reason I'm doing this is so that we can cover a lot
32 of the issues. The easy ones by themselves as a group and then when we come to your issue,
33 which frankly I think I may have heard consensus supportive of the no net trips so I'm maybe on
34 the losing side of that, but let's have that as a discrete item and it will either carry or not and
35 will be added to our recommendation. So, that is my thinking.

36
37 Chair Templeton: Thank you. Commissioner Riggs and then [unintelligible].

38
39 Commissioner Riggs: Well, I just think this a... we might as well just vote on everyone to be
40 honest if you're going to do it like this. That's my comment.

-
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1
2 Chair Templeton: That is also my comment. I am concerned about this process. How will we
3 know if we have consensus until we vote? So, I think it's potentially going to be a bit of a
4 confusing process if we try to figure out what's consensus so that we can vote on it because
5 we're going to have to (interrupted)

6
7 Commissioner Alcheck: I'm still willing to hear any friendly amendments by Commissioners who
8 share the views that are currently up there. So, if you feel like you can get behind some of these
9 ideas and you want to add to them. I'm happy to hear those.

10
11 Commissioner Summa: I have a question.

12
13 Chair Templeton: Alright, hands I see raised are Commissioner Summa and Commissioner
14 Lauing. Commissioner Summa.

15
16 Commissioner Summa: Ok so in... I am unlikely to... in this process [unintelligible] since it's being
17 designed on the fly by night... tonight and we've never done it before, but I have a question I
18 guess for Commissioner Hechtman about his corrections. And Commissioner Hechtman, I'm
19 sorry, it's really hard for me to hear just you. Everybody else's volume is fine. I don't know if
20 anyone else is having that problem, but on Packet Page 30, under-enrollment b... 4b, you
21 changed parking facility to garage. What was your thinking there?

22
23 Commissioner Hechtman: I was wanting to have consistency... can you hear me now?

24
25 Commissioner Summa: Little better.

26
27 Commissioner Hechtman: Ok. I'll try to speak a little louder. So, I always look for consistent
28 language throughout a document and I think it's maybe in Condition 10. Yeah, if you look at
29 Condition 10, it talks about below-grade parking garage and so I wanted us to pick a term and
30 stick with it. That simple.

31
32 Commissioner Summa: Ok and then... and if Staff has any opinion on the use of parking facility
33 versus garage versus basement because we've talked about this a lot. I'd like to hear from them
34 but then also on Packet Page 42 under 31. You had changed the word annual in the first
35 sentence, second line, to periodic. That's a substantive change, not a clerical change.

36
37 Commissioner Hechtman: I disagree. That's a consistency change. It's actually the required
38 review is not annual, it's more often than annual. It's twice a year.

39
40 Commissioner Summa: Ok so that's for consistency with something previous?

-
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1
2 Commissioner Hechtman: Yes, it's the initially three times a year review and then when they hit
3 the milestone, down to two times a year review. I'm not quickly finding which condition that is,
4 I'm sorry.
5
6 Commissioner Summa: Sorry, I just didn't... couldn't tell. There wasn't a note saying why.
7
8 Commissioner Hechtman: Yeah, understood.
9
10 Chair Templeton: Do you have additional questions, Commissioner Summa?
11
12 Commissioner Summa: No, I was [unintelligible] perhaps Commissioner Hechtman was looking
13 for that other number.
14
15 Commissioner Hechtman: Oh, sorry.
16
17 Commissioner Summa: It's ok if you don't have (interrupted)
18
19 Commissioner Hechtman: Director Lait or Amy, maybe you can help? I'm looking for the
20 condition that talks about the three-year review or three times a year review and then it drops
21 to two times a year.
22
23 Mr. Yang: It's in Mitigation Measure 7a.
24
25 Commissioner Summa: 7a, ok, thanks.
26
27 Chair Templeton: And is that on Page 37 in Item 23? Is that the same kind of... I don't know if
28 that's the same thing but it's the three times in place.
29
30 Commissioner Summa: Ok and if Staff has any comments about the use of parking garage
31 versus parking facility, now would be the time to let us know I think.
32
33 Mr. Lait: We're fine with that. We've reviewed the changes and we don't think they're
34 substantive.
35
36 Commissioner Summa: Ok, thanks.
37
38 Mr. Lait: Now that I'm talking though I do want to keep talking if you don't mind? I got to just
39 reiterate I'm really uncomfortable with this approach using the screen and I see what Amy is

-
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1 doing. And I'm just concerned that it's not crisp and it doesn't reflect motions. It's note-taking
2 on the fly and I just don't think it's appropriate. So, with your permission (interrupted)

3

4 Chair Templeton: I am also feeling that way. I am in agreement so.

5

6 Ms. French: I'm sorry, I'm not a trained transcriber.

7

8 Chair Templeton: Amy, you don't have to apologize for that.

9

10 Ms. French: Yeah, another possibility is I do have (interrupted)

11

12 Mr. Lait: [unintelligible – crosstalk]

13

14 Ms. French: All of the conditions that I could show as written.

15

16 Chair Templeton: Hold on, please hold. Director Lait, you were in the middle of a comment?

17

18 Mr. Lait: Thank you. We're just going to shut that screen down. Thank you and we will just... if
19 you can just reiterate the motion that's on the floor that's been seconded by Mr. Hechtman...
20 Commissioner Hechtman. Then we'll just continue to go from there, but you know (interrupted)

21

22 Commissioner Alcheck: Would you mind if I just screenshot it real quick? I mean I don't see why
23 that would be a problem. You've got good notes there. Allow me to screenshot it and I can read
24 it to you 100 times around.

25

26 Mr. Lait: I'll differ to the Chair. I just don't want Staff taking notes on the screen during your
27 proceeding.

28

29 Chair Templeton: So, I want to... before I address that, Commissioner Alcheck. I want to go back
30 to comments that Commissioner Lauing made earlier about needing... giving Staff the time to
31 make the edits we've discussed here tonight. I think it's really important. I know that there are
32 people who are interested in seeing us conclude this discussion today but I for the life of me
33 can't see how it's going to be possible with the amount of changes we have and trying to make
34 this process logical and comprehensible at this time of night. I think if we're going to do a bulk
35 motion, you can try it and we can vote on it, but the more sensible way to go is probably to
36 discuss the items that you have no doubt prepared. I know Commissioner Alcheck has shared
37 them and try to get motions on those instead of making this unnecessarily complex.

38

39 Commissioner Alcheck: If I can respond real quick?

40

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1 Chair Templeton: Yes, please.

2

3 Commissioner Alcheck: With all due respect, I feel like we're talking in circles here. We had a
4 tremendous amount of consensus around enrollment, around events, around the TDM with
5 enhancements to some extent. There might be some limit there. With respect to the
6 underground garage. These are all components. I don't need to have a conversation about the
7 underground garage because my sense is that five individuals on this Commission sort of feel
8 comfortable with it. And so, I think that... I would encourage you to ask yourself if there's
9 anything that I'm suggesting in my motion that you aren't comfortable with. I'm not talking
10 about process. I mean a Condition of Approval that you feel like isn't addressed there and I
11 would suggest to you that there is no restriction on anyone of making a follow-up motion
12 saying ok, I would also like to suggest that we encourage City Council to consider adjusting 22a
13 in the following way and we can dispense with that one. And my theory is that none of us are
14 interested in writing this whole thing with the exception of the overhaul... well actually, I
15 shouldn't say that. It wasn't a total overhaul, but my point is I think... let's not get ahead of
16 ourselves. This isn't surgery. We've all spent time with this document. We've all shared a lot of
17 opinions here. I'm trying to put forth something and its possible Commissioner... Chair
18 Templeton that you're not ready to support it, but there's a reason why we have the process
19 we do and if there are four people that are prepared to support it. Then we can put to rest the
20 conditions that we've discussed and we can talk about if there's any other really important
21 ones to people and if there aren't. Maybe there are still four people here who feel comfortable
22 making the Findings based on the conditions that we did discuss and have consensus on. And
23 it's not... our process isn't designed to birth a perfect Condition of Approval document. It's
24 designed to give our City Council's, each of them, some insight into our individual experiences
25 and what we bring to this and our professional experience. And hopefully, they can make their
26 own conclusion and we all know that they often make their own conclusions and it's not always
27 correlated to what we say. And I feel that the... I feel prepared to do that so if other people feel
28 prepared to do that, I think we should proceed with allowing the vote because that would be
29 the indication.

30

31 Chair Templeton: I would like to request that we break those items into individual votes.

32

33 Commissioner Lauing: Say again, please?

34

35 Chair Templeton: I would like to request that we break these into individual votes, instead of a
36 bulk vote.

37

38 CALL THE QUESTION

39

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1 Commissioner Riggs: Chair Templeton, I believe though we have a motion and a second and I'd
2 like to call the question to vote on the motion and the second at this point.
3
4 Chair Templeton: Well, I believe within our by-laws it's my right to ask for that. Maybe we can
5 check in with Albert.
6
7 Commissioner Riggs: I believe anyone can all the question.
8
9 Chair Templeton: Yeah, but I made that request before you did.
10
11 Mr. Yang: Ok so yeah, any Commissioner who has the floor can call the question. If you... I guess
12 Chair if you're asking me if you can, as the Chair, ask that the motion be broken up into
13 separate components and voted on individually.
14
15 Chair Templeton: Well, as the Chair, I believe any Commissioner can do that.
16
17 Mr. Yang: Sure, that would be a friendly amendment I guess to the motion that you had made
18 while you had the... well, you had the floor so then that's back to (interrupted)
19
20 Chair Templeton: Ah ok. I received different advice last year. That's fine then. Let's take a vote.
21
22 Mr. Lait: Let's make sure that we restate for the record then what the motion is. So, if
23 Commissioner Alcheck can restate the motion.
24
25 Commissioner Alcheck: Ok so this sort of takes me back to that question I asked you,
26 Commissioner... Director Lait, which is can I quickly screenshot the notes that you already had
27 and you can take them away forever?
28
29 Mr. Yang: So, I can (interrupted)
30
31 Commissioner Alcheck: That would be great actually.
32
33 Mr. Yang: From my notes.
34
35 Commissioner Alcheck: That would be so great. That would be so great.
36
37 MOTION #3 RESTATED
38
39 Mr. Yang: Commissioner Alcheck, you can see me if I've got this right. So, this was a motion to
40 recommend the Staff recommended Conditions of Approval with the following changes. First,

-
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1 the non-substantive amendments that Commissioner Hechtman provided ahead of time.
2 Second, to change Condition of Approval 6 to move the events number from 70 to 74. Third, to
3 have Conditions 23 and 32 reviewed by the Planning Commission after 15-years to determine
4 whether they're still necessary. Fourth, to require real-time transmission of data under
5 Condition of Approval 22b and e I believe, and also Condition of Approval 24. And then finally
6 to require no net new trips and no new AM Peak trips.

7
8 Commissioner Alcheck: I'm sorry, did you just refer to 22a?

9
10 Mr. Yang: Yes, 22a.

11
12 Commissioner Alcheck: Ok, that actually wasn't apart of the restated... the alternative
13 (interrupted)

14
15 Mr. Yang: Oh, I'm sorry, that's right. I was [unintelligible -crosstalk]

16
17 Commissioner Alcheck: Hechtman and I worked with and I wanted to... Commissioner
18 Hechtman, do you feel like the soft language that started it was correct?

19
20 Commissioner Hechtman: No, no, Mr. Yang does.

21
22 Commissioner Alcheck: Staff, I know this is problematic. I'm just going to ask one more time.
23 Can I screenshot this? We've got it already. I feel like we're making this unnecessary
24 problematic. I appreciate that you never want to use this process again. We relied on it in the
25 beginning and I think it would really improve our situation if I could screenshot this or if maybe
26 Amy could send, or I don't know. Maybe Amy could restate it from her notes instead of the City
27 Attorney because I feel like she had it.

28
29 Commissioner Hechtman: Actually, Commissioner Alcheck, I think the City Attorney got right
30 the particular amendments. The only thing that... again, 22a dropped out because that wasn't
31 part of the friendly amendment. The thing that he didn't correct for is the change between your
32 original motion which was move the Staff recommendation with the following changes to my
33 softer approach which was move that the following shall be apart of our recommendation. So,
34 in other words... right? And so, Mr. Yang's restatement didn't capture that element of it. That
35 was... otherwise, he was correct that it's the Hechtman amendments changing 6 to 74, 23 and
36 32 our 15-year review, and 22b and I think 24 are changed to require the real-time data
37 collection.

38

-
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1 Commissioner Alcheck: Yes, that's exactly right. Those are the items I believe we have
2 consensus on that we can move forward on as a group and then we can pick off the other ones.
3 So, do I need to restate that motion or are we good?
4
5 Commissioner Summa: I have a question.
6
7 Chair Templeton: Commissioner Summa, the questions be called. Is it about the... do you want
8 to speak to the motion or?
9
10 Commissioner Summa: Yeah, yeah, yeah, of course.
11
12 Chair Templeton: Because I think it's been called.
13
14 Commissioner Alcheck: That doesn't (interrupted)
15 Chair Templeton: So, you can't.
16
17 Commissioner Alcheck: You can't speak to the motion when we call the question.
18
19 Chair Templeton: We have to just vote. I know, it's (interrupted)
20
21 Mr. Yang: So (interrupted)
22
23 Commissioner Alcheck: We have to actually vote on the call and then we have to vote on the
24 motion. It's like... so I'm just trying to ask do I need to restate the motion for anybody? You can
25 just raise your hand if you feel like I need to do that. Ok, great. So, let's maybe proceed with the
26 vote on the call.
27
28 VOTE ON CALL THE QUESTION
29
30 Chair Templeton: Thank you. Mr. Nguyen, can you please conduct the vote? This is about
31 whether we want to call the question or have additional comments.
32
33 Mr. Nguyen: Commissioner Alcheck?
34
35 Commissioner Alcheck: Sure, aye.
36
37 Mr. Nguyen: Commissioner Hechtman?
38
39 Commissioner Hechtman: Yes.
40

-
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1 Mr. Nguyen: Commissioner Lauing?

2

3 Commissioner Lauing: No.

4

5 Mr. Nguyen: Commissioner Riggs?

6

7 Commissioner Riggs: Yes.

8

9 Mr. Nguyen: Vice-Chair Roohparvar?

10

11 Vice-Chair Roohparvar: No.

12

13 Mr. Nguyen: Commissioner Summa?

14

15 Commissioner Summa: No.

16

17 Mr. Nguyen: Chair Templeton?

18

19 Chair Templeton: No.

20

21 Mr. Nguyen: The motion does not carry.

22

23 Commissioner Alcheck: That wasn't the motion. That was the call.

24

25 Mr. Nguyen: Yes (interrupted)

26

27 Vice-Chair Roohparvar: The call.

28

29 Chair Templeton: Ok so I see hands raised. We're going to go through an order and get the
30 questions asked that we need to ask and see if we can proceed through this part of the
31 discussion. Commissioner Lauing, Commissioner Riggs, Commissioner Summa, Commissioner
32 Roohparvar [note – Vice-Chair Roohparvar].

33

34 Commissioner Lauing: Yes, I'm completely uncomfortable with this whole process. I had
35 actually requested if we could adjourn around 10:00. Another Commissioner wanted to leave at
36 11:00. It's now 11:20. We're going to be moving to midnight where we're not going to be fresh
37 even if we did have any sleep. I don't see the productivity of this and I don't agree with the
38 process anyway. This isn't the way that we should be sending a halfway done memo to...
39 directly to Council without any changes. So, I would like to actually move continuance of this
40 hearing.

-
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1
2 Commissioner Alcheck: I still have a motion.
3
4 Commissioner Lauing: I am... good.
5
6 Chair Templeton: I think he's expressing his intention after the (interrupted)
7
8 Commissioner Lauing: [unintelligible – crosstalk]
9
10 Commissioner Alcheck: No, he just moved. You can't move yet. Sorry.
11
12 Chair Templeton: I think you have to wait until after we take a vote on this motion.
13
14 Commissioner Lauing: I'm not disputing that. I'm just saying (interrupted)
15
16 Chair Templeton: Ok.
17
18 Commissioner Lauing: You know I'm [unintelligible – crosstalk] (interrupted)
19
20 Chair Templeton: It's good to signal your intention, yes.
21
22 Commissioner Lauing: And I'm running out of patience.
23
24 Chair Templeton: Yes, thank you very much Commissioner Lauing. Commissioner Riggs.
25
26 Commissioner Riggs: I just had my hand up because I was going... I wanted to be first to talk
27 after because I have another... I was going to make a motion on 22a.
28
29 Chair Templeton: We're not there yet.
30
31 Commissioner Riggs: I know but I just... if I could keep my hand because I... clearly, they want
32 to... you guys want to parse this out and so that's what I want to do. So, I'll be ready for that.
33
34 Chair Templeton: Thank you. Commissioner Summa.
35
36 Commissioner Summa: Really quickly, I was a little unclear about the new softer language
37 provided by Commissioner Hechtman and accepted by Commissioner Alcheck. Is the intention
38 of that to propose these changes and have it come back to us? That's what it sounded like to
39 me.
40

-
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1 Commissioner Hechtman: No. The softer language is just to make it a non-exclusive list to allow
2 us to have a series of votes to build the recommendation. That's it. There's no part of the
3 motion about whether or not it would come back to it.

4
5 Commissioner Summa: Ok. Thank you.

6
7 Chair Templeton: Thank you. Vice-Chair Roohparvar.

8
9 Vice-Chair Roohparvar: Sorry. I'm confused. I'm a little bit confused as to what's going on. I do
10 agree with Commissioner Templeton on breaking it out issue by issue; or maybe like the non-
11 very... very non-controversial stuff like take out 22 whatever, anything, and the very non-
12 controversial. Fine and then I guess the other issues we can go through and I also feel like I've
13 spent a lot of time with the documents and the Packet. And I've heard a lot and I've given my
14 comments so I do feel comfortable about how much we've reviewed it. And if we want to go
15 issue by issue I'm ready to do that and give my vote and we can give a comprehensive list, but
16 bundling it is just... and that is why I voted no. It doesn't... because there's disagreement and
17 it's creating confusion. I like Chair Templeton's idea of the issue by issue or something along
18 those lines. That's just my... that's my comment.

19
20 Chair Templeton: Thank you. Commissioner Alcheck.

21
22 Commissioner Alcheck: So, we're slowly getting to the opportunity to vote on this motion and
23 what I would suggest to you is. That we are going to go through anything anybody wants to
24 discuss. I just put five things together because I heard five people come together on those
25 things and my real sincere hope here is that we get those five things and like Commissioner
26 Hechtman said now twice. The idea here is that it's not terminal. This is a beginning. It's this
27 motion and then there's another motion and I know Billy Riggs... Commissioner Riggs has got it
28 ready to go. He's going to say about how... how do you guys feel about no net new trips and
29 then all of you can vote on that. I got the sense that Commissioner Hechtman couldn't agree to
30 that so I'm not... this isn't a comprehensive. This is five that I think are easy to do, then you can
31 go one by one. I'm not trying to do anything else. So, I think there's consensus on these specific
32 ones. They're pretty low hanging fruit and then I'm excited to hear all of your suggestions
33 because I'm not going to make any more motion on Conditions of Approval so.

34
35 VOTE ON MOTION #3

36 Chair Templeton: Alright, shall we put it to a vote? Mr. Nguyen would you please conduct a
37 vote on Commissioner Alcheck's motion, seconded by Commissioner Hechtman.

38
39 Mr. Nguyen: Yes. Commissioner Alcheck?

40

-
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1 Commissioner Alcheck: Aye.
2
3 Mr. Nguyen: Commissioner Hechtman?
4
5 Commissioner Hechtman: Aye.
6
7 Mr. Nguyen: Commissioner Lauing?
8
9 Commissioner Lauing: No.
10
11 Mr. Nguyen: Commissioner Riggs?
12
13 Commissioner Riggs: Yes.
14
15 Mr. Nguyen: Vice-Chair Roohparvar?
16
17 Vice-Chair Roohparvar: Sorry guys, does this include the controversial no net or yes net? No, it
18 doesn't? Ok, then I'm a yes.
19
20 Mr. Nguyen: Commissioner Summa?
21
22 Commissioner Summa: No, sorry.
23
24 Mr. Nguyen: Chair Templeton?
25
26 Chair Templeton: Yes.
27
28 Mr. Nguyen: Ok the motion carries at a 5-2.
29
30 MOTION #3 PASSED 5(Alcheck, Hechtman, Riggs, Roohparvar, Templeton) -2(Lauing and
31 Summa)
32
33 Chair Templeton: Thank you very much. Please cleared your raised hand if you need to.
34 Commissioner Riggs, you're up.
35
36 Commissioner Lauing: I want to speak to my (interrupted)
37
38 Commissioner Riggs: So (interrupted)
39
40 Commissioner Lauing: To my no, please.

-
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1
2 Commissioner Lauing: Oh, absolutely, Commissioner Lauing. Please do and Commissioner
3 Summa did you want to do that after? Ok, please do.

4
5 Commissioner Lauing: Yes, I do not think that a rough draft, constructed from the dais at 11:25
6 at night should go directly to Council. All I'm requesting is that we see another draft of that so
7 that we can see what we're sending to Council. That's why I'm saying no.

8
9 Chair Templeton: Commissioner Summa.

10
11 Commissioner Summa: Thanks. Yeah, I concur. I mean if we had done our usual process with
12 along... a laundry list of items like this, which is just do them one by one, we might have got
13 more done tonight. And I felt like that was kind of steamrolled over us and I think we should call
14 it a night and get to this as soon as we possibly can. I think everybody is tired. Especially some
15 of us who are very involved in the elections yesterday and probably some of us want to be up at
16 8:30 to watch the ARB consideration of this and get some understanding of where the ARB is
17 with it.

18
19 Chair Templeton: Yes, thank you, Commissioner Summa. You had expressed an intention to
20 make a motion. Commissioner Riggs was next in line. I'll come to you after that issue is resolved
21 and you can [unintelligible]. Thank you.

22
23 Commissioner Riggs: So, am I up?

24
25 Chair Templeton: Commissioner Riggs.

26
27 MOTION #4

28
29 Commissioner Riggs: Ok. So, I want to make a motion to modify the Condition Number 22, Page
30 39, to impose a no net new trips. So, this would impact 22a as well as 22d, both ADT and AM
31 Peak Standard. I heard the word controversial. It should not be perceived as controversial. It is
32 not precedent-setting.

33
34 Vice-Chair Roohparvar: Look, I didn't mean it like that. I'm sorry.

35
36 Commissioner Riggs: I have the floor.

37
38 Vice-Chair Roohparvar: Ok.

39
40 Commissioner Riggs: Sorry, that just came out weird. No.

-
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1
2 Vice-Chair Roohparvar: You interrupt me all the time. I'm just saying.
3
4 Commissioner Riggs: Touché.
5
6 Chair Templeton: Alright guys, focus.
7
8 Vice-Chair Roohparvar: I'm just saying I'm sorry for saying it's controversial. I didn't mean that.
9 Just you and Bart [note – Commissioner Hechtman] don't agree.
10
11 Commissioner Riggs: No, no, no but I think that what was articulated by Bart [note –
12 Commissioner Hechtman] was an extreme perspective that doesn't apply. So, I've stated my
13 motion. I do think that this is a fairly standard practice and it would be not abnormal and it
14 would be a great benefit to the neighbors and it would also... it's highly achievable by the
15 school.
16
17 Chair Templeton: Is there a second? We're going to have to just unmute yourself and second if
18 you wish to second.
19
20 SECOND
21
22 Chair Templeton: Ok, I'll second it.
23
24 Vice-Chair Roohparvar: I... yeah, go ahead, sorry.
25
26 Chair Templeton: Anyone want to speak to it? Commissioner Alcheck.
27
28 Commissioner Alcheck: So, just looking at 22, let me just acknowledge that I generally do not
29 feel well equipped to go head to head with Commissioner Riggs on matters of traffic. I want to
30 say that. With that said, I am grappling with the issue that Staff put this together and felt that
31 the language provided was efficient. And I assume they did it in a way that was in their minds
32 responsive to the residents and so I think what you're suggesting is to make the hurdle a little
33 more difficult to achieve and I'm not sure about that. So, I... look, I think either way this item... if
34 I don't end up going forward I still think the City Council will have to appreciate that we felt it
35 important enough to put as its own item because that will be in our report. I would just say I'm
36 not sure because while I generally differ to your expertise on these items. I have generally
37 responded to the conditions as being quite far-reaching and so if Staff felt that this was efficient
38 then maybe I should too. I don't know.
39

-
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1 Chair Templeton: I just want to speak to my second. I think this makes the whole project more
2 manageable. Again, it would be measuring the impacts and not the methods and so there's
3 going to be a lot more flexibility for other things if we're controlling through that vacuum. So, I
4 agree with Commissioner Riggs.

5
6 I see other hands raised. Commissioner Hechtman and Commissioner Summa, did you want to
7 speak to this or is your hand up for the next motion?

8
9 Commissioner Summa: I was putting it up in advance hoping I could get the floor after this vote
10 to make a motion.

11
12 Chair Templeton: Yeah, that sounds great. So, I just didn't want to skip you so Commissioner
13 Hechtman, then Commissioner Roohparvar [note – Vice-Chair Roohparvar] and then maybe
14 [unintelligible] could take the vote if there are no other hands. Thank you.

15
16 Commissioner Hechtman: Thank you. So, I won't be supporting the motion but I do want to
17 acknowledge Commissioner Riggs was absolutely right to call me out on the single-family home
18 example. I can do better than that, but... and I'm not really concerned about formal precedent-
19 setting. I'm concerned about a flavor coming out of this Commission that tells potential
20 applicants that we're going to expect no net trips and that's really my concern. You know, we 2-
21 3-months ago we looked at a project down on San Antonio. I want to say it was 788 and it's an
22 old warehousy building and we want to build something big and beautiful with lots of housing. I
23 don't think we're going to say no net trips increase there but so we're somehow disguising
24 because that's densifying and this is not. So, that's really my concern and if this was what I
25 consider to be a substantial increase, I don't know that I feel the same way, but here 9 percent
26 over a series of years. Again, I think the streets can handle it and so I'm not going to support it
27 but I'm going to respect the will of the majority here so thank you.

28
29 Chair Templeton: Thank you. Vice-Chair Roohparvar and then I'm wondering if this is something
30 we should ask for input from the applicant after that so heads up Staff.

31
32 Vice-Chair Roohparvar: Yeah, so I just want to clarify, when I said controversial, I meant
33 controversial between Commissioner Hechtman and Commissioner Billy [note – Commissioner
34 Riggs]. It's late, it's very late. I do want to... yeah, so that's all I meant because I wanted that out
35 of what we were voting on. So, three things, I am... I'm inclined to support this motion but I
36 want more information and specifically from you Commissioner Riggs and potentially the
37 applicant on is this common? From what you're saying apparently other business and Stanford
38 and others are held to this standard. I want to better understand that and then did the prior...
39 can somebody remind me? Did we previously discuss the applicant having said that there would
40 be no net trips at our last meeting? That's what you alluded to and roughly was our

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1 recollection. So, I want to better understand that and then I want to hear from the applicant if
2 they're still here on the impact or can they do this or exactly what Commissioner Templeton
3 alluded to? I'd just like to hear more on it because this does tie into the enrollment cap and the
4 phasing and etc. So, however, you want to proceed.

5

6 Chair Templeton: Alright, so Commissioner Riggs, do you want to respond?

7

8 Commissioner Riggs: Yeah, there's a lot there. So, I guess I was actually looking up trip
9 generation rates while we were talking but I think the generally speaking residential...
10 Commissioner Hechtman suggested that residential trip general rates are higher than those at a
11 school. I actually don't think that's the case. Residential trip generation rates are lower. Usually,
12 you'll just get one max, like two trips a day usually. You know I'm sure that Peer and Fehr's
13 representative is [unintelligible] is cringing on the line but... because I'm doing this all by
14 memory but I think the general question you're asking is... Giselle [note – Vice-Chair
15 Roohparvar] is are trip caps common? Yeah, they are, particularly for commercial institutional
16 use. Particularly in peak hours, particularly where you have surges on roadways, and you have
17 fixed resources to deal with that. And the great part is you have a campus here that has done a
18 25 percent reduction in their driving rate and you have precedent with Stanford. And actually,
19 almost every campus in the Bay Area that has close to a... I'll just... I know Berkeley's data really
20 well and I know Stanford's data pretty well, but somewhere students are somewhere around
21 like 99 percent non-driving rate.

22

23 So, in terms of feasibility, absolutely feasible. In terms of whether or not standard or not, yeah,
24 it's done and so I... again, I don't... I guess from my perspective not only is this... because we're
25 not... this is not abnormal to ask in response to the unique characteristics of this site which
26 require a special look. And so, I think that's the perspective I take with regard to this idea of hey
27 let's not focus on... you can totally achieve this. This is not an additional requirement. It is an
28 additional performance objective to get to... as you increase your enrollment.

29

30 Mr. Robert [note – last name]: This is Robert. I don't know if I'm raising my hand or not because
31 I cannot find the button right now. Is it ok for me to speak?

32

33 Chair Templeton: Are you the... representing the applicant?

34

35 Mr. Robert [note – no last name]: Yeah.

36

37 Commissioner Riggs: Robert is the transportation consultant.

38

39 Mr. Robert [note – no last name:] Right.

40

-
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1 Chair Templeton: Oh, well I'm just trying to figure that. Ok, sure.

2

3 Mr. Robert [note – no last name]: Sorry. So, I guess I would start with a couple of things. What
4 Commissioner Riggs was saying is it's true that it's common for trip caps. Particularly in the peak
5 periods when the congestion is highest and you want to reduce the trips as much as you can. It
6 is less common to actually, have daily trip caps on a project and I would just make a point that
7 no net new trips standard that the county was trying to impose on Stanford was probably one
8 of the reasons that they actually withdrew their application; because of trying to grow housing
9 that the county wanted and it was not going to be feasible to not have trip growth if you're
10 going to add more people to the community. So, it is... daily trip caps are less common and
11 they're sometimes much more difficult to meet because you're TDM Programs have less
12 effectiveness outside the peak periods.

13

14 In terms of the no net new trips for the school. They've really tried to... they tried to set a
15 standard that was something that they could achieve. They've already begun the process of
16 reducing their trips so asking them to reduce it more just becomes more and more expensive
17 per student. So, there's a direct cost associated with if you if reduce the number of trips they're
18 allowed and they're trying to increase enrollment. It does put on a... it can put a financial
19 burden that will increase for every student you add so that could be another element here.
20 Those are the main things. If you (interrupted)

21

22 Vice-Chair Roohparvar: I have a follow-up question if that's appropriate Chair Templeton?

23

24 Chair Templeton: Sure.

25

26 Vice-Chair Roohparvar: So, I guess my follow up question to you is you're saying that it's a... it's
27 difficult when you're doing it basing on daily. Is there any... how else could you structure this
28 where we still have the same result, the same spirit of not wanting an increase from 1,198 or
29 whatever that target is? Is there anyways else to do this where we still (interrupted)

30

31 Mr. Robert [note – no last name]: Well I that (interrupted)

32

33 Vice-Chair Roohparvar: Or no?

34

35 Mr. Robert [note – no last name]: So, we had talked with the school and so there is that small
36 increase of 98 trips from 1,198 to 1,296 and so that was kind of the room for some growth in
37 the daily trips were as they wanted to keep the morning trips consistent. So, that was really
38 the... when we talked to them about what the EIR said and what the Conditions of Use said. It
39 was there's a small amount of growth that gave them some flexibility to meet the targets. And
40 so that's kind of where we talk with them about it and they were willing to work with that.

-
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1
2 Vice-Chair Roohparvar: Thank you.
3
4 VOTE
5
6 Chair Templeton: Alright, I see a bunch of hands up of people that have already spoken. Can
7 you let me know if you need to speak to this or before we vote? Ok, great. Mr. Nguyen, can you
8 conduct the vote?
9
10 Mr. Nguyen: Commissioner Alcheck?
11
12 Commissioner Alcheck: No.
13
14 Mr. Nguyen: Commissioner Hechtman
15
16 Commissioner Hechtman: No.
17
18 Mr. Nguyen: Commissioner Lauing?
19
20 Commissioner Lauing: Yes.
21
22 Mr. Nguyen: Commissioner Riggs?
23
24 Commissioner Riggs: Yes.
25
26 Mr. Nguyen: Vice-Chair Roohparvar?
27
28 Vice-Chair Roohparvar: Yes.
29
30 Mr. Nguyen: Commissioner Summa?
31
32 Commissioner Summa: Yes.
33
34 Mr. Nguyen: Chair Templeton?
35
36 Chair Templeton: Yes.
37
38 Mr. Nguyen: Ok, the motion carries 5-2.
39
40 MOTION #4 PASSED 5(Lauing, Riggs, Roohparvar, Summa, Templeton) -2(Alcheck, Hechtman)

-
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1
2 Chair Templeton: Thank you very much. Commissioner Summa, the floor is yours.

3
4 MOTION #5

5
6 Commissioner Summa: Yes, thank you so much. I would really like to make a motion at this time
7 now, it's 11:40, to continue this meeting. I think we got off to kind of a slow start with the
8 intention of getting through as much as we can at the next meeting. So, I'm looking for a
9 second there.

10
11 SECOND

12
13 Commissioner Lauing: Second.

14
15 Chair Templeton: Is there any discussion need at this time?

16
17 Commissioner Summa: I don't think so. It's 11:40.

18
19 Chair Templeton: I think the other Commissioners will have to answer so I see Commissioner
20 Alcheck. Do you want to speak to this or is it for something else?

21
22 Commissioner Alcheck: I will not be supporting this motion and.

23
24 Chair Templeton: Commissioner... Vice-Chair Roohparvar followed by Commissioner Hechtman.

25
26 Vice-Chair Roohparvar: Sure. I'd like to better understand what else we would discuss at the
27 next meeting because I feel like we've gotten through a lot. I just want to understand the scope
28 because if we're pretty much close to done. I'm ok staying up a little bit longer to just wrap it
29 up. What are we envisioning this meeting is going to entail, involve?

30
31 Commissioner Summa: Are you asking the maker or Staff?

32
33 Vice-Chair Roohparvar: Both. I guess both. Yeah, I'm asking you and then also Staff because if
34 we're... if we can wrap this up in the next whatever, 15-20, I don't know. Then that's fine and
35 we don't need another meeting, but I just... I want to understand the scope of the next meeting
36 before I vote on where I am on continuing or not.

37
38 Commissioner Summa: Sure, so my intention is to give us time with odds and ends that might
39 be in the Conditions of Approval and then probably, even more importantly, the Findings for
40 both the CUP and Variances which I think will take some time. So, that was my intention.

-
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1
2 Chair Templeton: Thank you. Does Staff want to add anything?
3
4 Mr. Lait: It's whatever you don't get to today I imagine would be discussed at the next meeting.
5
6 Chair Templeton: That is in fact 100 percent accurate. Alright, Commissioner Hechtman,
7 Commissioner Riggs.
8
9 Commissioner Hechtman: Thank you. The motion did not include a date to resume the hearing.
10 Was that... that's alright. There was no date for the continued hearing. Was it the maker's
11 intention that it be at our next hearing on November 18th or some other date?
12
13 Commissioner Summa: I thought it was Staff's preference... I forget which way it went but I was
14 thinking that at our last meeting it was Staff's preference to not have the date specific, but Staff
15 can correct me if it was... went the other way. I'll do whatever anybody prefers. I think it would
16 be prudent to do it at the soonest possible. My intention is to do it at the soonest possible time
17 we can do it because I know some of us really would prefer that.
18
19 Mr. Lait: So, I'll just... for Staff, we're looking to the Planning Commission to drive the schedule
20 here. So, I will say that if it's just a continued discussion along the lines of what we're doing
21 now. Continuing it to the next meeting seems perfectly appropriate.
22
23 Commissioner Summa: Ok, then that's what I would like to do. The next... the first... the next
24 meeting.
25
26 Mr. Lait: So, we would continue to a date certain of November 18th if that's the... if the motion
27 carries.
28
29 Commissioner Summa: That is my intention.
30
31 Chair Templeton: Secunder, is that cool?
32
33 Commissioner Lauing: Yeah, I'm fine with that. I don't know what we would have to bump but
34 we'll leave that to Staff.
35
36 Chair Templeton: Ok. I see your hand Commissioner Alcheck. We're going to go to
37 Commissioner Riggs first and then you.
38
39 Commissioner Alcheck: Yeah, look (interrupted)
40

-
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1 Commissioner Riggs: Wait, wait, it was me I believe (interrupted)

2

3 Commissioner Alcheck: Oh.

4

5 Commissioner Riggs: Go ahead, Mike [note – Commissioner Alcheck], unless your
6 [unintelligible -crosstalk] (interrupted)

7

8 Commissioner Alcheck: I'm so sorry, I'm so sorry, I'm so sorry.

9

10 Commissioner Riggs: Hey, I was the one complaining about being super tired and I am. I'm still
11 tired. Trust me, I had to lay down a few minutes ago. I haven't had a chance to vote on this item
12 in the past. I canceled class to be here tonight. I won't be able to cancel twice in one month and
13 so I cannot... definitely not be here on the 18th. So, I got to... we got to just finish this tonight in
14 my opinion and I... so I can... I'm not going to support this because I will basically never have
15 voted on this item if it continues.

16

17 Chair Templeton: Thank you, Commissioner Riggs. Commissioner Alcheck.

18

19 Commissioner Alcheck: Yeah, I... look, we did get off to a slow start. I think throughout the
20 meeting the maker and seconder of this motion have expressed an interest in not moving
21 forward on almost every moment. And I really appreciate that we have a difference in opinion
22 on this and that's ok. Reasonable minds can disagree. You didn't like this part of the process,
23 we wanted more time. We wanted to send it back so Staff could bring us a different draft. I get
24 it, I get it. I disagree and that's ok and my intention after, if this motion doesn't carry, is to put
25 forth a motion that suggests that the Findings can be made with the Conditions of Approval
26 that we've agreed on and we move this item to City Council after its long history with us. And
27 City Council can make its determinations and I am... I think even if it doesn't get a vote. I would
28 rather it not get support and have that be the reason why we have to come back than to
29 suggest that there's some incapability of us to conclude because I don't believe that when we
30 come back in 2-weeks there's going to be a number of conditions that will satisfy this group.
31 That are dramatically going to change the nature of the conversation we've had and I think we
32 owe it to the community frankly and the applicant and they're picking up on it. A number of
33 comments, like a serious number of comments, are beginning to suggest that the delay is
34 intentional and I'm sensitive to that because I believe I'm prepared. I've very prepared and so if
35 other people are prepared, then they shouldn't support this motion.

36

37 Chair Templeton: Thank you. Commissioner Hechtman.

38

39 Commissioner Hechtman: I just want to set expectations because again, I'm staying till
40 whenever but I think it may be whenever. I think that it's not 10 more minutes to finish the

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1 Draft Conditions. I think there are a few... we're going to have to... there are a few particular
2 motions where we're wrestling with things and then we have to go to the Findings. And I know
3 I've got 5-minutes of remarks on the Findings just describing the changes that I'm looking for
4 and no one else has talked about the Findings yet either. I think that's going to be a lengthy
5 conversation. Maybe it's a worthwhile goal tonight to see if we can finish up the conditions. So
6 again, because we need the conditions to set the table for the Findings and so maybe that's a
7 way to parse this. I do sympathize with our Commissioners who were up late after an
8 exhaustive campaign [unintelligible – video froze]

9

10 Chair Templeton: Oh, it looks like we (interrupted)

11

12 Commissioner Hechtman: So, I'm a little flexible.

13

14 Chair Templeton: You froze at the last minute of your comments but I think we can
15 [unintelligible].

16

17 Commissioner Hechtman: I just said I'm flexible here.

18

19 Chair Templeton: Alright, Commissioner Lauing.

20

21 Commissioner Lauing: On any normal night we would not go to midnight. There is no
22 intentional delay tactics here whatsoever. Just me on the stand. It is almost flipping midnight
23 and we've got a lot of tough work to do. It's really that simple.

24

25 VOTE

26

27 Chair Templeton: Thank you very much. I'll speak to this as well. I think that there is more work
28 to do than we have time this evening and as much it frustrates me to continue this item. It is a
29 complex item and it deserves our due diligence and I'm not sure we're going to giving our best
30 at this time of the night. You know circumstances are what they are, we can wish they were
31 otherwise, but this is where we are. It's almost midnight so I'll be supporting this motion. Mr.
32 Nguyen, would you please conduct the vote?

33

34 Mr. Nguyen: Yes. Commissioner Alcheck?

35

36 Commissioner Alcheck: Nay.

37

38 Mr. Nguyen: Commissioner Hechtman?

39

40 Commissioner Hechtman: Yes.

-
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1
2 Mr. Nguyen: Commissioner Lauing?
3
4 Commissioner Lauing: Yes.
5
6 Mr. Nguyen: Commissioner Riggs?
7
8 Commissioner Riggs: No.
9
10 Mr. Nguyen: Vice-Chair Roohparvar?
11
12 Vice-Chair Roohparvar: Yes.
13
14 Mr. Nguyen: Commissioner Summa?
15
16 Commissioner Summa: Yes.
17
18 Mr. Nguyen: Chair Templeton?
19
20 Chair Templeton: Yes.
21
22 Mr. Nguyen: The motion carries 5-2.
23
24 MOTION #5 PASSED 5(Lauing, Hechtman, Roohparvar, Summa, Templeton) -2(Alcheck, Riggs)
25
26 Chair Templeton: Alright (interrupted)
27
28 Commissioner Alcheck: I'll speak to my dissent.
29
30 Chair Templeton: You're no people... ok, please.
31
32 Commissioner Alcheck: I think that what Commissioner Hechtman suggested was so perfectly
33 reasonable and I'm disappointed that we couldn't just get through whatever Conditions of
34 Approval any of you had an issue with. And I think it speaks to the lack of preparation or
35 unwillingness to deal with this item and I'm going, to be frank, because I came with my list and
36 we had a week. And I was hoping that others would have their list and they would share it and
37 we could see. And the specificity that was missing from those of you who were intent on not
38 moving forward tonight in any fashion means that we are again, unable to really pick up a new
39 step. When we come back we'll have to continue... it's like we just never finish things and I
40 just... I think... I'm not accusing you of it. I think that the public is going to just pick up on this

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1 and they're going to be uncomfortable with it. And they're going to wonder why it took this
2 many meetings and I'm... one of the reasons is that we spent a lot of time talking about
3 whether we could use a screen, or how uncomfortable we were with that. And I appreciate
4 Director Lait's discomfort with it, but I mean it's just this is the part of the local government
5 that really shouldn't see... we're here to do a job. We shouldn't be arguing about whether or
6 not notes on a screen somehow violate our principles of process. That to me was nonsense and
7 I'm... it's fine. It is late and we had a difficult election night and I agree, but the efficiency, we
8 could have been more efficient.

9

10 Chair Templeton: Commissioner Riggs followed by Commissioner Summa. I'd like to make some
11 comments.

12

13 Commissioner Riggs: I want to speak to my... oddly I didn't vote for that. I was actually, with the
14 addition of the second condition that we added I was ready to make the Findings. So, I don't... I
15 just felt like I was satisfied and now I probably won't be able to vote on this item. I've shuffled
16 my schedule twice to make this happen and so I guess I'm just disappointed that I changed my
17 schedule to make tonight happen. We can't have a meeting on the 11th and I will not be able to
18 make myself... take myself away from my job on the 18th. So, I guess I just... I feel boxed in and I
19 don't... I feel like this process was a little unfair to me as a Commissioner.

20

21 Chair Templeton: Thank you, Commissioner Riggs. Commissioner Summa.

22

23 Commissioner Summa: If it's appropriate Chair I would like to speak to the schedule and the
24 accusation of delay tactics? I don't think it's fair to say that all of Staff. I think Staff... this project
25 took a really long time because it's a complicated project and Castilleja needed to nail down
26 what they wanted to present and it took them a couple of years to do that. They finally got it to
27 us. Staff got it to us and I feel like Staff tried to not rush it, but really expedite it. So, I think it's
28 really unfair to say that of anyone and Billy [note – Commissioner Riggs], I tried really hard to
29 get everybody included in all these meetings because I thought it was... I mean Commissioner
30 Riggs because it's... I think it's important for... especially on these complicated, big, contentious
31 issues. For as many as us to be here so I've very sorry you can't make, but I did just want to put
32 that on the table because there isn't a Palo Alto process or delay tactics or whatever you want
33 to call it did not delay this project at all. It was gone through the hearing process really quickly.
34 There's just a lot of steps it had to take. It took a long time for the applicant to know what they
35 wanted to apply for precisely and then the CEQA process is long. So, thank you.

36

37 Chair Templeton: Thank you. I would also like to say that I appreciate all that Staff has done and
38 that we as a Commission were able to come together this week anticipatedly after continuing
39 last week. It is a complex project. It has, you know like we talked before numerous pages of the
40 CUP. Many of us had come prepared with comments and there's complications. I don't think

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1 there was any intentionality behind this. I think a lot of us are looking pretty weary and it's
2 unfortunate that we couldn't get it done. I don't think it was in any way intentional
3 Commissioner Riggs. It's just, you know, timing and it is what it is. We're only human and we
4 can only do so much. We've been here for 6-hours now so I would like to just say that I have no
5 hard feelings. I think that we have tried in earnest to get through this. If we couldn't get
6 through it in this amount of time and we all... well, the ones who voted, feel that they need
7 more time to go through and provide feedback on what is in front of us. Then we have a
8 responsibility to do that and you know, I wish we could have finished it today too. I think we've
9 spent a lot of meetings on this project and it would be nice to start working on some of the
10 other things that will be coming before us, but this is what we need to do is to finish it and do a
11 good job. So, that's where I stand on that. Ok, I don't any other hands up. So, we will... we have
12 continued this item. I think we should make it clear that we're not... well actually, Staff, are you
13 preparing another Packet for this continuation? Ok.

14

15 Mr. Lait: That's not our intent.

16

17 Chair Templeton: So, you won't be making revisions on the CUP based on the feedback you
18 received tonight.

19

20 Mr. Lait: Well, I guess I would look to the Commission. I mean I think we're still collecting data
21 and at this point, it's pretty straight forward I think the edits so far.

22

23 Chair Templeton: Ok.

24

25 Mr. Lait: If you want us to put that together in writing, I suppose we could do that but.

26

27 Chair Templeton: Not to my knowledge. I'm just trying to clarify so that we can set expectations
28 about public comment for the continuation. The public comment for this is closed last time
29 when that happened. A Packet came out in between the meetings and caused some frustration
30 with the members of the public. So, that's not (interrupted)

31

32 Mr. Lait: Sorry, [unintelligible] caused... I mean sorry that it caused frustration. I think that was
33 sort of the intent, in the beginning, is to have some initial comments get some Commission
34 feedback, and then come back and have more public comments, but at this point the
35 Commission is still deliberating, forming motions. I would just suggest that we reprint the
36 current... the existing Staff Report and go from there.

37

38 Chair Templeton: Ok so then just to clearly communicate with the members of the public who
39 may still be here. That we are going to continue our deliberations and the public comments will

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1 remain closed. Although, you can and are encouraged to send in emails to
2 planning.commission@cityofpaloalto.org.

3
4 **Commission Action:** Motion by Alcheck, seconded by Riggs. Failed 2-4-1(Hechtman, Lauing,
5 Summa and Templeton dissent) (Roohparvar abstain)

6
7 **Commission Action:** Motion by Alcheck, seconded by Hechtman. Pass 5-2 (Lauing and Summa
8 dissent)

9
10 **Commission Action:** Motion by Riggs, seconded by Templeton. Pass 5-2 (Alcheck and Hechtman
11 dissent)

12
13 **Commission Action:** Motion to continue by Summa, seconded by Lauing. 5-2 (Alcheck and Riggs
14 dissent)

15 **Approval of Minutes**

16 Public Comment is Permitted. Five (5) minutes per speaker.^{1,3}

17 Chair Templeton: Alright, next items. Do we have minutes this week? I'm not sure if I have the...
18 I don't think we do.

19
20 Mr. Vinhloc Nguyen, Admin Associate III: We do not have minutes to approve this week.

21
22 Chair Templeton: Ok.

23 **Committee Items**

24 Chair Templeton: Any Committee Items? Seeing no hands raised we'll move on.

25 **Commissioner Questions, Comments, or Announcements**

26 Chair Templeton: Commissioner Questions, Comments, Announcements, or Future Agenda
27 Items? None. Ok, this meeting is adjourned. Thank you all very much.

28 **Adjournment**

29 Approximately 11:55 pm

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