



Planning & Transportation Commission Action Agenda: October 28, 2020

Teleconference
6:00 PM

Call to Order / Roll Call

Approximately 6:03 pm

Chair Templeton: Thank you very much. As usual, I will read our script and then we can officially start the meeting.

Pursuant to the... Governor's... 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](https://zoom.us/join), Meeting ID is 996 8860 1674. When you wish to speak on an agenda item click on raise hand. When called please limit your remarks to the time 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 996 8860 1674. When you wish to speak on an agenda item hit *9 on your phone so that we know you wish to speak.

Alright Mr. Nguyen would you like to take roll?

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 3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

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Mr. Vinhloc Nguyen, Admin Associate III: Yes, but before we do the roll call I just want to very briefly go over... excuse me... I just want to very briefly go over the procedural rules for public comments because (interrupted)

Chair Templeton: Great.

Mr. Nguyen: We are expecting a high volume of speakers tonight. Each member of the public will be allowed up to 5-minutes to speak. The Chair may reduce the allowed time to 3-minutes to accommodate a larger number of speakers.

Spokespersons who are representing a group of five or more people will be allowed up to 10 minutes to speak. Please email a list of your group members to planning.commission@cityofpaloalo.org. So far, I have received two groups and they're being headed by Leila and Jeff.

And lastly, if you are donating your time to a spokesperson, please lower your hand because we will only be calling on the spokesperson to speak.

Chair Templeton: Great, thank you.

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2 Mr. Nguyen: Ok and with that, I'll begin the roll call. Chair Templeton?

3

4 Chair Templeton: Present.

5

6 Mr. Nguyen: Vice-Chair Roohparvar?

7

8 Vice-Chair Roohparvar: Present.

9

10 Mr. Nguyen: Commissioner Alcheck?

11

12 Commissioner Alcheck: Present.

13

14 Mr. Nguyen: Commissioner Hechtman? Commissioner Hechtman?

15

16 Commissioner Riggs: I think his video or his audio is not working.

17

18 Mr. Nguyen: Ok, I think last time he had some computer as well. Let me see if (interrupted)

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1 Chair Templeton: He was here. It looks like he is going to try and restart so maybe you can
2 come to him last in the roll call order? Would that work?

3

4 Mr. Nguyen: Yes. Commissioner Lauing?

5

6 Commissioner Lauing: Present.

7

8 Mr. Nguyen: Commissioner Riggs?

9

10 Commissioner Riggs: Present.

11

12 Mr. Nguyen: Commissioner Summa?

13

14 Commissioner Summa: Present.

15

16 Mr. Nguyen: Ok, we have six present.

17

18 Chair Templeton: Alright and let's see if Commissioner Hechtman has rejoined us.

19 Commissioner Hechtman.

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1 Mr. Nguyen: It looks like he just left the meeting so (interrupted)

2

3 Chair Templeton: Yeah, he may have restarted again. Ok. When you notice him come in we can
4 officially enter it into the record or would you... should we wait?

5

6 Mr. Nguyen: Yeah sure, I'll keep an eye on the list.

7

8 Chair Templeton: Appreciate that.

9 **Oral Communications**

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

11 Chair Templeton: Ok so do we have Oral Communications on items that are not on the agenda?

12

13 Mr. Vinhloc Nguyen, Admin Associate III: We do have 12 hands raised and I just want to remind
14 everyone that Oral Communication is for items not on the Agenda. So, if you're here to speak
15 on Castilleja please lower your hand, and then you may raise your hand later when we actually
16 get to the item and I do see the hand-raised are quickly disappearing. Ok so it looks like we
17 have two Oral Communications so can we please get the speaker timer up? Thank you, ok so it
18 looks like our first and only speaker for Oral Communication will be Mary Sylvester.

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1 Ms. Mary Sylvester: Good evening Commissioners. My name is Mary Sylvester, I'm a 43-year
2 resident of Palo Alto living on Melville Avenue, half a block from Castilleja School. My
3 comments tonight will focus on is this project in the best interest of Palo Alto?
4

5 Chair Templeton: Excuse me, Ms. Sylvester, we're not taking comments on Castilleja yet. That
6 will be the next item.
7

8 Ms. Sylvester: Oh, I'm so sorry.
9

10 Chair Templeton: No worries, no worries, I just want to let you know. Ok, we'll get to you
11 shortly. So, last chance if you have items... if you want to speak on items, not on the Agenda. I
12 see we have one hand raised.
13

14 Mr. Nguyen: Yes, I think we have a new hand raised here. We have Rebecca Eisenberg.
15

16 Ms. Rebecca Eisenberg: Hey, can you hear me?
17

18 Mr. Nguyen: Yes, we can, thank you.
19

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1 Ms. Eisenberg: Thank you so much for letting me speak. I do want to speak about something,
2 not on the Agenda. It's kind of a general legal matter. It's been a little frustrating to me and
3 possibly to some other people about the procedures in which these types of meetings are run.
4 Where it can be kind of frustrating if you represent the point of view of the community at large,
5 the way that... or a member of that community. That sometimes the way these meetings are
6 run is that for example the applicant will get a chance to speak and then the community will get
7 a chance to speak. And then the Commission will get a chance to ask questions and then the
8 applicant gets to wrap up and then the Commission makes a decision. And what's missing here
9 actually is someone who will speak on behalf of the law. Someone who will say for example
10 well, the reason that we put these limitations on underground structures is for the following 10
11 reasons. Like maybe they... actually they do all these things, they can harm the water table,
12 they can destroy ecology, they can kill ancient trees. There are a number of reasons why these
13 laws were put on the books and often that perspective is missing from these hearings and that
14 can be frustrating.

15

16 So, in doing some research I saw that many other Cities have something that's known as a
17 parliamentarian or a member of the City Attorney's Office speak about the basis for the law. So
18 that you all can... when you decide whether or not you want to give an exception to the law,
19 otherwise known as a Variance from the law, that you'll understand... you'll understand better
20 the context of why that variation or exception should be considered carefully.

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The other thing I want to talk about actually has to do with quasi-judicial hearings as a general matter. In my research about quasi-judicial matters, under the legal framework of California State Law, is that actually there are rules of how these quasi-judicial hearings are supposed to be run. For example, the people who are known as parties are the people who have the... who definitely will be impacted directly by the matter and that would mean that neighbors, neighbors would be... bless you, Castilleja. This is not about Castilleja. It's about quasi-judicial matters. So, if someone is doing wrongly... I have 23-seconds... if someone is directly impacted by that matter then they're considered a plaintiff and they're supposed to have a full due process; which means they're supposed to have a full opportunity to speak. Additionally, people who are extraneous are not directly impacted by the decision at large is not even supposed to have time to speak.

I'd be happy to send you resources. Thank you for your consideration. Bye.

Mr. Nguyen: Ok thank you for your comments tonight and looks like we have another speaker, Arthur Keller.

Mr. Arthur Keller: Yes, I'd like to donate my time to the advocates of this.

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1 Mr. Nguyen: Ok, thank you but right now we're on Oral Communication which is for items not
2 on the Agenda. Does anyone here have any other comments on items not on the Agenda? Ok,
3 Mark.

4
5 Mr. Mark Weiss: Hello Commissioners, good evening and Staff. My name is Mark Weiss, I live
6 Downtown North on Bryant, and in fact, although I have not spoken to this exact group I have
7 spoken to this Commission. I was an applicant once or twice for this Commission. I guess my
8 applications are a matter of public record and in fact, as of 2009, I ran for City Council. So, I
9 have been following local policy for a while and I want to comment because at least a couple of
10 you were affected or spoke, the discussion of a handbook for Commissioners. I found the entire
11 conversation very troubling and I just don't understand where it came from. And on some level,
12 it was... it seemed to have a squashing effect on descent or public input and I think... I mean
13 maybe you can pass this on in your own way if you agree, pass this onto Staff or to Council but
14 it seemed like if we want to figure out where Commissioners come from and what they do.
15 Another technique would be to poll... to survey people who had applied for Commission but
16 were never seated. If that's too many people to talk to you could talk to people who applied for
17 Commissions got votes but weren't seated. It seems like if there's a question of composition
18 where Commissioners come from which is part of the issue I believe and not just department or
19 how they function. It seems like the technique that framed this Staff Report was sort of like
20 speaking to the choir. The people they were polling were giving them the answers they already

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1 knew. That was... I believe that is potentially true that we want to improve civic engagement
2 which as of 2008 was actually a Council priority. It seems like this last thing was again, to
3 eliminate civic engagement or to quash or delineate descent. So, maybe some of you agree,
4 and as we go forward trying to get all our neighbors leaning in and listening in and hopefully
5 participating. At least voting, writing letters, speaking 3-minutes at a time, or doing what you
6 find people are doing in terms of the tremendous commitment you each have made.

7

8 I think we can do a little bit better getting civic engagement and I'm afraid this handbook thing,
9 even though they backed off a lot of the most offensive parts. I think it's pushing us in the
10 wrong direction, so anyways, looks like an interesting meeting. Thank you for your service, wear
11 a mask, and vote. Thank you, bye.

12

13 Mr. Nguyen: Thank you Mark for joining us tonight and Chair Templeton, that concludes Oral
14 Communications.

15

16 Chair Templeton: Thank you very much, Mr. Nguyen.

17

18 **Agenda Changes, Additions and Deletions**

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

20 Chair Templeton: Next on the Agenda are Agenda Changes, Additions, and Deletions. Anything
21 from Staff?

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2 Ms. Amy French, Chief Planning Official: No changes.

3

4 Chair Templeton: Okay-doke.

5 **City Official Reports**

6 1. Directors Report, Meeting Schedule and Assignments

7 Chair Templeton: Let's move onto City Official Reports.

8

9 Ms. Amy French, Chief Planning Official: Ok, hello, I know Jonathan Lait is with me and has
10 some remarks regarding the Council meetings.

11

12 Mr. Jonathan Lait, Planning Director: Hello, good evening Chair Templeton and Members of the
13 Planning Commission. Good to see you. Just a couple of items to bring to your attention for the
14 upcoming... well one of the upcoming City Council meetings on November 9th I believe it is.
15 There's going to be a few items that might be of interest to the Commission. One, you should
16 note that the public comment period has begun for the Regional Housing Needs Methodology.
17 This is one that the Housing Methodology Committee advanced to the ABAG Executive Board,
18 the Association of Bay Area Governments, and that public period began on October 25th. And
19 we're preparing a brief Staff Report and a draft comment letter to the City Council and that will
20 take place on the 9th. On November 12th I believe it is, the Regional Planning Committee will

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1 hold a public hearing... public meeting to receive public comments on that methodology that
2 has been advanced by the Executive Board.

3

4 Also, for the City Council, there is two other items to note. One is there will be an update on the
5 City's effort to... one of many efforts to responded to COVID and the Community and Economic
6 Recovery Strategies that have been discussed at City Council. Including the Up Lift local
7 program and then also some other areas that are tied to the Planning Commission's interest.
8 Including expanding the definition of Retail. There is some dialog and some direction that is
9 anticipated with respect to Parking Regulations and also the Retail Preservation Ordinance. So,
10 those are some... among some of the issues that will be discussed on that item on the 9th.

11

12 And then lastly, on the transportation side, our Office of Transportation is going to bring
13 forward a discussion about the California Avenue Parking Policy to expand the eligibility for City
14 Garage Parking Permits. Also, look at modifications to the Evergreen Park Mayfield RPP to
15 reduce the number of Employee Parking Permits that are issued for that district and
16 consideration of a possible limited-term or limited applicability in lieu parking program along
17 California Avenue to address some of the challenges we have about new uses being able to
18 establish in these areas.

19

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1 So, that's a fair amount of items that are forthcoming for the City Council and we wanted to
2 make sure that the Planning Commission was aware of those items. So, Amy, I think you had
3 some other updates as far as the next meeting for the Commission.

4

5 Vice-Chair Roohparvar: I have a question, Cari... Chair Templeton.

6

7 Chair Templeton: Yes, go ahead.

8

9 Vice-Chair Roohparvar: For Director Lait, I know our RHNA numbers for the region were
10 doubled. Do you know what our RHNA numbers are for Palo Alto? That was the first point that
11 you raised or can you even... is it appropriate for you to tell us now or I was just curious since
12 you raised it.

13

14 Mr. Lait: Yep, sure, happy to share that with you. So, we don't know what the official number is
15 yet because it still has to go through a process but... and that process is in part based on how a
16 related effort with Plan Bay Area is proceeding. But right now, we understand that the estimate
17 goes up to 10,000... about 10,000 new housing units for Palo Alto.

18

19 Vice-Chair Roohparvar: What were we at last year or for the prior cycle... for the prior RHNA
20 cycle?

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Mr. Lait: Right, for our current RHNA cycle we... the RHNA number that we had was 1, 188.

Vice-Chair Roohparvar: Ok. Ok. Thank you.

Mr. Vinhloc Nguyen, Admin. Associate III: Sorry for interrupting, I just want to note that Commissioner Hechtman is now with us.

Mr. Lait: Ok Amy?

Ms. French: Yes, so Amy French, Chief Planning Official. I'm going to give just a quick update on the upcoming Planning Commission meetings. We have two more in the year 2020 and the next meeting is on November 18th. It's a special meeting falling between the two regular meetings which were both on holidays. So, we are looking at a Parking In Lieu Study Session for November 18th. There could be a continuance to go to that date as a possibility as well. We had Objective Standards but I believe those are looking like they're going sometime in December or possibly January. We're working with the ARB on those. These are related to Housing Policy so we are implementing ordinance changes and coming forward with those.

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1 And then on the 9th of December, we're looking at the North Ventura project coming forward
2 as well as a Text Amendment. The Chapter is 18.70, so those are updates as far as the
3 upcoming Planning and Transportation Commission meeting Agendas.

4

5 Chair Templeton: Great, thank you. Anything else from the City Reports or does that... do we
6 have anything... we don't have anyone from transportation here tonight, right?

7

8 Ms. French: We do. They're here in support of the next item.

9

10 Chair Templeton: Alright.

11

12 Ms. French: Oh, there's Philip, ok.

13

14 Mr. Philip Kami, Chief Transportation Official: Hi, yeah, so yeah thanks. Jon covered most of our
15 items. The only ones I would add to that, what Director Lait covered earlier, is that we've
16 reinitiated our RPP Parking Enforcement in the RPP Districts. Although we're currently only
17 doing soft enforcement so that means just providing warnings because although we've gotten
18 the word out in our social media and sending mailers out and other things. We want to make
19 sure that nobody gets a ticket that is not prepared for it. So, we've extended the time that

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1 we're going to continue doing soft enforcement to make sure that everybody's up to speed
2 before we start actually issuing citations.

3
4 As Director Lait mentioned we'll be presenting on November 9th the California Avenue the new
5 garage on what we intend to set up as policies there for how we'll deal with Permit Parking in
6 the garage. And one other item that we'll have on that Agenda that was heard by the PTC is the
7 Crescent Park Neighborhood Traffic Calming Program that we... that this group supported.

8
9 Chair Templeton: Thank you everybody for the updates. We're really glad you're all here. We
10 have new faces or not necessarily frequently seen faces here so it's really exciting to talk to you
11 all. Ok, let's move on (interrupted)

12
13 Commissioner Riggs: I've had my hand up for a while. I'm sorry, I... even before Giselle [note-
14 Vice-Chair Roohparvar].

15
16 Chair Templeton: Oh, I didn't see your hand up Billy... Commissioner Riggs so please, go ahead.

17
18 Commissioner Riggs: Yeah and Billy's fine. A couple of things, it was actually I had my hand
19 upon the Agenda Deletions Additions but it will all flow together. Maybe in reverse order,
20 because we're... a couple of responses. So, Philip, definitely seeing enforcement roll out in a

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1 patchwork across the region so just one idea just to make sure we're particularly matching.
2 When we go too hard... soft... hard versus soft enforcement, it might be good to match what
3 other regional Cities are doing because I think it's not very transparent to consumers you know
4 where and when things are being enforced and Caltrans is not enforcing until 2021 on HOV
5 lanes for example. I mean and that's Caltrans/CHP so just may be important to note in terms of
6 how we're thinking about enforcement. And I... no need to respond really if (interrupted)

7

8 Mr. Kami: No, no, no, thanks. Yeah, I do want to mention we're waiting to see what our
9 regional partners did and that's kind of what we use as our barometer. Not so much that
10 everything has to return to normal because clearly it hasn't yet but our real barometer was
11 when did other neighboring Cities begin their enforcement for RPPs. But I will note that we're
12 not starting our enforcement yet in the commercial zones, in the Commercial Districts, and in
13 the garages. So, we're still going to continue to monitor the parking impacts in those areas
14 before we start that enforcement.

15

16 Commissioner Riggs: Cool.

17

18 Mr. Kami: I can definingly see how that might be confusing but it's really just the RPPs that are
19 being enforced. And that's really why we're trying to get out the message and make sure as we

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1 continue this message that people know that we're still not enforcing in the commercial zones
2 and in the garages and lots. The City-owned garages and lots only in the RPP districts.

3
4 Commissioner Riggs: Good. Philip that's great, it's really good for the public to hear so thanks
5 for that and maybe I can just move on. I appreciate you chiming in there. The one thing I
6 wanted to add to Jonathan and Amy's update is on the RHNA piece. Denmark's had an
7 interesting thought piece in the CalEPA NorCal Newsletter just about... and it might be good
8 for... if... as you're interfacing particularly with MTC to think about for Cities like Palo Alto and
9 Mountain View, Sunnyvale, etc. But particularly it was thinking about smaller Cities in the
10 region and how PDAs are not exactly... and this idea of a high capacity rail... are not clearly
11 defined by MTC. And I think we've talked about that a couple of times and so Denmark's
12 being... from Berkeley, former Planning Director was just saying that pushing MTC on this is
13 really important. So, I just wanted to maybe flag that for you guys to look at and I do think that
14 that should be maybe part of... I just put it out there as a potential part of the discussion. No
15 need for a response there either but I thought it was a really interesting piece.

16
17 And then last, I... reading all the comments, I just wanted... I mean this in terms of just kind of
18 meeting information. I... we really got to get our information sooner. I was... I'm concerned
19 about all the members of the public, in particular with all the volatility right now, that are
20 asking for more time to review materials. And I personally have not been able to get my own

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1 materials but two or three days before the meeting and while I don't think that's a problem
2 because I can commit the time. I just... I am a bit worried about that and I don't... for items as
3 significant as the one tonight I think we owe the public a little more time to consider what is
4 being proposed as the Findings.

5

6 Chair Templeton: Thank you, Commissioner Riggs. I see why you wanted to talk about that
7 during the Agenda item. Are you making a motion about the Agenda?

8

9 Commissioner Riggs: Honestly, I felt like the request to continue the item that we got from a
10 few of the members of the public was reasonable. I wasn't able to get my own materials until
11 Monday. I've asked Staff to deliver them to a different location a couple of times and that has
12 not been a possibility. So, I can totally sympathize with some of the comments that have come
13 in, but I'm... I just want to put that on record. I'm not... I don't know that I... that there's
14 consensus to continue this item to a future date without having a hearing.

15

16 Chair Templeton: I mean I believe that we can discuss that as a Commission. Do we need a
17 motion to do that is the question? Well, I'm happy to hear other Commissioner's thoughts on it
18 if you want to hear that before trying to make a change, Commissioner Riggs. Is that what
19 you're asking for, input from other Commissioners?

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1 Commissioner Riggs: Sure, I'd like maybe... that'd be great Chair Templeton if we could just
2 maybe have some thoughts from other Commissioners. But I do think this is a substantive
3 enough item and we have enough members of the public here that I want to make sure that
4 we're not doing a disservice in terms of giving them an opportunity to consider it fully.

5
6 Chair Templeton: Ok, other Commissioners, please raise your hand if you'd like to speak to this
7 topic about the Agenda.

8
9 Commissioner Hechtman: Chair Templeton, is my microphone working?

10
11 Chair Templeton: It's barely working. I can hear you but it's very low volume. Do you want to try
12 again Commissioner Hechtman?

13
14 Commissioner Hechtman: I don't have my hand raised. I think I'm going to have to call in.

15
16 Chair Templeton: Ok. Ok. Commissioner Summa.

17
18 Commissioner Summa: Thank you, Chair. Well, I share Commissioner Riggs's concerns, although
19 I felt at our last meeting it was more acute with submissions the night before, significant ones,
20 and the day of. I don't know what Commissioner Riggs really wants to do here. I do think it

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1 would be appropriate for the City Attorney to weigh in, but I share his concerns. Although, I
2 know a lot of people have carved out this time this evening to be here so. Members of the
3 public particularly so I'm not sure what to do though. I do think it is a growing problem on the
4 Planning Commission that our materials are coming in late. They were certainly much later for
5 this item. Assuming that the public got them... that they went up for the public electronically at
6 the same time they did for us which was Friday evening. So, maybe the City Attorney would like
7 to weigh in.

8

9 Chair Templeton: Mr. Yang, do you have a comment?

10

11 Mr. Albert Yang, Assistant City Attorney: I'm not really sure what opinion in can provide other
12 than from a legal perspective the Staff Report and the Agenda was published in a manner
13 compliant with the Brown Law... the Brown Act. Yeah, I'm not sure what else I can add.

14

15 Chair Templeton: Thank you.

16

17 Commissioner Riggs: I think maybe what Commissioner... if I can just put it in the form of a
18 question. I mean Albert, I know these meetings are tough for you so I appreciate you... your
19 service. Is it within the realm of the feasible to offer the public more time to review these
20 documents given, I would say, the quite extenuating circumstances people have had? And

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1 again, I referenced the letter we got on the 26th from the attorney of some of the neighbors
2 that explained some of the situation. We know that the East Bay has not had power at large
3 components of this week and I think that that's a truly... you know we live in an extraordinary
4 time and I just think that we need to be... we need to express fairness. I just I think in terms of a
5 question, what the question, the way I would do it is, is there anything that would preclude us
6 from continuing the item to our next meeting; or taking some comments tonight and
7 continuing any discussion of the Commission until a further a date and allowing continued
8 public comment in a subsequent meeting?

9

10 Mr. Yang: Thanks for clarifying the issue there and no, there's nothing that would prevent the
11 Commission from continuing this item either now before opening the hearing or after the
12 hearing has been opened and there's been some discussion.

13

14 Commissioner Riggs: So, Commissioner... Chair Templeton I just basely winged two options that
15 I think are reasonable one of which was to continue the item in totality; or one to open the
16 hearing and keep the hearing for a fixed period of time and keep the hearing open until a
17 continued period that would allow for more robust... a more robust look at what's being
18 proposed by the public.

19

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1 Chair Templeton: Thank you so much, Commissioner Riggs. I see a few other hands up so we
2 heard a couple of proposals. We'll go to Commissioner Summa, Alcheck, and then Lauing.

3

4 Commissioner Summa: Sorry, I already spoke.

5

6 Chair Templeton: Alright, thank you so much, Commissioner Summa. Commissioner Alcheck.
7 We can't hear you, unfortunately.

8

9 Commissioner Riggs: I think he's having a microphone issue as well.

10

11 Commissioner Alcheck: Is that better? Ok. I know I made this point before in our discussions
12 regarding this item. This process has been very very long and love it or hate it, the release of
13 the Packet has not differed from the scheduled release I think for nearly every Packet that
14 we've had in the past couple years. So, I mean I have... I was the Chair of this Commissioner 4-
15 years ago. I remember suggesting at that time wouldn't it be great if the Packet came out...
16 wouldn't it be great if we canceled our next meeting but we pretended like we didn't. You issue
17 the Packet out the Friday before so that it was 2-weeks before, right? We had this conversation.
18 That's never... that has not been possible and what I would suggest is that I'm equally
19 concerned that... well, I'll say two things. Number one, I appreciate all the work that goes into
20 these Packets. This was scheduled to take place I think 2-weeks ago and it got delayed. And I

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1 understand... and my guess is because I didn't... I wasn't really informed about it but my guess is
2 because they just had so much left to put into the Packet. And I was... I am aware of the letter
3 from the attorney and the East Bay, but I also was impressed with a lot of the comments we
4 received that were highly detailed about Conditions of Approval that came in from public
5 comment. So, clearly, the public has worked hard over the last five and six days and probably
6 earlier to develop some of their thoughts on these items.

7

8 And I would say that I am equally concerned about the idea that we would postpone this
9 discussion based on what is a real pattern in our PTC process which is that Packets really do
10 come out basically at the last legal opportunity for them to come out. And so, what makes this
11 issue... this applicant unique that we would essentially treat that consistent practice differently?
12 We've had lots of very controversial issues that affect the City in general. That we've had issues
13 that affect neighborhoods specifically. I guess what I'm trying to say is if we are going to
14 continue operating as we have with meeting the legal requirements of publication. My
15 preference is that we continue to hear the Agenda Item as planned and I would encourage the
16 Chair and the Vice-Chair maybe to entertain discussion about, I don't know, working with Staff
17 to come up with maybe a proposed earlier date of publication. If that's... if as a Commission we
18 feel like that's important. If we needed it to be two more days.

19

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1 I certainly had nowhere to go and spent most of the last 5-days reviewing this material, but I
2 appreciate that it's a lot and I hope that we have the opportunity to continue discussing it
3 tonight.

4

5 Chair Templeton: Thank you, Commissioner Alcheck. Commissioner Lauing.

6

7 Commissioner Lauing: Of the two options that Commissioner Riggs proposes, I think the latter
8 makes more sense. I... the first comments I was going to make tonight were comments that
9 you two already made which is that three days with a hard Packet is not enough for me. And
10 that means also the public is under more duress because they have to get up to speed on this
11 thing. So, we can't change that date but it was particularly I think in everyone's face because
12 that's exactly what happened on this issue the last time. We had very short notice and then
13 didn't even have any public comment at all on stuff that hit the desks that day.

14

15 So, give all the history and given that we have 66 attendees, many of whom want to speak. I
16 think the second approach would be better which is to take anyone that wants to speak on this
17 tonight but tell them that if they don't want to or if there are more at the next meeting. That
18 they could chat either in the group just as Chair Templeton has laid out. So, I think we should go
19 ahead with public comment, see if it takes an hour or 3-hours, and then at that point, we can
20 decide to move it to the next meeting, or continue discussion of it.

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Chair Templeton: Thank you, Commissioner Lauing. Commissioner Riggs, I see your hand is up, followed by Commissioner Summa.

MOTION

Commissioner Riggs: Yeah, I think in the interest of time and just moving us on because I don't want... my intention was not to take a lot of time with my concern. And I know that we have a lot to do and I don't want... and I'm sure the public is frustrated with this process discussion. Sorry folks, we have to do this.

I'm going to make a motion that we open that or procedurally we decide that we will open public comment for a fixed period of time as decided by the Chair. We leave public comment open, continue public comment to hypothetically our next meeting at which point we will close the public hearing when public comment has concluded. And that would be in the spirit of what Commissioner Lauing proposed and some of the concerns that have been expressed. Is my motion clear enough?

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1 Chair Templeton: It is. Let me just check in with Mr. Yang. Mr. Yang, is... can we make this
2 motion now; or do we need to have a continuance; or a structure motion after we've opened
3 the item?

4

5 Mr. Yang: You could make that motion now about how you'd want to structure your meeting.

6

7 Chair Templeton: Ok great.

8

9 Mr. Yang: And just to add a little bit of clarity to what Commissioner Riggs's suggested. I think
10 you would be opening the public hearing and the applicant would be speaking first. And then
11 there would be an opportunity for, if you would like, Commissioner questions and then public
12 comment. Then you could continue it at that time and leave the public comment period open
13 but the public hearing would not be closed until the applicant's rebuttal comes in. And then you
14 close the public hearing before the Commissioner... Commission discussion.

15

16 Chair Templeton: Ok.

17

18 Commissioner Riggs: Oh, thank you, Mr. Yang. That... and I will confirm that that was my
19 intention so thank you for the clarification and I would say I apologize Chair Templeton. I just
20 want to... my intention also is not to obstruct or to change the format that has been dictated by

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1 the City. That we would structure things with 3-minute comment periods that can be combined
2 to 10-minute, five-person sessions. So, it was not to alter anything that has been pre-decided
3 but just to allow for a continuance about public comment across to a later date to allow people
4 to... a little more time to absorb what's been presented before them.

5

6 Chair Templeton: Great, is there a second? I see Commissioner Summa. Great

7

8 SECOND

9

10 Commissioner Summa: I'll second.

11

12 Chair Templeton: Any other discussion? I see Commissioner Summa's hand is up. Commissioner
13 Alcheck?

14

15 Commissioner Alcheck: Just I guess process question. Is there any reason we couldn't discuss
16 this or decide this after we take public comment? I... it sounds to me like the motion is take
17 public comment and proceed on the agenda item. And I'm... it's not clear to me that if at the
18 end of this meeting and would we have our discussion this evening? I don't know if that's... if
19 the... and then the second question would be like if during our discussion someone decided to
20 make a motion about... if there was a motion on the floor for recommending Conditions of

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1 Approval and it received the support of a majority of Commissioners. Would that supersede this
2 motion anyway? So, I guess it seems to me like we're putting the cart before the horse here
3 and if the intention is to hear the public and to begin the discussion then I just think we should
4 that. We should get started.

5

6 Chair Templeton: So, let me respond to that Commissioner Alcheck, and then we can hear from
7 Mr. Yang if I didn't cover everything. But I think the idea is yes, you could do the same thing
8 after the Agenda Item is opened, the presentation happens and public comment begins you
9 could make that at any point. I believe that the intention of Commissioner Riggs's proposal here
10 is for those members of the public who do want more time to enter this public comment
11 session, knowing that they could also come back later if they need to. So, that they could have
12 more time to pull their thoughts together and didn't feel rushed. Is that correct Commissioner
13 Riggs?

14

15 Commissioner Riggs: Yeah and to be honest, once we close the public hearing and start our
16 deliberations we have to formally reopen the hearing and we would very rarely do that. So, I
17 would... in my mind, this gives the benefit of the doubt to the public. And I fully know... And I
18 know that this has been going on for a long time, but the reason we have 67 attendees is
19 because people care and they want to weigh in. And we... I think we own them that. That's just
20 my opinion.

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Chair Templeton: Commissioner Alcheck were your questions answered or did you want to (interrupted)

Commissioner Alcheck: Yeah, I want to just clarify that if I don't support the motion, I'm... it doesn't mean that I don't fully appreciate the public's interests in communicating their perspective. I actually want to hear from the public. I think that's what we should start doing as soon as possible and I would just suggest that if you and the seconder of the motion and a majority of the Commission felt like reopening the hearing later this evening. You could then make that motion so I'm (interrupted)

Commissioner Riggs: Yeah, I (interrupted)

Commissioner Alcheck: Like I said I think this is an interesting way to start tonight and my preference is that we vote so that we can at least move on.

Chair Templeton: Commissioner Summa and then Vice-Chair Roohparvar.

Commissioner Summa: Thank you. Wait, let's see. Oh, just really quickly as seconder. It's hard because the people aren't in the room so we can't kind of read the room, you know? And my

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1 intention would be to... as has been throughout this whole process and I appreciate
2 Commissioner Rigg's bringing this up even though I thought it was a more acute problem in our
3 previous meeting, but it is... you know the power outages in the East Bay was an issue. And I
4 think... I'm hoping that this serves the public here very well and the fact that we're leaving the
5 public hearing open makes me feel like everybody's going to get a chance to speak to this. And
6 it's kind of personally hard for me because I get... I do a lot of preparation and so I'd like to talk
7 about it now after I've done all this preparation too, but I think our real job is to serve the
8 public and the public process on all sides of this issue. Thanks.

9

10 Chair Templeton: Alright, thank you, Commissioner Summa. Vice-Chair Roohparvar.

11

12 Vice-Chair Roohparvar: Yeah, I agree with everyone's sentiments here and the wanting to hear
13 from the public. For me, I just want to speak to this, I do feel that this motion is a bit
14 premature. I want to hear from the public first and read the room and get people's sentiments
15 before I entertain such a motion. Again, it just feels premature to me, and then in the future, I
16 would encourage Commissioners, if they have these sorts of concerns, to maybe raise them
17 with us before so we could have addressed it. Other than now at a public forum trying to
18 scramble... I just don't get why this is being brought up now last minute when this could have
19 been brought up before so that's my only comment.

20

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1 Chair Templeton: Thank you, Vice-Chair Roohparvar. I would like to speak to this as well. Oh,
2 Director Lait, go ahead.

3

4 Mr. Lait: Well, thank you, I wanted to wait till Commissioners spoke but thank you, I'm happy to
5 go. I had just... I was going to make some introductory remarks when the item was called
6 acknowledging what Mr.... Commissioner Riggs has brought forth in this discussion. We weren't
7 explicit about it in the Staff Report but I think it's something that Commissioners are certainly
8 well aware of the ability to continue items to future hearing dates. And so, one of the things
9 that we want to acknowledge was we did drop about 158 Pages on the Planning Commission on
10 Friday to review and that's not counting the 75 Pages of public comments that were Packaged
11 and also sent to the Commission. So, we do recognize that there is a lot of information out
12 there and so as you're having this conversation there was something that Staff is also thinking
13 about is do we follow the model that we did last time? At minimum hear the Staff presentation
14 to report out on the direction that we received from the Planning Commission, listen to an
15 applicant presentation, and then hear... begin to hear public comments again and then with
16 reserving then that option on how you want to proceed.

17

18 If the motion passes I just have one clarifying point and as we hear the public comments, is it
19 the intent then to offer those who spoke... those who chose to speak today another
20 opportunity to speak again when the item gets continued or if you speak today we'll maintain

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1 that list? And then how would the Commission... I'm just trying to get a sense for are we going
2 to replay this twice potentially or are we going to ask people to choose night or the other night
3 to speak to (interrupted)

4

5 Commissioner Riggs: My intent is it's the same hearing. It's the same public hearing so it's a
6 one-shot (interrupted)

7

8 Mr. Lait: So, you get one shot to speak.

9

10 Commissioner Riggs: That's correct

11

12 Mr. Lait: Ok, thank you for that.

13

14 Commissioner Riggs: And I would also emphasize that what this does is it puts a time constraint
15 on the evening and I... if you remember I specified that Chair Templeton could dictate the time
16 period by which we would close the meeting as well.

17

18 Mr. Lait: Ok, thank you. Thank you all.

19

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1 Chair Templeton: Thank you. I anticipated based on the previous amount of public input that
2 we might be interested in continuing this. It... wasn't planning this during the Item Number One
3 but I think it's actually really good that we're talking about it and setting that expectation very
4 clear upfront. Especially to the point that Director Lait just made so that people know they
5 either speak tonight or at the continued hearing; but probably not both because we would
6 want to be able to get through and make sure everyone had a chance to be heard. So, I'm
7 supportive of this motion. I think it's very important that we have the time on an issue this
8 complex and visible, right? This is one that we've got a lot of members of the community
9 passionate about so I think it's important that we take the time to hear everybody and also give
10 the opportunity for the public to parse it. It definitely is very dense material so I'm inclined to
11 support this.

12

13 Alright, any other comments? Vice-Chair Roohparvar; Commissioner Alcheck.

14

15 Vice-Chair Roohparvar: Sorry, I guess my hand was up from before and so yeah, I mean I'm
16 just... I think it's premature. I was anticipating we would do this. It's just shocking that it's
17 coming up now instead at the end but.

18

19 Chair Templeton: Alright, Commissioner Alcheck.

20

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1 Commissioner Alcheck: Yeah, look, I don't love the idea of this because it's not... it turns what
2 could be a very typical process into a very atypical process. I continue to be concerned about
3 consistency in our approach and I think we should be really mindful of that. I have absolutely no
4 idea how we are going to entertain a conversation among Commissioners. Would that mean...
5 the... a City Attorney suggested that the applicant's rebuttal would take place what, at the next
6 meeting? I mean it just doesn't... there's something about this doesn't smell right to me. I
7 don't... I can't for the life of me understand why we can't hear public comment, have our
8 discussion, see how much we can get through. If we feel like the night's dragging on and we
9 need to continue the item, we continue it. Just like we've done all the time for the last however
10 many years the lot of you have been on the Commission and we can always continue the
11 meeting to allow the public to comment... allow those who didn't get a chance to comment
12 tonight to comment at the next meeting. Which by the way is exactly what the City Council did
13 on the handbook discussion that they had on Monday. They allowed those who didn't speak at
14 the last meeting to speak.

15

16 So, I think you... we are unwittingly making... I get it. Everybody here has a tremendous amount
17 of compassion for the public and we want to express that right away. We are here to listen to
18 you and we are here to incorporate the public comments into this process. I think those
19 sentiments are really important. I also think that we are unwittingly affecting a process and not
20 without a clear understanding how it will play out. And I don't want to get to a place in 1 ½-

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1 hours or 2 ½- hours where we don't know how to proceed with our hands tied. So, I again
2 encourage if this in fact has a majority of support then I would suggest that we table it and vote
3 after. I don't see why that would be an issue so.

4
5 Chair Templeton: I think that the main concern there is around transparency with the public
6 commenters about whether they would have another opportunity or not because they will be
7 in line for hours as well and potentially cut off. So, I think that's really good. It's more of a
8 courtesy thing. I would love to ask Mr. Yang (interrupted)

9
10 Commissioner Alcheck: I guess my... hold on if I might just respond to that. Is the question
11 maybe someone would prefer not to wait up tonight and so they can join at the next meeting?
12 Is that sort of what you're suggesting and if so can we just get some clarification on how we
13 would participate at some point tonight?

14
15 Chair Templeton: So, the motion is that there wouldn't be discussion. It would go, Staff,
16 applicant, public comment and you're asking would the Commissioners have a chance before
17 public comment to ask clarifying questions?

18

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1 Commissioner Alcheck: No, what I'm suggesting is at some point tonight will the Commissioners
2 be able to begin the process of engaging discussion about Conditions of Approval for example
3 which is what we're (interrupted)

4

5 Chair Templeton: That's not what the motion is though. The motion is (interrupted)

6

7 Commissioner Alcheck: So, are we essentially saying before we've even started the meeting we
8 are committing to basically hear everyone tonight and then postpone all deliberations on the
9 topic?

10

11 Chair Templeton: The motion is a set period of time where the discussion would have a time-
12 bound with the expectation that we would continue it. I think that's the motion.

13

14 Commissioner Alcheck: That discussion though includes us? Do we have a... are we going to
15 discuss after the public... I don't think you're being very clear.

16

17 Chair Templeton: Commissioner Riggs, can you clarify the motion?

18

19 Mr. Yang: [unintelligible]

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1 Commissioner Riggs: You know I think the (interrupted)

2

3 Mr. Yang: Can I actually jump in for just a moment?

4

5 Chair Templeton: Ok, thank you.

6

7 Mr. Yang: When... I think it's because we're in this kind of introductory stage of the meeting
8 before we've even opened Item Number Two. It would be appropriate to have a motion to say
9 let's continue this item, let's not even hear, or to... and that would be an Agenda Change or to
10 say, let's limit the time of this item to x amount of time at which point we'll have to have some
11 sort of motion. Either to continue it or to approve or deny it. We'll have to finish our
12 consideration of the item at x time.

13

14 As this is evolving more clearly into an actual motion on the item to continue the item. I'm
15 beginning to feel like it would be more appropriate after the item has been opened and if you
16 want I guess this is really just a technicality. You could have this conversation before the Staff
17 even made its presentation, right? So, perhaps that's just the way we should think about how
18 this discussion is happening is we're in Item Number Two, but before the Staff presentation,
19 we're having a conversation about whether or not it should be continued. And [unintelligible –
20 audio cut out]

-
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Chair Templeton: Alright, so then Commissioner Riggs, do you want to make a motion to (interrupted)

Commissioner Riggs: No, I want my original motion to stand. Nothing that Albert said... nothing I said was illegal. I want to give the public an opportunity to absorb this material more and I actually think it's a matter of respect. It's a really significant item. I disagree that it's atypical. I disagree that there's anything wrong with me bringing up a matter of process and this point in time. Nor do I think it's atypical for us to be very deliberate with how we will hear an item at the very start of that item and so what I'm saying is that there will be a Staff and an applicant presentation. There will an opportunity for questions. There will be public comment. What I would suggest is we keep the public comment open to give people the benefit of the doubt and we be very deliberate about that because we know and we have heard from the public that they want more time. And I think that's fair and it's fair to do that upfront.

Vice-Chair Roohparvar: I had a question.

Commissioner Riggs: So, I'd prefer to keep my motion as it stands and I don't know that we need to dialog it anymore.

-
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1 Chair Templeton: Alright well (interrupted)

2

3 Commissioner Alcheck: Just to clarify are we going to discuss tonight? I just don't... I still don't...

4 I didn't hear you say anything about that?

5

6 Commissioner Riggs: Effectively I... my expectation is we do not close the public hearing tonight.

7

8 Commissioner Alcheck: So, to be clear, does that mean (interrupted)

9

10 Commissioner Riggs: And that's what I heard from [unintelligible – cross talk] (interrupted)

11

12 Commissioner Alcheck: That we don't speak?

13

14 Commissioner Riggs: We can ask questions based on the Staff and applicant presentation but

15 we effectively are not going to enter our assessment because the public hearing will still be

16 open by the end of the night.

17

18 Chair Templeton: Alright, there are two hands raised. Vice-Chair Roohparvar and Commissioner

19 Alcheck and then we should close comments and decide if we're... you don't need that? Ok.

20 Vice-Chair Roohparvar.

-
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Vice-Chair Roohparvar: I had a quick question for the City Attorney, for Mr. Yang and this is just I think trying to get me comfortable with this situation. Do we have any exposure or liability... would the City have exposure or liability for changing the process at this point? Could it be viewed as giving preferential treatment to one side or the other given this is a very political issue? I just want to make sure that we're protected. Do you have any thoughts on that from a liability perspective legally?

Mr. Yang: Yeah so, I guess I'm not particularly concerned about that. I think that the Commissioner's comments so far have set a reasonable basis for a change in the procedure or just to a continuance of this item really. And yeah, I don't think that there is anything in our procedural rules for the PTC that would preclude this sort of a motion.

Vice-Chair Roohparvar: Thank you.

Chair Templeton: Alright, Commissioner Alcheck you had a comment, then we should vote.

FRIENDLY AMENDMENT

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1 Commissioner Alcheck: Yes, I'll make one more concise effort here. I know there is an election
2 coming up and everybody is a little wonky but I'd like to offer... I'd like to formally offer a
3 friendly amendment which would be to postpone the vote on this motion until after public
4 comment and just to see if there is opportunity then to determine whether or not we want to
5 continue this item.

6

7 FRIENDLY AMENDMENT FAILED

8

9 Commissioner Riggs: Sorry, that's against the spirit of the motion Chair... Commissioner Alcheck
10 and so if you close public comment and then continue the item then that does... no, sorry.

11

12 VOTE

13

14 Chair Templeton: Ok. Mr. Nguyen, do you want to take a vote?

15

16 Mr. Nguyen: Yes. Commissioner Alcheck?

17

18 Commissioner Alcheck: Nah.

19

20 Mr. Nguyen: Commissioner Hechtman?

-
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Chair Templeton: He needs to be elevated to Panelist, please. His user name is phone number ending in 1785.

Mr. Nguyen: Ok, 1785, ok. Ok, you should be allowed to speak now and I believe you have to press *6 in order to unmute yourself on your phone.

Commissioner Hechtman: Good evening Commissioners. Can I be heard?

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

Commissioner Hechtman: Great. My vote on the motion is yes.

Mr. Nguyen: Thank you. Commissioner Lauing?

Commissioner Lauing: Yes.

Mr. Nguyen: Commissioner Riggs?

Commissioner Riggs: Yes.

-
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1

2 Mr. Nguyen: Vice-Chair Roohparvar?

3

4 Vice-Chair Roohparvar: No.

5

6 Mr. Nguyen: Commissioner Summa?

7

8 Commissioner Summa: Yes.

9

10 Mr. Nguyen: Chair Templeton?

11

12 Chair Templeton: Yes.

13

14 Mr. Nguyen: Ok the motion carries 5-2.

15

16 MOTION PASSED 5(Lauing, Hechtman, Summa, Riggs, Templeton)- 2(Alcheck and Roohparvar)

17

18 Chair Templeton: Thank you. Alright, so I think we can close Item Number One and we can open

19 Item Number Two.

20 **Commission Action:** Motion to continue by Riggs, seconded by Summa. Pass 5-2 (Alcheck and
21 Roohparvar against)

-
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Study Session

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

None.

Action Items

Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal. All others: Five (5) minutes per speaker.1,3

- 2. PUBLIC HEARING/QUASI-JUDICIAL: Castilleja School Project, 1310 Bryant Street [16PLN-00238]: Request by Castilleja School Foundation for Planning and Transportation Commission Recommendation to City Council on Applications for a Conditional Use Permit (CUP) Amendment to Increase the Student Enrollment cap to 540 Students With Phased Enrollment and Campus Redevelopment, and a Variance to Replace Campus Gross Floor Area. The Project (but not the Project Alternative) Requires Recommendation on a Variance for Subterranean Encroachment Into the Embarcadero Road Special Setback and a Tentative map With Exception to Merge Three Parcels Where the Resulting Parcel Would Further Exceed the Maximum lot Size in the R-1(10,000) Zone District. Zone District: R-1(10,000). Environmental Review: Final Environmental Impact Report (EIR) Published July 29 and 30, 2020; Draft EIR Published July 15, 2019. For More Information Contact Amy French, Chief Planning Official, at amy.french@cityofpaloalto.org

Chair Templeton: That is the Castilleja School project quasi-judicial hearing. Do we have any recusals or any comments about this from Commissioners before we begin? I can start. I've met with neighbors and I have met with parents of school attendees and others affiliated with either side earlier in the summer and more recently in the last few weeks but I have learned nothing new to disclose.

Commissioner Summa followed by Lauing and Vice-Chair Roohparvar.

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1 Commissioner Summa: Thank you. I have also had sort of casual conversations with a handful of
2 people but I did not learn anything new. Mostly neighbors.

3

4 Chair Templeton: Thank you. Commissioner Lauing.

5

6 Commissioner Lauing: Yes, I've had discussions with neighbors and residents in individual
7 groups as well as one group meeting from all sides of this issue and I don't have anything to
8 disclose on that.

9

10 Chair Templeton: Thank you very much. Vice-Chair Roohparvar.

11

12 Vice-Chair Roohparvar: I had a meeting with the neighbors and a presentation. I... Castilleja
13 reached out to me to have a meeting. I did not meet with them. Only the neighbors but I have
14 nothing more to disclose. I didn't learn anything new.

15

16 Chair Templeton: Great, thank you. Commissioner Summa is your hand up? Ok, there you go.
17 Any other comments before we begin the hearing? Ok. I think it's over to Director Lait.

18

19 Mr. Jonathan Lait, Planning Director: Great, I actually made my comments on the earlier item so
20 I will send it over to Amy. I'll just note that after Amy's presentation we're technically

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1 reopening the public hearing because you've closed it before and we'll be reopening it to hear
2 public comments. So, that's embedded in our discussion here this evening so with that, Amy
3 (interrupted)

4

5 Chair Templeton: Hold on, before we start, I just want to note that it is 7 o'clock. Why don't
6 we... we'll plan to check back in on the continuance at 10:00? Is that ok Commissioners since
7 part of that motion was to set a time boundary? Speak now. Alright, let us know if something
8 changes on that front but we'll check back in at 10:00. Thank you. Ms. French, please begin.

9

10 Ms. Amy French, Chief Planning Official: Ok. Oops. Is this the appropriate share?

11

12 Mr. Lait: So, Amy I think there's maybe another view that is not your desktop.

13

14 Ms. French: Yeah. Ok

15

16 Mr. Lait: And maybe another one still. This is the one that (interrupted)

17

18 Ms. French: Display setting. Goodness. Is this working?

19

20 Mr. Lait: Yep, thank you. It's good.

-
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1

2 Ms. French: Ok. Good evening, I'm Amy French, Chief Planning Official, and custodian of this...
3 the project process. I think... are you seeing the next slide as I show you the presentation slide
4 or not? In any case, we last met (interrupted)

5

6 Mr. Lait: Amy.

7

8 Ms. French: Sorry?

9

10 Mr. Lait: I'm sorry. All we're seeing is the title slide.

11

12 Ms. French: Ok, thank you. So, yes, next up (interrupted)

13

14 Mr. Lait: There we go.

15

16 Ms. French: And then I'll go onto the next one. Thank you. Last we met was in September on
17 the 9th. There was a vote to recommend sufficiency of the Environmental Impact Report and
18 continue the hearing to a date certain of October 14th. This is now this hearing. The HRB,
19 Historic Resources Board, did meet in the end of September and they found a sufficiency of the
20 Environmental Impact Report as well and formed a subcommittee to review final details related

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1 to the Gunn Administration Building. ARB met in October, October 1st, and they appreciated the
2 changes made since the August hearing and suggested additional changes be made for the next
3 hearing. We do have a date of November 5th that we're working towards.

4
5 Today we are here with the conformed plans which are subject to ARB review. The applicant
6 distributed those plans to ARB Members and also Commissioners. We are returning with the
7 CUP and Variance Findings. This was asked of us on September 9th. We are also here with draft
8 Conditions for consideration. As noted, we are looking towards having an applicant
9 presentation tonight as well and you all are setting whatever happens next so I'll skip over this
10 here.

11
12 Then here is the site plan showing the Alternative Four which is the project that is moving
13 forward in the process with the ARB. I should note, those of you who have received plans may
14 see a typo on the cover sheet. The size of the campus is 268,765, just to be clear. I'm going to
15 go fairly quickly through this presentation because this will be emailed to everyone and on the
16 web page after this meeting.

17
18 These are some before or sorry, these are the... this is the academic building redesign showing
19 without trees on the top image and with trees... street trees on the bottom image. This is the
20 Kellogg Avenue side where there's been much discussion about the long façade. It's now

-
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1 broken up in two places... I'll just use my pointer... here and here so it is no longer a façade that
2 is unbroken. Here are photo sims of the same Kellogg Avenue side before and after. Images on
3 the left are before, images of after are on the right or proposed.

4

5 Ms. Romanowsky: They just spent the first hour discussing whether they should even do
6 anything tonight. Whether they should continue it because it's so (interrupted)

7

8 Commissioner Riggs: We can hear you.

9

10 Chair Templeton: Mr. Nguyen, can you please mute the public comment for now?

11

12 Mr. Nguyen: Yes, that was coming from Mindie who I've now muted.

13

14 Chair Templeton: Thank you.

15

16 Ms. French: So, on the screen, you'll see the drawings that have been made in response to ARB
17 comments. There are... you know because of Alternative 4 having driveways to drop off in
18 addition to the garage. The drop off on Kellogg is a circular drive that exists today. There is the
19 one of the notches here in that building... long building façade that's in the proximity of where
20 the children... the students would enter the building being dropped off on Kellogg. On the right

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1 side, the children/students would be dropped at the Bryant circular drive and enter through
2 this lobby and porch area. Again, some more images, Bryant Street with and without the street
3 trees and Emerson Street with and without the street trees. More images showing photo sims.

4
5 So, you have the draft Variance and CUP Findings in your Packet Pages of the Staff Report Pages
6 25 through 29. I'm going to gloss through these slides because they're in your Packet. We have
7 special circumstances relating to the Variance and strict application would be an issue. Strict
8 application of the Floor Area Ratio Standard given that there is already exceedance of Floor
9 Area on the campus. There are three more Findings related to the Variance. Again, in your
10 Packet.

11
12 There are CUP Findings as well in your Packet. This is Finding 1, there are facts that relate to
13 Finding 1. Then there are CUP Findings related to the proposal including the parking which
14 they're proposing to meet the parking spaces which the current site does not for the number of
15 student classrooms. There are things about the proposal that improve the sustainability with
16 the new building, landscaping around the frontage of the campus and throughout and traffic,
17 and a TDM Program. There are CUP Findings that relate to the Conditions and Mitigation
18 Measures that are associated with this project and so those have been designed towards
19 mitigating and concern and care for the result of the project. This school is proposed to be

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1 located in a manner that is consistent with the Comprehensive Plan and the purposes of the
2 Zoning Ordinance. These are Findings for... related to Finding 2.

3
4 So, now we've moved to Conditions. We had in the Staff Report several topics, more than
5 several, and they're on the screen and in the analysis section of the Staff report. So, these
6 conditions are a framework to help the Commission's deliberation on the Conditions. Probably
7 at the next hearing so again, moving quickly through these, the idea is that the Mitigation
8 Measures and the Conditions of Approval would work in tandem and carry the same weight
9 and enforcement.

10
11 So, the first of these topics is enrollment. The project includes these features; a 540-student
12 cap; maintaining the existing 426 students until after the garage is built. At which point at a rate
13 of 25 to 27 students a year and up to 490 students. Followed by the construction of the
14 academic building with increases up to 540 student cap at a rate of 25 to 27 students per year.
15 We have a concern about this as far as why aren't we making the school go down to 415
16 students as per the Conditional Use Permit of the year 2000. We also have concerns about
17 increasing enrollment before construction completes. Again, we have about four Conditions
18 here related to enrollment and they require ongoing compliance. They have a process to
19 suspend enrollment increases, there are violations and we will consider any changes the

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1 Planning Commission suggests as far as enrollment ceiling and timing, phased increases, and
2 when those increases begin. So, in all of this, the TDM Program is a major factor so.

3
4 The special events, the school's application says 90 events. There's a break down of those. This
5 has caused concern with the residents in the neighborhood, though the school has taken
6 measures to reduce impacts. And the school and the City have disagreed on what the existing
7 CUP says about events. The EIR considered these events and the impacts and proposed the
8 Mitigation Measure 4a. There's a number of items in that Mitigation Measure related to events,
9 but in any case, the CUP has to establish these regulations for events. We put in a Condition,
10 Number 6, that limit the events to 70 events and this is a 20 percent reduction from the 90 in
11 the application. You can read in the report what that Condition entails. Note that shuttle
12 service would be required for those events and the bullet at the bottom is about the fact that
13 the school notes that 74 events would be more in line with their academic programming and
14 social interests. So, the PTC consideration is here on the Page bullets about that.

15
16 Then we have operation and community engagement. We have restrictions. We have some
17 carryovers from the prior CUP, we have various Conditions about various neighborhood
18 concerns; lighting; noise; hours of operations; summer school; use of fields, etc.

19

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1 We have monitoring and enforcement and this involves some... several conditions about
2 recovering Staff time to enforce and monitor the CUP and it relates to traffic Mitigation
3 Measure 7a and Mitigation Measure for the events, 4a. There's oversight about school
4 communications with the neighborhood and some other things.

5
6 Then there is the temporary campus and that has been requested and is in Condition Number
7 11 to require removal of that campus. There is some specifics about that in the Staff Report.
8 Again, Planning and Transportation Commission may have some thoughts on that which we'll
9 hear eventually and that's because that's one of the CUP components.

10
11 There's a lot here that we may not be going over a lot tonight so just the high-level summary.
12 There's a TDM Program, it builds upon the existing TDM Program and the Environmental
13 Impact Report Mitigation Measures. There is Performance Metrics and targets and tracking
14 devices in the form of driveway vehicle counting devices. There is tracking of average daily trips
15 and AM peak trips and then there is reporting items. I'll move to that slide.

16
17 We have compliance and reporting so I'll just hit the high points here. This is one of the most
18 comprehensive programs the City has considered for TDM. There is rigorous reporting and
19 schedule and... which is at the bottom of this slide. Requirements with penalties for non-

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1 compliance and again, I mentioned funding required to pay the City to support ongoing
2 enforcement and compliance, and then there's the posting of reports online for the public.

3

4 There... again this is the content of the reports with a lot about metrics and if we have
5 questions about this I'm... we are prepared with more detailed slides, but it's pretty weedy and
6 I know we want to get to the public comments.

7

8 Again, there is alternatives the Planning and Transportation Commission could consider. We
9 can talk about that at the next hearing, or later tonight if desired.

10

11 Then there's construction. There is the suggestion that we stay enforcement of this average
12 daily trip and AM peak trip Performance Metrics. Again, using the driveway counters, etc.
13 during the construction period. It's going to be a challenging set of metrics to follow during
14 construction but then of course we would still collect the data and resume once construction is
15 complete after 3-years per the application. So, again, the Architectural Review Conditions were
16 not included in the Packet for the Planning and Transportation Commission. Those go to the
17 ARB and involve construction logistics, demolition, Public Works, utilities, public art, urban
18 forestry Conditions. As noted, the Mitigation, Monitoring, and Reporting Program, which was
19 attached to the report, has a number of construction-related Mitigation Measures. They're on
20 the screen.

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The last topic is pool noise. There are Mitigation Measures and then there is a Condition of Approval that addresses pool noise.

The next hearings are... well, there's this hearing so the next available date for the Planning and Transportation Commission is November 18th. As noted, the ARB will take up the revisions as shown in the conformed set on November 5th. So that concludes my presentation.

Chair Templeton: Thank you very much. Ms. French, are we expecting applicant presentation at this time or?

Ms. French: I believe that was part of your motion?

Chair Templeton: Yes, yes.

Ms. French: Ok.

Chair Templeton: Just want to make sure.

-
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1 Ms. French: So, I've stopped sharing and I know that... I've seen earlier folks from the architect
2 team. Here we go, he's sharing. Hi, Adam.

3

4 Ms. Nanci Kauffman: Can you hear me? This is Nanci Kauffman.

5

6 Ms. French: Yes.

7

8 Ms. Kauffman: Yeah, ok great, thanks, Amy. I was going to do a bit of an introduction before
9 Adam begins. Good evening everyone, thanks for being here. My name's Nanci Kauffman and I
10 come before you this evening as a 23-year Palo Alto resident and the head of Castilleja School.
11 This is the fourth time I've come before this Commission for Castilleja's pending application and
12 I was anticipating that tonight would be a moment when you would finally make
13 recommendations on our CUP Application to gradually grow enrollment while putting
14 Conditions in place to mitigate our impacts and allow us to modernize in a sustainable manner
15 compatible with our neighborhood.

16

17 A decision on our application and Conditions has been a long time coming. Since I came forward
18 to report our over-enrollment in 2012, we have worked hard to rebuild trust in the community.
19 We fully complied with the City's scheduled annual enrollment reductions. We had over 50
20 community meetings and we listened to neighbors who want us to include an underground

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1 parking facility as a core element of our project. Also, based on the Findings of the Draft EIR, we
2 adjusted our proposal to include a less impactful project alternative which reduced the size of
3 our parking facility to the greatest extent possible, saving homes and trees.

4
5 Actions speak louder than words and I'm keenly aware that trust is not quickly reestablished. As
6 such, we have gone above and beyond the requirements of our current CUP by reducing events
7 each year and by decreasing traffic by 31 percent as a way to prove our ability to succeed with
8 trip reduction and yet despite these efforts I know that trust is not enough. Going forward we
9 will be under an ever-present microscope. Including electronic monitoring to ensure we comply
10 with stringent trip thresholds and to ensure compliance by a third party. The Conditions require
11 that we pay our share of a new City employee who will be tasked with ensuring Castilleja's
12 compliance. We will also pay our fair share to address the City-wide traffic impacts existing at
13 Kingsley and Alma.

14
15 This evening I respectfully request that we focus on facts and not impressions or narratives that
16 are filtered into this dialog and have taken hold over these past 8-years. You have a significant
17 amount of data to inform your decision as well as the recommendations from your Staff to
18 approve our CUP and Variance. The recommendations are based on your code and on the
19 Findings from the EIR. The document... these documents as well as the multitude of studies in
20 the record should control your decision and while we acknowledge that some Palo Altans take

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1 issue with aspects of our project. We are humbled by hundreds of community members who
2 support our endeavor. These supporters understand how our project comes without significant
3 impacts, is aesthetically compatible, and will be constructed in a sustainable way. Further, our
4 supporters know the level of scrutiny the project has received by objective third parties. They
5 appreciate the robust analysis and they understand the strict conditions we will be required to
6 adhere to or consequences will be enviable.

7

8 Finally, I want to reiterate something that often is overlooked in the conversation. Our site plan
9 was driven by two important factors; neighborhood input and Findings from the EIR. Working
10 from one of the finest Environmental Impact Reports the City has ever seen, as stated at your
11 last meeting, we can now move out of the realm of speculation into one of the proven
12 conclusions. Project Alternative Number Four has no Significant Impacts. The FEIR supports a
13 gradual increase in enrollment that will not result in more traffic and the FEIR and the
14 Comprehensive Plan both support underground parking. All of which bring a project with a
15 softer and quieter footprint for the neighborhood in an environmentally sustainable way.

16

17 These positive results have been achieved through incorporating community feedback into our
18 site plan and compromising on our original goals. To name only two examples, we had
19 proposed a 10 percent reduction in events, and City Staff has recommended a 22 percent

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1 decrease from our application request. It is noteworthy that these events are essential activities
2 common at any school; parent-teacher conferences; dance recitals, student project showcases.

3

4 In addition, we will need to work incredibly hard to achieve the traffic requirements. We are
5 ready for the challenge because we want a proposal with no new traffic and no Significant
6 Impact.

7

8 Now we want to move forward in a spirit of corporation fully compliant with these Conditions
9 of Approval. Thank you for your contributions to this valuable and positive process. We look
10 forward to your decision to vote on the merits of our project so that we may have clarity and
11 direction going forward. Thank you very much and with that, I will turn it over to Adam. Thank
12 you, Adam.

13

14 Mr. Adam Woltag: Thank you, Nanci. This is Adam Woltag, design partner at WRNS Studio, and
15 we're going to go ahead and get started here on the presentation. Let's see, so we're going to
16 cover a few things here. Site planning, perimeter edges, some of the latest in landscape, and
17 some of the late design modifications in response to the ARB comments we've received.

18

19 So, this is... this slide illustrates our proposed site plan and you all should have this in your latest
20 Packet but there have... this does incorporate some of the latest thinking and comments from

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1 the ARB. But as a refresher I think it's important to note that the proposed buildings shown in
2 Green are sited over the existing building footprints hatched in Orange; and that the circle,
3 which we all know holds a deep historical meaning for Castilleja has been reduced in size and
4 moved in the plan to account for the proposed campus teaching spaces, and addresses a safe
5 and efficient bus drop off in the interior of the campus. It's also important to note that the
6 maintenance buildings that sit on the southern property line along Emerson are being removed,
7 increasing that setback to almost 80-feet.

8

9 This slide illustrates key proposed edge conditions located along the perimeter of the campus
10 like auto access, landscape, and fence design. As this slide illustrates the five-campus fence
11 conditions, each responding directly to their specific contexts. They range from the more
12 traditional brick and metal fencing along the Embarcadero and public gateways to wood fences
13 that feel more residential in scale and feel along Emerson. Take for example fence type five
14 located along the Emerson edge of the depressed pool, seen here in the section and 3-D
15 cutaway. This wall setback is over 30-feet from the curb behind a landscape buffer zone. Now,
16 this wall is doing a number of different types of things. Key to it is actually supporting a PV
17 canopy to help us get to our net-zero energy target and also detailed to help increase acoustic
18 performance at this sensitive part of the campus.

19

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1 Now let's take a look at the garage entrance at the corner of Bryant and Embarcadero. This is
2 the before slide and this is the proposed slide. And here the views of the existing condition
3 along Emerson where the garage sits and this is the proposed exit access.

4
5 This slide, which we've shared with you before, does illustrate the comprehensive circulation
6 plan that we have worked on with our consultant and accounts for the various modes and ways
7 of getting to and from campus in a safe and efficient way. If you have any questions our
8 consultants are here to answer them.

9
10 Here is the Tree Disposition Plan and key to note, that of the 152 existing trees on campus,
11 seven regulated and 10 unregulated trees will be removed and 28 trees will be relocated. Now
12 based on the revised and reduced below-grade garage footprint, our arborist has approved our
13 approach that will preserve the existing trees along the south edge of the playing field. This
14 results in a proposed design that will have 244 trees total. Almost 100 more than exists today
15 and this can be seen here in the proposed landscape plan. That also illustrates our internal
16 perimeter... our internal and perimeter landscape design that is focused on amplifying and
17 sustaining the existing landscape character of the area. And a design that works to passively
18 slow the flow of stormwater across the site and ensure the health of the existing and proposed
19 trees. As seen here, an enlarged planting plan at the corner of Kellogg and Bryant Streets that
20 illustrate the richness in variety of the native plant species.

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Now turning to architecture, we want to share with you briefly some of the latest developments in response to comments from the ARB. Key among them was the Kellogg Street elevation. Now our team has revised the building massing and envelope design to help add breaks and relief to the building and provide more texture and material richness to the building's facades. This is a view along Kellogg without trees and this is a view with trees. Looking at more detail here's a view of the tertiary campus entry along Kellogg. Note the break in massing and the eave line. The added glazed tile as you see there in Green and the board and baton wood siding and at the second-floor recessed landscaped terrace at the corner of Emerson. And seen here the Emerson elevation without trees and here with the proposed and existing trees.

Mr. Nguyen: Time check, the applicant team has 5-minutes left.

Mr. Woltag: And here let's go up to the Bryan Street elevation. I think we saw these early in Amy's presentation and here with the proposed elevation without trees and existing trees. That concludes our presentation, thank you.

Chair Templeton: Thank you very much. Ok, so we are now going to do clarification questions and comments with the Commissioners. I ask you to please hold on to your discussion until

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1 after we've heard public comment but if you have questions now for the presenters, either
2 Staff or the applicant, please raise your hand. Alright, we'll start with Commissioner Hechtman.

3
4 Commissioner Hechtman: I had a question for Staff. Ms. French, if you can pull up Slide Number
5 25 from your PowerPoint which relates to Condition Number 11. That's the one, thank you. So,
6 I think it's important... I'd like to get some clarity and I think would benefit the public. As I
7 understand and I've studied the Conditions of Approval and the Draft Conditions, suggest that a
8 two-phased increase in enrollment, after completion of Phase One which is the underground
9 garage and a Certificate of Occupancy for it, occupancy for it the enrollment could go to 490
10 and then after completion of the academic building, it can grow to 540. So, the... [unintelligible]
11 the language here on Slide 25, school is unable to increase enrollment until the temporary
12 campus is removed. I think that means they can't increase above 490 under the current
13 enrollment rather than they can't increase above the current 426, but I would like Staff to
14 clarify what that intent is because that language isn't in the actual Draft Condition Number 11.
15 That's my question, thank you.

16
17 Ms. French: That is correct. This was shorthand to say subject to the milestone of construction
18 so once the academic building is completed or sorry, once the... yeah well, they would keep the
19 temporary campus until the academic building is completed. So, once that's completed then
20 they can go towards the 540 cap that they're requesting from 490.

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Commissioner Hechtman: Ok. Thank you very much.

Chair Templeton: Thank you. Commissioner Hechtman. Any other Commissioners have questions? Commissioner Summa.

Commissioner Summa: Hi, thank you. I was wondering if Ms. French could go back to I think it might have been the second slide about the Variance. I'm interested in the square footage that we're approving in the Variance and maybe you could just go over that for us.

Ms. French: Sure. So, the Variance request is to demolish and replace square footage into the academic building. So, but at a slightly less Gross Floor Area so it goes from a FAR of .421 to a... sorry, from a .43 to 1 down to a .42 to 1 so because of that removal, there's removal of square footage on the second floor of the academic building that was shown in the earlier slides.

Commissioner Summa: Ok and then I'm... is the current allowed square footage on the site the number that we heard before which was 81 and some change; k [note – thousand]? Is that correct? It's 81 thousand and something. I don't remember the exact number. Is that right, or did I?

-
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1 Ms. French: So, the current number on the site is more than 81. What's happening is they're
2 leaving 30,000 and change. Its existing area that would remain is 31, 725 so that remains plus
3 they're going to... after they remove the 80 some odd thousand and put it back at a lesser
4 amount. The total would be 113,000 whereas the existing Gross Floor Area on site is 116,000
5 and change. Does that make sense?

6

7 Commissioner Summa: The existing is 116 and they're making it a little smaller at 113?

8

9 Ms. French: Yes.

10

11 Commissioner Summa: So, my question is I guess maybe... and this is probably... I'm just curious
12 about when and how it went from 81 to 116. That's my only question and maybe you don't
13 know that right now.

14

15 Ms. French: I do, I do.

16

17 Commissioner Summa: Oh ok.

18

19 Ms. French: Yeah so, the 81 is what they're putting back after they demolish the 83 or
20 whatever, right? So, that's why it's going down by 2,000-square feet for Gross Floor Area.

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1 We've been talking about 81 some thousands and that was always what they're demolishing
2 and putting back that's subject to the Variance. The other parts of the buildings that are on-site,
3 the historic buildings, and the gym, those constitute the buildings that are remaining. Those
4 constitute Gross Floor Area as well. Those added together make that FAR that's a .43 going
5 down to a .42.

6

7 Commissioner Summa: Ok so the allowable square footage of the entire site is 81 and some
8 change, yah or not?

9

10 Ms. French: No, well the allowable onsite is what's on-site now because it was permitted
11 through building permit processes so that's allowed on site.

12

13 Commissioner Summa: I see.

14

15 Ms. French: But once they tear is down, what they can put back is subject to a Gross Floor Area
16 Replacement Variance which is why we're talking about it.

17

18 Commissioner Summa: Ok so they had pasted permits that allowed the site to go over the
19 allowable square footage and we're allowing them to keep that is what... one aspect of the
20 Variance. Am I understanding that correctly?

-
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Ms. French: Yeah so, the past permits that were issued where before there was a Gross Floor Area and a Floor Area Ratio in this zone; in residential zones. They (interrupted)

Commissioner Summa: So, it could have been quite some time ago.

Ms. French: Yes, starting with the 1960s.

Commissioner Summa: Ok, ok, thank you very much for clarifying that.

Ms. French: You're welcome.

Chair Templeton: Thank you, Commissioner Summa. Commissioner Lauing.

Commissioner Lauing: Can you hear me ok? Excuse me. Yeah, I have a few comments... sorry questions for Staff and then questions for the applicant, but I just first because we don't know if members of the public have been able to see these documents. I just wanted to note that we're in a new stage of this situation where we are now looking at the project exactly technically for the first time because we had been looking at the EIR before. That has to be done before the

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1 project which is somewhat confusing but it does and so now beginning with this thing we're
2 doing a review of what the applicant wants as their project to see if it fits.

3

4 As you'll see for those of you who hadn't... didn't get this, on Packet Page 9 to 16 there are a
5 number of comments relative to the PTC and Council purview. And they include things like the
6 Draft Findings and Conditions are intended to serve as a starting place for PTC continued
7 deliberation. PTC should direct changes as needed. PTC and Council retain broad discretion
8 over whether the Findings can be made. Candidates for CUP and AR Approval can be designed
9 to address community concerns unrelated to CEQA. That's also an important consideration and
10 lastly, it notes on Page 16 that PTC has wide discretion over its recommendation concerning
11 enrollment. So, I just wanted to add that on the record.

12

13 A couple of things for Staff, on the TDM's, without going into a lot of detail could you give us an
14 understanding of the teeth that are in the TDM as we move along for years as this enrollment,
15 in terms of the proposal, moves up. For example, there's one on Page 42 that describes if
16 there's a constraint then there's like 45-days and 60-days. I'm trying to get a feel of how quickly
17 we can act if there is a significant shortfall in management of the TDM and then the outlier of
18 that is that after there are 540 students under the proposal then what can we do?

19

-
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1 Ms. French: Ok, I can load up the PowerPoint. I'm not sure how deeply you want to get into it.
2 We even have graphs that show these things and we do have the Transportation Department
3 Staff here. So, I can upload the (interrupted)

4
5 Commissioner Lauing: I'm just asking so the PTC has clarity on what we can do, how long it
6 takes, and at the end game when it's over 540 if what you just said before changes because it's
7 over 540?

8
9 Mr. Lait: Yeah so let me maybe take a stab at that and Amy and or Office of Transportation Staff
10 can fill in. Just at a high-level Commissioner Lauing, the way the TDM Program is set up and the
11 enforcement protocol is that during construction there will be three review... we propose three
12 monitoring programs. This comes out of the EIR and Staff is supporting this. So, three times
13 during the academic year we will be evaluating the school's compliance with two key metrics.
14 One dealing with average daily trips to the site and the second one is dealing with AM peak
15 trips to the site. So, in those two... for those two metrics that will be measured over those
16 reporting periods. If there are... if we find after looking at that data that there are violations of
17 those counts. What we would do then, the way it's set up is automatically, there is introduction
18 of new TDM Measures that are more aggressive to further reduce the trip generation to the
19 site. If there are... Amy might have to correct me on this, but I think it's if there are three or
20 more consecutive violations of that ADT, Average Daily Trip, or AM Peak. It immediately goes

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1 down... the immediate consequence, in addition to fines or more TDM Measures, is that the
2 enrollment then begins to decrease. I think it's by a half dozen or so students and that will
3 continue to decrease as long as there are violations. So, throughout... so that's just dealing with
4 the two metrics.

5
6 The whole TDM Program is really comprehensive and if there is any violation of any of the
7 aspects of the TDM Program which are very detailed in your Conditions of Approval. Those
8 individually are also subject to penalties, financial penalties with the City for violating the CUP
9 and could also be subject to modification. There is a couple of ways that modification could
10 occur. One is at a Staff level where we see there might be some reasons to adjust the TDM
11 Program. Another way if it becomes more significant is that we would schedule hearings before
12 the Planning Commission and Planning and Transportation Commission and you would consider
13 this at a public hearing and make a recommendation to possible changes to the TDM Program.

14
15 So, there is a lot of different avenues not just with the two-performance metrics but also the
16 TDM Program in general and any other Condition of Approval. Those are all subject to fines and
17 if there's repeated problems or challenges we're going to have hearings before the Planning
18 Commission to see if we need to make refinements to the Conditions or the TDM Program;
19 whether that's at the current enrollment, whatever the enrollment the Commission decides to

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1 authorize if you go that way; or even that 540. And if they've been operating at 540 for 5-years
2 and we have an issue at that point. We still have all those resources available.

3

4 Commissioner Lauing: Ok so when I referenced 42 it looked like there just could be a lot of time
5 between when you do your check to when you do your notice to 45-days after that we can start
6 making a move and a year later we can put in some penalties. Is that about the right time
7 frame?

8

9 Ms. Lait: Penalties could occur at any time really. I think it depends on the nature of the
10 violation and what is observed and what we're able to document. When it comes to the
11 Performance Measures, those two Performance Metrics, those will be assessed three times a
12 year. And if we see a violation at that point that would be the first instance that we would site
13 in that particular... for those two particular areas; AD... Average Daily Trips and AM Peak.

14

15 Commissioner Lauing: Ok, that's enough for tonight on that one. My next question is about just
16 sort of pointing out but also asking a question of the XCAP Committee has now voted to close
17 Churchill. And I understand that's a Committee and it still has to go to Council, but as that
18 happens there will be more traffic that moves over to Embarcadero as well as Charleston at the
19 other end because the water has to go somewhere. It's just like water so that's a new
20 development. Does it make sense to model that and see that is going to increase the impact

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1 here? It is just an example of something that is entirely out of Castilleja's control but it is not
2 out of our purview and our responsibility to be watching that. So, is that (interrupted)

3

4 Mr. Lait: I understand.

5

6 Commissioner Lauing: Something we should model now?

7

8 Ms. Lait: Well, so a couple of... so thank you for that and I'll... again I'll take another initial run at
9 this and then I can be supported by others but one of the other Conditions that we've imposed
10 on the CUP is that we're asking for vehicle counters in the public right of way; three times a
11 year during these same reporting periods; at least three locations near the driveway locations.
12 So, this is on the public right of way and that will help us understand and monitor neighborhood
13 traffic; which as you just noted is not entirely within the control of Castilleja but that's a data
14 point that we will have and we will continue to collect as long as we're doing these monitoring
15 reports during construction and for many years after construction.

16

17 The other point I wanted to make is should that sequence happen the way that you've
18 described it. The way the ADT and AM Peak is being measured is through the driveway counters
19 that are on their property. So, if there is an increase in the public roadway that's not
20 attributable to Castilleja, they would not get penalized for that. Where we're measuring

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1 performances when they cross the property line and they trip the permanent counters at their
2 driveway entrances and exits.

3

4 Commissioner Lauing: So not to put words in your mouth but it sounds like cars carrying
5 students coming to school on Embarcadero would not be penalized but they would be adding
6 to the congestion.

7

8 Mr. Lait: Well, I guess what I'm saying is trips that are coming to the school and crossing the
9 property line through the driveways are going to get counted and measured into this... the
10 vehicle counters. Trips that are not doing that would not get counted and that's not... and
11 therefore... well, they just wouldn't get counted. And one of our Conditions that we also have is
12 that Castilleja shall utilize its on-campus parking lot, drop-off locations, and all these other
13 areas to funnel all of their traffic to the school. So, if we see in the neighborhood that kids or
14 students are being dropped off a couple of blocks away and walking in. That's a potential
15 violation if that's one we're able to document and monitor. So, we're trying to push all the
16 traffic to the school so that we can count it and see if it's going to be... and meet those ADT and
17 AM Peak standards.

18

19 [note – two people started talking at once]

20

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1 Commissioner Riggs: Ed, if you don't mind?

2

3 Commissioner Lauing: Go ahead.

4

5 Commissioner Riggs: Yeah, I mean this was a question... pardon me if I'm... but I actually had
6 this question as well. And I was more directed... I think I'd like to understand Philip's methods
7 there because I think the leakage portion is quite significant around some of these schools in
8 terms of neighborhood drop-offs. So, it would be good to understand the methods by which we
9 understand how we count the non-campus drop off trips because it will happen. It happens at
10 every school in Palo Alto and Philip, I would just like to understand the method that you're
11 going to use to count those.

12

13 Mr. Philip Kami, Chief Transportation Official: Thanks, great question. I think before I jump into
14 that let me just quickly mention to Ed... to Commissioner Lauing's question that while the XCAP
15 it seems they're likely to be selecting the closure at the Churchill. They're working on their final
16 report yet... now and it's still not finalized but also just want to note that Council has not made
17 a decision as of yet. So, we do not have as of yet a selected alternative. We have a community
18 group, you know the advisory panel, that is looking very likely that their recommendation will
19 be a Churchill closure. But I also want to note that that's also still a ways off on the path of
20 (interrupted)

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Commissioner Lauing: It is and I noted that it hadn't even been to Council yet. My point is (interrupted)

Mr. Kami: That's right, yep.

Commissioner Lauing: That these are some of the collateral issues that we have to take into account that Castilleja's not responsible for but we sure are. So, we got to make sure that we know what's happening that's causing congestions.

Mr. Kami: Right and I think to Commissioner Riggs's question regarding the methodology. It's a little bit of just trying to try and make sure we're actually monitoring everything but to the extent possible within our legal constraints. So, we can't exactly just, you know, set up cameras all over and film and start invading everyone's privacy to do this but we figured what we would do is we would set up counters throughout the neighborhood in areas in order to assess how traffic changes over time. And then once if we determine that there's been a significant change in that neighborhood then that would clue us into something has changed in the school. And hopefully, Sylvia can chime in if she has anything to add to that but (interrupted)

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1 Commissioner Riggs: Yeah, we need... an ADT base pre-COVID but I mean that's a complicated
2 question so anyway.

3
4 Mr. Kami: [unintelligible] so I think we'll probably be forming our baseline as we go along with
5 this but I think it is really helpful us to better understand. You know we're just counting
6 driveways, the entrance, and the exits, and that alone does not tell us the full story. So, that's
7 our hope is to capture more than one point of data. Sylvia (interrupted)

8
9 Chair Templeton: Ms. Star Lack, did you want to (interrupted)

10
11 Commissioner Riggs: Thank you for letting me interject. I... that satisfies me. I'm sorry, I should
12 turn it back to Ed [note – Commissioner Lauing].

13
14 Chair Templeton: Thank you, Commissioner Riggs. Ms. Star Lack, did you want to chime in?

15
16 Ms. Sylvia Star Lack, Transportation Manager: Not really, I think Philip got it. I think our... we're
17 going to be adjusting the ADT because of the COVID so I think... yeah, we're in atypical
18 conditions right now. Thanks.

19
20 Chair Templeton: Alright back to you Commissioner Lauing.

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Commissioner Lauing: Yes, thanks. So, the next question I wanted to address to planning is the issue of trees and making sure we're getting it right. The applicant just said that there are going to be 17 trees taken down and 28 relocated. We know there's risk to that and regardless of the current strength of the law on trees, let's make sure we get it right. There's a member of the public that has claimed that the EIR is not even complete because there is a problem that a development of a single-family residential lot with a basil flare or trunk is touching within the building footprint. It's fine but that's an existing building and there isn't a Condition for a future building. So, it seems like we don't have that right and he hasn't gotten an answer yet back in the last 3-weeks. So, let's dig into that as part of this on-going process. I don't think you need to address that one right now.

[note – unknown speaker]: Oh my god, oh my god.

Chair Templeton: Alright, please keep yourself muted if you are not speaking.

Commissioner Lauing: Yeah, she didn't like that comment. Ok, so (interrupted)

Ms. French: That wasn't me.

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1 Mr. Lait: Yeah, that wasn't... just to be clear that wasn't Staff. We are prepared to respond to
2 that. We could either do that now. We are aware of the comment and we are working on a
3 response to the commenter so we will address that. We can do that here in this forum and we
4 will also follow up with the individual directly.

5

6 Commissioner Lauing: Ok and then just a couple comments to the applicant if they would like to
7 address it. For a long time, we've been hearing about this number of 540 as the one that was
8 chosen as the optimal or at least agreed to the number of final students, but I don't think we've
9 ever heard in any public forum why that's the right number. I know in some public comments
10 they said that previous discussions were lower than that or higher than that, but I'm just
11 wondering if there is a significance to that number that you've settled on?

12

13 Ms. Kauffman: Yes Ed, thanks for asking that question. That was a number that we derived
14 primarily on the basis of both what serves the school program but also the... to be sure that we
15 could maintain the promise of not having a traffic impact. So, working with our traffic
16 consultants and our TDM Plan, working backwards, we arrived at that number.

17

18 Commissioner Lauing: Ok. Two other short questions. One, I think there was in an earlier
19 presentation the assessment was that there would be no net new trips and now there is a, I

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1 guess I'll just call it because I don't have the number in front of me, a few more net new trips.

2 So, was that just a recalculation or how did we get there?

3

4 Ms. Kauffman: That's a good question. I think we have our traffic folks on the call so maybe
5 someone could answer that. Rob? Is Robert available?

6

7 Mr. Robert Eckols: Yes, I'm on the call.

8

9 Ms. Kauffman: Thank you.

10

11 Mr. Eckols: So basically, what we're doing is there is a small increase in trips but basically the
12 student... the trips per student rate is actually going down and that just allows a slight big of
13 increase; but in terms of trips per student, we're actually going down.

14

15 Commissioner Lauing: Ok and then would one of your people on the applicant side like to
16 comment on what you... what's your confidence level in the percentage of... your confidence
17 level that the TDM is going to work over these numbers of years because there is a lot of stuff
18 in there?

19

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1 Mr. Eckols: The school has been very successful to this point in terms of driving down their rate
2 over the years and so because they've now expanded their... the number of programs and the
3 types of programs. They feel like they can actually achieve these goals but there is the
4 monitoring to counteract that and confirm that they are meeting their goals. So, it's a
5 combination of they feel confident through the programs that they've been able to implement
6 and reduce trips over time and that they can continue to meet that. And as the Mitigation
7 Measures state, one of the things is to add more programs, find more effective programs, and
8 that's basically how most TDM Programs are operated. Is that you start at a point and you start
9 finding new ways to reduce trips. So, because of past performance, they feel confident they can
10 meet these goals and will meet those goals.

11

12 Ms. Kauffman: If I could just add on top of that, I think it's important to stress a couple of
13 things. First of all, we have completely changed the culture at our school. I mean we have
14 children starting in 6th grade taking the train to Castilleja. We move from sending one van to the
15 train station, we're now up to three or four, all-electric by the way. We do not allow our
16 employees to arrive at work in a single-occupancy vehicle more than twice a week. We monitor
17 that very closely and so I mean I don't know another employer in Palo Alto who has such
18 stringent requirements of employees so and we've reduced our trips by 31 percent. So, we
19 have demonstrated a huge commitment and I will tell you that that commitment is rooted not
20 so much in the desire to rebuild the campus but for sure in the desire to increase the

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1 enrollment to make this education more accessible to more girls. So, there is a real community
2 understanding of the connection between how well we do on our traffic and how many girls
3 can actually end up coming to Castilleja. Thank you.

4

5 Commissioner Lauing: Ok, thanks. That's all Chair Templeton, thank you.

6

7 Chair Templeton: Thank you very much, Commissioner Lauing. Vice-Chair Roohparvar.

8

9 Vice-Chair Roohparvar: I have two quick questions. So, in terms of teeth and the penalties that
10 we can impose. We can ask for a stay in any increase within the enrollment cap and also ask for
11 a reduction. Is that a reduction like it's going to be like if there are 450 and you're in violation?
12 We're going to drop you down to 430 and then you can go back up; or is it an ok, you're at 540,
13 we found you in violation, we're not going to ever let you go up to 540. You can only go up to
14 530. How does that... what was contemplated there? Can you please clarify?

15

16 Mr. Lait: So, when it comes to... so first off, I'll say that if it ever came to pass where we needed
17 to have public hearings before the Planning Commission because of violations or problems with
18 the expanded enrollment. The Commission could use its discretion to decide how that would be
19 increased or decreased over time at that moment. Before that, if it's a violation of the TDM as
20 I've described earlier, three or more or three consecutive violations of the ADT, Average Daily

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1 Trips, or AM Peak. That's an automatic reduction I think of five students and so as I understand
2 that and it may be that we need to refine this a little bit more with our Conditions. It would...
3 any subsequent violation, if the next one was also a violation, I would see that as another
4 reduction of five. My concern at that point is it's been a year and change at that point and
5 we're still seeing this trend. We're probably having a meeting with the Planning Commission at
6 that point to understand what's going on.

7

8 As far as... there is other aspects of this Condition that I think reference two consecutive
9 periods without a violation. So, that might be a good metric for us to consider when the
10 enrollment can begin to increase. So, if there was a need to reduce it by five, the problem is
11 cured, they've got two good reporting periods, and then for the next full academic year we can
12 begin to increase by five students again or whatever the mechanism is.

13

14 I just think it's really important of us not to do... you know we want to be on top of this and we
15 want to do the enforcement but I think we also need to respect what that number is because
16 that could have an effect for the school in terms of their enrollment, the culture and how many
17 students are moving through the system at a given time. So, just to be understandful...
18 understanding about that.

19

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1 Vice-Chair Roohparvar: Ok so it's a reduction and then increase. It's not a reduction in the top
2 line and then the second (interrupted)

3

4 Mr. Lait: Yeah and [unintelligible]... I'm sorry to interrupt, but not from like 450 to 430. I mean
5 that would [unintelligible](interrupted)

6

7 Vice-Chair Roohparvar: Got it. Yeah, I was just confused so that's really helpful to know and
8 then you said that it would come back to us, just keying off that, for any sort of reduction. The
9 Packet is saying that it comes to the Director of Planning to make that call on reduction. Is
10 that... it is (interrupted)

11

12 Mr. Lait: So, right, so really open to the Commission's guidance on this. When we were drafting
13 this we really tried to be judicious in what areas were subject to Director level approval and
14 which ones warranted Planning Commission review. So, it's really for these minor adjustments
15 that we are going to make tweaks to the program that the Director would address. And the one
16 reduction enrollment is set in the Mitigation Monitoring and so that's already prescribed and so
17 we wouldn't necessarily need to have a Planning Commission meeting for that.

18

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1 As I said if there is repeated violations or concerns with other aspects of it. We're getting a lot
2 of complaints about a particular issue and we're observing that. We're going to have a... we're
3 going to schedule a hearing before the Planning Commission to just vet out the issues.

4

5 Vice-Chair Roohparvar: Ok, yeah, I don't have an issue with it coming to the Director. I just
6 wanted to understand how it works.

7

8 Commissioner Riggs: Giselle [note – Chair Roohparvar], can I just ask one thing there which is
9 like (interrupted)

10

11 Vice-Chair Roohparvar: You interrupt a lot. Go ahead (interrupted)

12

13 Commissioner Riggs: Yeah, I know, it's just (interrupted)

14

15 Vice-Chair Roohparvar: But you do.

16

17 Chair Templeton: Can you hold on, you're third in line?

18

19 Commissioner Riggs: I'll hold it. There is just a... there is a flow of the conversation.

20

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1 Vice-Chair Roohparvar: Ok so my other question is super quick and then we can move on.
2 Director Lait, it's probably addressed to you. The traffic counts are tied to the current 426
3 enrollment, right? They're not tied to the 415 it should be; the daily traffic counts that are
4 permitted?

5
6 Mr. Lait: They're... so as included in the Conditions and the TDM Program, it's based off the 426
7 now, correct. And we flagged in the Staff Report an option for the Commission because we
8 know that there is some concern in the community about the increase in the enrollment. And
9 so, one of the options that was presented to the Commission was to allow them to keep the
10 426 enrollment where they are today but treat the traffic generation as if it were at 415. And so
11 that would result in some additional trip reduction needed for those additional 11 students.

12
13 Vice-Chair Roohparvar: Got it. What are we talking about; like 50? 40? What's the trip
14 reduction; the rough math? Am I putting you on the spot?

15
16 Mr. Lait: Somewhere between 25 and 35 trips (interrupted)

17
18 Vice-Chair Roohparvar: 25.

19
20 Mr. Lait: Maybe more.

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Vice-Chair Roohparvar: Ok so we're talking about 25, 35, something like that?

Mr. Lait: Maybe a little bit... maybe north of 30 but that's really... we can get you a more precise number.

Vice-Chair Roohparvar: Ok, thank you. That's all I had.

Chair Templeton: Commissioner Alcheck followed by Commissioner Riggs.

Commissioner Alcheck: Ok, good evening. Thank you Staff for the preparation and the presentation. Thank you, Ms. French, for the presentation. I know Ms. French has been involved in a bunch of these so if she's still on.

Mr. Lait: Yep.

Commissioner Alcheck: Are you still on Ms. French?

Mr. Lait: Yes, go ahead.

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1 Commissioner Alcheck: Ok. Hi there, how are you?

2

3 Ms. French: Yes, I'm here.

4

5 Commissioner Alcheck: So, let me ask you, I just... I'm curious how does this... how do these
6 conditions I guess compare in quantity and breadth to some of the other Conditions of
7 Approval that we have in place for other local schools?

8

9 Ms. French: They're more extensive than other local private schools. I should say that the
10 existing Conditional Use Permit for Castilleja School has a lot of Conditions as well. The one
11 from 2000 and of course, we looked at those Conditions as we prepared these Conditions to
12 ensure that we didn't throw the baby out with the bathwater really; but we do have some
13 other schools with Conditions but they're much less extensive.

14

15 Commissioner Alcheck: Is... would you shed some light on some... I'm curious if... is the
16 extensiveness of these Conditions a component of sentiment that the school has been a bad
17 actor? Is that what sets this apart from some of the other schools?

18

19 Ms. French: I'll start with saying that the TDM Program is a relatively new thing, so many
20 schools that we have in Palo Alto do not... are not encumbered if you will by a TDM Program.

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1 So, having said that yes, the lack of trust and the enforcement case I think has impacted the
2 involvement of the community in suggesting Conditions of Approval and more stringent
3 Conditionals of Approval.

4
5 Commissioner Alcheck: Ok, so let me ask that question differently. Is there... is Staff suggesting
6 that the fines if you will that were imposed on the school are not necessarily sufficient enough
7 and that the... that there should be some Conditions of Approval that address that, I guess,
8 trust issue that you referenced? I'm trying to understand if there is a component of this that is
9 referenced to that... this... that specific... it was in the report at the beginning. It was referenced
10 at the beginning of the report and I'm curious to know if there is a component of these that it
11 sort of addressed for that specific case. That's why I'm asking.

12
13 Mr. Lait: So, let me just offer maybe another perspective on it. I think what the Conditions that
14 we have presented in this report really reflect a lot of listening to the public and trying to
15 capture the issues that make the operation presently and it's proposed expansion problematic.
16 And in doing so we looked at a number... as we noted at the last public hearing we looked at a
17 number of Conditions not only within Palo Alto but throughout the peninsula area with the
18 intent to really begin to craft a set of Conditions that effectively monitor the operations at the
19 school and I think what we are building upon here is a couple of things. One is this... many
20 members of the Planning and Transportation Commission participated in the First Baptist

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1 Church process where we craft a series of Conditions, some of which are reflected in this
2 Conditional Use Permit, to really begin to capture these neighborhood issues. I don't know that
3 we... while Castilleja did have a number of conditions imposed through the prior CUP. I don't
4 know that on balance we've been as... written our Conditions as carefully as we probably have
5 on this one. And that was intentional and it's not just for Castilleja but for, as I said, First Baptist
6 Church and other cases that will be coming forward.

7

8 One of the challenges that we have in the community and the Commission knows this very well
9 is that our enforcement efforts is sometimes not matching the expectations of the community.
10 And part of that is, certainly more recently, is related to our Staff levels and so one of the things
11 that we see in this set of Conditions, which is a little bit unique but I think also now the
12 standard going forward, is pushing that responsibility or at least the financial portion of that,
13 the financial burden of that, to the applicant. And so, you may have noticed in the Conditional
14 Use Permit that there are deposits that are required of the applicant to help support the Code
15 Enforcement efforts that would be necessary to do annual Performance Review. Which is not
16 something that we typically do because of our depleted Staff resources in Code Enforcement,
17 but it is something that we would be doing with this project and likely for future Discretionary
18 Applications that require a CUP.

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1 So yes, it's more robust but it's more robust too, I think, to match the level of the project and
2 where I think we needed to up our game a little bit from a municipal side on our enforcement
3 and regulatory side of the work that we do. So, that's how I would answer your question.

4
5 Commissioner Alcheck: Another question for Ms. French, how do City Staffers... let me go to the
6 Page, hold on. How do City Staffers come up with the number of events? The number of
7 student performances or showcases or athletic competitions or celebrations that the high
8 school students should be permitted to have. How do you come up with that number? I'm
9 sitting the 70 that you have in your Packet.

10
11 Mr. Lait: So, I'll take that. I know you directed it to Ms. French but I was involved in those
12 conversations so I think it's probably appropriate for me to answer that. Quite frankly it's
13 through dialog. We've talked with the applicant and we expressed what we understood to be
14 the concerns of the community. Particularly the evening events, the events on the weekends,
15 how these are disruptive and we asked them to take a really hard look at how many of these
16 events could be done either off-campus or reduced in quantity? And to their credit they've
17 been reducing the number of events at the school for a number of years now. Down from 100
18 plus events that used to be there to 93, I think that were recorded for the current year. Not all
19 of those of course were implemented because of the pandemic and when they took a closer
20 look at those numbers at our request, they found out that there are some events that they

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1 don't need to do on campus. Maybe some of these alumni requests or donor events don't
2 necessarily need to be on campus and so we've responded to what they identified as a
3 reduction upwards of 20 percent. Now they gave us that number and we did our own sort of
4 assessment and tried to do a reality check to it. And it seemed appropriate for the number of
5 events that they're doing, the size of those events when those events are occurring. It seemed
6 like we could strike a balance between what was being proposed with our Conditions and so we
7 believe it's very much in line with what they can achieve. It's probably not exactly what they
8 want it to be and as Ms. French noted and it's in the Staff Report. The applicant would actually
9 like it to be at least plus four to the 70 that we've identified. So, that's the Planning Commission
10 discussion and (interrupted)

11

12 Commissioner Alcheck: How does the number compare to the last CUP you did for a local
13 school, the Conditions of Approval?

14

15 Mr. Lait: Well I don't know from the... I don't have the information about another local school
16 but I can tell you (interrupted)

17

18 Commissioner Alcheck: So, let... hold on, let stop you right there.

19

20 Mr. Lait: [unintelligible]

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Commissioner Alcheck: Hold on, before you go on, let me just make this comment. Would you be willing to produce for our following meeting the Conditions of Approval for the last three or four? I know Amy French has been involved in them because she's had such a long tenure year. Would it be possible for Staff to make public the Conditions of Approval for the last three or four schools so we might compare the number? I hear you when you say that you attempted to figure out what was appropriate. I'm concerned that there might be inconsistencies between one school and the next. And I'd like to create a process where when we deliberate on this we can establish consistency in the way that we administer Conditions. And so, I know I mentioned this at the last meeting, but maybe if I make a formal request here. Would that be possible?

11

Ms. French: Those are public records so of course, we can make those available.

13

Commissioner Alcheck: Yeah, maybe you guys could sort of collate them and send them our way digitally.

16

Ms. French: Sure.

18

Commissioner Alcheck: And then was there any effort to find out what a school like Walter Hayes also on Embarcadero or Palo Alto High School for example, how many events they have

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1 on their campuses? Was there... did anybody reach out to just find out how many football
2 games they have after 6:00 pm in a given calendar year to determine appropriateness of our
3 Conditions?

4

5 Mr. Lait: So again I'll... so I don't have information on the public schools but I will acknowledge
6 that the public school, neighborhood schools, are different and they're regulated differently in
7 our Municipal Code. Is... so we don't have that information.

8

9 Commissioner Alcheck: I'm only asking... I'm not... I'm only asking if... of... just to understand if
10 that was even taken into consideration. If the answer is no, then that all works.

11

12 Mr. Lait: Well so... it... but it was to some degree and you'll see that there is an
13 acknowledgment in the Conditions of Approval and an understanding of the synergy between
14 Castilleja and Pally in particular where sometimes those two schools need to share each other's
15 campus resources. And so, we've carved out those opportunities in the Conditions of Approval
16 so that A) larger events could take place at PAUSD's site; and B) in exchange for that, Castilleja
17 doesn't get dinged for an event that might be necessary to accommodate, you know, a double-
18 booked, you know, volleyball meeting or whatever that might happen on Castilleja. So, to that
19 extent, we've acknowledged it but again on the topic of appropriateness, we take a first cut at
20 it. It's really up to the Planning Commission to decide whether we got that right or wrong and I

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1 hear what you're saying. You need a little bit more data from these other schools to help you
2 make that informed decision and we can give that to you. That's not a problem.

3

4 Commissioner Alcheck: Yeah, no, I hear what you're saying. It's a... sometimes when you set
5 that first number it creates a subconscious bar and I... my hope isn't to change the starting
6 point of the discussion. My point is to make sure that the starting point for discussion... well, let
7 me put it to you this way. I don't want to be in a position where someone could say it's
8 interesting that the girl schools in your community was only allowed to have so many events
9 and a non-gender specific school in your community seemed to have very few restrictions. I
10 don't want to be in a position where it would look like anything we're doing started out from a
11 place that didn't seem consistent and so I said this at our last meeting. That I really want to see
12 the Conditions of Approval for the other schools so that we can say wait a minute, while I agree
13 with you, we're not... we don't have any role in Palo Alto High School management. The
14 community at large tolerates the number of events they have there. Presumably, because they
15 further the mission of our public school.

16

17 And so, I would... I'll ask another question a different way. Is there a process... I'm just off the
18 top of my head here thinking of an example. Let's say, for example, it seems to me like the CUP
19 requires them to produce that list of events in advance of the year. Is that... am I understanding
20 that correctly?

-
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1

2 Mr. Lait: Yep.

3

4 Ms. French: Yes.

5

6 Mr. Lait: [unintelligible]

7

8 Commissioner Alcheck: And presume... although I think they've been doing more than 70.

9

10 Mr. Lait: Yes.

11

12 Commissioner Alcheck: So presumably... let's just... let's say for example there is a very, very

13 popular event. I don't know their spring play and they want to do another night because

14 they've been oversold and students from the local high school want to see it too. Is there a

15 process... did Staff consider a process where they could request an additional event or is it

16 figuratively? I'm just curious to understand if there a... if that was part of any discussions on the

17 Staff?

18

19 Mr. Lait: Yes, I have two responses for you. One, yes, nothing about the Conditions, and this is

20 stipulated in our Conditions, prevents them from applying for a Temporary Use Permit which is

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1 a standard that applies in our Code to properties; A. B) Based on what I know of the operation
2 at Castilleja, I'd be really surprised if it ever came down to that. They have such a handle on the
3 events. They've got a person that is responsible for the events and this is something that I think
4 is part of a new development with the school. Nanci can correct me if I'm wrong but they have
5 an event... I don't know what the term is and I don't mean to use the wrong term but a
6 coordinator who really tracks each one of these events. I... things just don't pop up in the event
7 schedule. They're scripted, they're planned out for the year, and that kind of fluxation, if it does
8 happen, it's because the venue closed and they needed to go do something else. I mean that
9 would be kind of a situation where the time or the date might change. And you can ask the
10 applicant (interrupted)

11

12 Commissioner Alcheck: Look, I hear you, I hear you, but I'll tell you something. When I was a
13 senior in high school we didn't have a men's volleyball team and December of that year, the
14 year I graduated, we decided to form one and we had a scrappy team of seven. If... we couldn't
15 have played a home game all year because we hadn't figured out in time to do that. The
16 previous year would have been a bummer so I agree with you. I understand that there's some
17 significant institutional effort to figure this out. I'm just curious if Staff would... do you think it
18 would be reasonable to consider a system for which there could be a Condition of Approval
19 that allowed some flexibility in that number?

20

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1 Mr. Lait: Again, it would be... it's a Temporary Use Permit if they needed... if there was an
2 unplanned event that needed to take place, there is a provision that would allow for that
3 application to be submitted. A request.

4
5 Commissioner Alcheck: Ok. Ok. I look forward to seeing the... some of the other examples in our
6 City at the next meeting.

7
8 Chair Templeton: Thank you, Commissioner Alcheck. Commissioner Riggs, Templeton, and
9 Summa.

10
11 Commissioner Riggs: Hey, thank you. Yeah, the irony of that, Mike [note – Commissioner
12 Alcheck], was that is very similar to the questions that we asked when we were arranging Cal
13 Memorial Stadium and we were doing an EIR for that when I was at UC Berkley. So that was, I
14 think, that was consistent with the approach we took; the Staff's approach there.

15
16 My questions for Jonathan and it really parallels Giselle's question. Sorry, Vice-Chair
17 Roohparvar. So, Jonathan the... with the... sorry. Planning Director Lait (interrupted)

18
19 Mr. Lait: Jonathan is fine.

20

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1 Commissioner Riggs: Yeah and Billy is fine.

2

3 Mr. Lait: You guys are getting really formal now.

4

5 Commissioner Riggs: No, due respect. So, how does it... you know I guess I want to be specific
6 and I want to understand. How do the numbers actually work from an enforcement standpoint
7 and I just think...? I understand the explicit nature that we... when we say there is a reduction.
8 Is... that's... I'm assuming that's not effective immediately and what does it mean to the school
9 and when and what is a term because I'm imagining you just... I mean when you think about
10 education, you can't just kick someone out immediately. And does that mean just the entry
11 class gets smaller and what is the term of that entry class? And if it's not been thought out...
12 where's that codified in terms of what it actually means in terms of when you reduce the
13 enrollment by X, it means Y?

14

15 Ms. Lait: Yeah, absolutely, thank you for that question and maybe Amy can help me if there is a
16 reference to a specific condition or a Mitigation Number. The... your comments are exactly why
17 I think a Condition like this needs to be thoughtfully employed and you're right. Once
18 somethings set for the academic year and in our conversations and understanding of how that
19 emissions programs work is that letters go out in roughly mid-March. And so, decisions need to
20 be made before then, which is why you see the March 1 deadline in a lot of our Conditions

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1 because if we don't have a decision at the City level before March 1. Then any action that's
2 taken after that would apply to the next academic year. Not the upcoming one but the
3 following one. So, what we don't want to do is be in the situation where we're pulling the rug
4 out from the school after they've released their welcome letters.

5

6 Commissioner Riggs: Well, I... what does that mean though to the revenue model because
7 they... conceivably they've lost... they could have lost revenue from 6th grade to 12th grade?

8

9 Mr. Lait: Well so I guess it's a... there is a couple of things here and maybe if I'm not... interrupt
10 me... feel free to interrupt me if I'm not getting to your point but one, when we're talking about
11 a reduction in enrollment. That's a pretty extreme situation, right? They failed to meet their
12 TDM targets for three reporting cycles, so that's one full year; A. B) there is some other
13 significant impact that is being experienced by the neighbors and the Planning Commission is
14 having a public hearing and you're making the decision that maybe we need to scale back on
15 enrollment. So, those are the two instances where enrollment will come back and so the latter,
16 of course, the Commission will have that opportunity to have that discussion at that time. The
17 former, it's rooted in the Mitigation Monitoring Report that was apart of the EIR that says when
18 this happens it's five less students enrolled for the next... actually, I don't think it specifies
19 whether it's the next... the incoming class or what but there is a reduction of five students, ok?

20

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1 Commissioner Riggs: But is that for a certain term? I guess maybe that's... because the school
2 could respond in certain ways in terms of the next class versus but there is a term on that? Is it
3 a year, 6-months or?

4
5 Mr. Lait: Well, so I guess that's a fair question and I don't know maybe enough about how that
6 academic program works. I think we were taking it from the standpoint of the start of an
7 academic year and that would continue for the length of that academic year. And then the next
8 year is... we will have known before March 1st of that effected academic year as to whether to
9 not they'd be able to increase those five students or stay the same or further reduction.

10
11 Commissioner Riggs: But... Amy, I'm sorry, I'm super... and we're mansplaining over top of you, I
12 so sorry but there... is that written anywhere?

13
14 Ms. French: Mansplain away. I was just combing through Mitigation Measures and I do have
15 Katherine Waugh on... that she says chat if we need anything from her but I'm looking through
16 Mitigation Measures wording right now. I don't have it at my fingertips.

17
18 Commissioner Riggs: Ok, well you know what, I think I have the information I need in terms of
19 questions and it sounds like this is something that when we come back to Commission dialog
20 we want to dialog.

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1

2 Mr. Lait: Ok so I'm looking at Mitigation Measure (interrupted)

3

4 Ms. French: 7a, right?

5

6 Mr. Lait: 7a under transportation, Mitigation Measure and it says... this is the Mitigation
7 Measure. It's a little different than the Condition just in terms of enrollments. Let's see, yeah,
8 it's just what I said so three consecutive reports showing an average daily AM peak of X
9 (interrupted)

10

11 Ms. French: Yes.

12

13 Mr. Lait: Shall... and actually, that... it should result... shall result in an enrollment by at least five
14 students or more as determined by [unintelligible]... well (interrupted)

15

16 Ms. French: In the next admission cycle.

17

18 Mr. Lait: Yep. So, that's embedded in Table 1 of maybe Attachment C, is it Amy?

19

20 Ms. French: It's Packet Page 128.

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1

2 Mr. Lait: Thank you.

3

4 Commissioner Riggs: I... thank you (interrupted)

5

6 Ms. French: I got that one.

7

8 Commissioner Riggs: And I think that's enough information for the Q & A portion here.

9

10 Chair Templeton: Thank you, Commissioner Riggs. I'll go next and then we'll get to

11 Commissioner Summa who has... for her second round. One of the questions I asked a lot about

12 at our previous meeting was about the underground parking facility and I have heard about

13 some other houses and structures in the neighborhood that have underground parking. And

14 I've also heard from you Ms. French that use to be allowed and it wasn't allowed and then we

15 had comment tonight to try to understand the history a little bit better before we move

16 forward. Can you tell us why that previously allowed underground parking changed? Like

17 what's the history [unintelligible] context?

18

19 Ms. French: Sure. Sure, when I actually started working here in 1998, that was the new code of

20 1998 at the time. That added a section, 18.12.060 Item D, that added that prohibition of

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1 basement garages for single-family homes and the reason was because it was a safety concern.
2 You know, we have small single-family homes with driveways and people are backing out of the
3 driveway. If they're backing up a ramp and backing onto the sidewalk that gets quite a bit more
4 hazardous. So, it was really ramping versus pedestrians back then from what I hear and that is
5 why we have the 1998 code that prohibits it for single-family homes.

6

7 Chair Templeton: Ok and that safety concern doesn't apply in this situation because it's going
8 through?

9

10 Ms. French: Yeah, I have a slide I can show if you'd like to see the illustration of where the
11 ramps versus the sidewalks. The ramps are pretty far back. I mean really the ramps end on... the
12 exit ramp... I can show you with the picture if you'd like to see that?

13

14 Chair Templeton: Yes, please.

15

16 Ms. French: Ok, let me do that then. Sorry, I have to shift. Ok, am I sharing? Let's see.

17

18 Chair Templeton: Yes.

19

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1 Ms. French: It might not be in the right mode but let me see if I can. Ok, so hopefully this shows
2 it. There we go. On the screen, I'm showing the below-grade garage that's proposed and you
3 can see where those arrows are you can see that's the tail end of the ramp on the right. You
4 enter the parking lot on Bryant and drive through a parking lot for quite some distance before
5 diving down on that circular down ramp. So that is nowhere near the street right of way causing
6 any kind of friction with pedestrians on the sidewalk and then on the left side near Emerson,
7 you can see where that red arrow is. That's where the ramp is starting. It does end though fairly
8 far back, it's a one-way, and it's... people are heading out. They're driving with eyes wide open
9 on their windshields as they approach the driveway exit there on Emerson. So, it's not backing
10 out backwards onto a street and there is some amount of rampage and I'm sure the applicant
11 could tell you where that... where it started to level off.

12

13 Chair Templeton: Yeah, this is sufficient for my question, thank you very much.

14

15 Ms. French: Ok.

16

17 Chair Templeton: The other thing about the underground parking, in the Packet to mention that
18 here's one example in an R1 Zone and that there are a few examples in other zones. What are
19 the... what are the other zones and why did you find that that would be helpful?

20

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1 Ms. French: Well, certainly there are other instances of parking garages. I mean I think of the
2 Pasteur Garage over at the Stanford Hospital that is a beautiful field and there is a garage
3 underneath. That's an example that happened in my time here.

4
5 Chair Templeton: Ok so it was about the... what... the surface use, was kind of (interrupted)

6
7 Ms. French: Yeah and of course that's not relevant because it's not the R1. I understand that.
8 It's not perfectly relevant. It's just that it's not the first time a garage goes under nothing, you
9 know?

10
11 Chair Templeton: Ok, I just wanted to make sure I understood what you're getting at. Thank
12 you and then a couple of other quick ones. So, the weekend events, I notice they start at 9:00
13 or the proposal starts at 9:00. That would... in my mind I'm thinking about swim meets. You
14 know they always start really early. Would that mean that we wouldn't be doing... we wouldn't
15 be allowing swim meets or that... like how... is that all ok with everybody? I'm wondering where
16 the 9:00 AM came from and if anyone has concerns about things that would be included or
17 excluded based on the timeframes? Was that developed in coordination with the applicant?

18
19 Ms. French: Well perhaps the applicant could respond to their thoughts about the Staff Report.

20

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1 Chair Templeton: Ok.

2

3 Mr. Lait: Right and I also don't know from your question if you're directing it to your fellow
4 colleagues which of course you can have (interrupted)

5

6 Chair Templeton: No, no Staff or the applicant, either one.

7

8 Mr. Lait: Yeah so, I will say that through our dialog with the applicant team on the issue of
9 events, that was our understanding. Now if we've gotten that wrong we would want to hear
10 from the applicant and when they... but it didn't come up in their presentation. And I don't
11 believe there has been any letter to that effect so the... so I think this reflects their
12 understanding. And I'll just say that these events, these athletic competitions, are considered
13 special events as defined in the Mitigation Monitoring Program and as Conditions in the CUP;
14 which is different than how it was... how it's currently being addressed under the current CUP
15 that is there now. Athletic competitions are excluded from (interrupted)

16

17 Chair Templeton: Oh, it's not one of the 70?

18

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1 Mr. Lait: No, it is in the proposal. It's not under the current set of rules that apply to Castilleja
2 today so we've folded in these athletic competitions to be considered a special event and
3 therefore subject to the special event restrictions.

4

5 Chair Templeton: Does the applicant have... I didn't see it in your presentation. Did you have
6 any comments about the timing or what to provide input?

7

8 Ms. Kauffman: Sure Cari [**note – Chair Templeton**], this is Nanci. We primarily... the events that
9 we have on the weekends are for admissions. So, those would be events that students are
10 coming to see the school who couldn't miss the school day in order to do that. So, I mean
11 that's... and then there are a few other things like a robotics team might be doing some building
12 on the weekends. I don't believe we have any athletic events on the weekends.

13

14 Chair Templeton: Ok thank you for providing that input and then just one more question to
15 Staff. Just to make sure I understand why are the penalties tied to enrollment versus cash
16 penalties or other kinds of penalties?

17

18 Ms. Lait: Thank you for that. They are. Each violation as noted in one of the Conditions toward
19 the end where we have the section on enforcement. Any violation of these Conditions of
20 Approval, which again includes the Mitigation Monitoring Program, the TDM Plan, the

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1 Conditions of Approval. Each one of those violations is... would be considered a violation in our
2 Municipal Code and subject to fee penalties.

3

4 Chair Templeton: Ah, ok, ok, so it's a combo kind of thing?

5

6 Mr. Lait: Yep.

7

8 Chair Templeton: Ok, thank you. Those are my question. Commissioner Summa has her hand up
9 next.

10

11 Commissioner Summa: Two quick questions about events and one is, I just wanted to confirm
12 that the current CUP allows five... the five major events and several others. That's the language
13 currently, right?

14

15 Ms. Lait: Well, definitely the five major events, and then there is a category of events between I
16 think 50 and 100 that are regulated precisely in the current CUP. And then as noted in the Staff
17 Report, there is a little bit of a disagreement between the City and Castilleja about that space
18 between 100 events... 100 attendee event and a major event.

19

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1 Commissioner Summa: Ok so I was wrong when I said the current CUP says five major events
2 and that's their big deal (interrupted)

3

4 Mr. Lait: That's correct. [unintelligible](interrupted)

5

6 Commissioner Summa: And several. It does not say and several others.

7

8 Mr. Lait: I don't have the precise reading of the current CUP but I know that there was
9 (interrupted)

10

11 Commissioner Summa: Ok, that's ok. That's ok, I was just... that's what I was remembering and
12 the other quick question is, and maybe this is not an issue because maybe the school doesn't
13 do this, but would the... would they be allowed to rent the school out to outside...?

14

15 Mr. Lait: No.

16

17 Commissioner Summa: No, ok and I thought I read something about that and then I couldn't
18 find it so it's in there someplace.

19

20 Mr. Lait: It's in one of the Conditions.

-
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Commissioner Summa: Ok, thank you very much.

Chair Templeton: Alright Commissioners, any other questions? I think... I'd like to propose we have a 10-minute break and then come back for public comment but I want to make sure we get through our questions first. Alright, visually raise your hand if you're cool with a 10-minute break right now? Alright, so it is 8:42, let's come back at 8:50 if we can so that we can start exactly at 8:52. Should be enough time to have a little break and get some refresh on your water and then we will take public comment.

So, to note to the public before we take our break, our plan is to have 3-minutes per person. If you need to have a group, you can have 10-minutes with a group of five. You can contact planning.commission@cityofpaloalto.org and we'll be able to see the grouping and alone one person, the speaker, needs to raise their hand for those. So, if you can get yourselves organized and do raise your hands. Then we'll know what we're heading into by the time we get back from the break. I appreciate that everybody, thank you.

[The Commission took a 10-minute break]

Chair Templeton: Alright Commissioners and Staff please start coming back online. Thank you.

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Commissioner Lauing: Even Bart's [note – Commissioner Hechtman] is joining us.

Chair Templeton: Are you still on your (interrupted)

Ms. French: I did find the wording of that Condition from the existing CUP that includes the word several and then has a laundry list of all the events that go with several.

Commissioner Summa: Thank you so much.

Chair Templeton: Alright, let's see, almost everybody is back. Commissioner Roohparvar [note – Vice-Chair Roohparvar] if you are back, please briefly turn on your camera so we can see you and then with Ms. French. I think we have everybody if she's here.

Ok, so to the members of the public who are commenting, thank you all for raising your hands. I see we have quite a few more. The... there are a couple of things if you missed the very beginning of this meeting I would like to remind you. So, we're planning to have public comment for individuals for 3-minutes, and groups of five or more can request 10-minutes for one speaker and only the speaker needs to raise their hand but the list of people in that group should be emailed to planning.commission@cityofpaloalto.org.

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1
2 Also, we anticipated earlier in the meeting that we will likely need to continue this item and so
3 we're going to do a status check at 10:00 pm and check-in and see how many more people
4 remain who want to speak tonight. And then whenever if... whenever this is continued, the
5 people who spoke tonight will have said their piece and then will not need to speak again
6 because the item... it's still the same item. So, you get to choose tonight or the next time. We're
7 hoping to get as much feedback and public comment in tonight as possible so I do encourage
8 you to keep your hands raised and participate. You're already here and you've waited this long
9 and we do want to hear from you. So, those are some thoughts to share before we get started.

10 Mr. Nguyen are you back?

11

12 Mr. Vinhloc Nguyen, Admin Associate III: Yes, I'm here.

13

14 Chair Templeton: Ok, shall we begin public comment?

15

16 Mr. Nguyen: Yes, please get the speaker timer, and the speaker list up.

17

18 Chair Templeton: Alright, oh, thank you Madina.

19

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1 Mr. Nguyen: Thank you. Our first speaker tonight will be Leila and Leila I do see that everyone
2 from your group is here so you will get 10-minutes.

3

4 Ms. Leila Moncharsh: Good evening, Commissioners. Can you all hear me?

5

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

7

8 Ms. Moncharsh: Great, thank you. I'm the attorney for PNQL and I have just a few comments
9 about the... well let me start with the Variance. One of the questions that I think you're
10 Commission needs to ask, you need to ask if the City Council grants a Variance as to the large
11 building. Would that allow 40 percent or 32,282 more square footage than allowed under the
12 FAR? That's the numbers I come up with and the architect came up with. If the garage square
13 footage is included with a large building, would a grant of Variance be for 80 percent or 64,782-
14 square footage increase over the allowable FAR because you need to know what it is exactly
15 you're doing if you're granting a Variance? What's the difference between granting and not
16 granting?

17

18 I want to make some comments in response to the Commissioners and I want to start with
19 Commissioner Roohparvar [note -Vice-Chair Roohparvar] who used two words which I think
20 were really very appropriate. One was shocking. I think she meant that in terms of why we're

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1 here at the last-minute working on a CUP. I want you to know that I have been asking for quite
2 a long time for the Draft CUP Conditions because as a land use attorney with almost 30-years'
3 experience. I work on these all the time and I really felt I could make a contribution and I even
4 have the email where I indicated to Ms. French that I was concerned about just what's
5 happening tonight happening. And I don't blame Ms. French because her answer was there was
6 not a lot of other things she had to do and I understand that. The other thing that came up was
7 she used the political and I think that's really important because I don't know... well, you know,
8 is this process getting politicized? Is that why we're pushing to hurry and get done with it?
9 Why... if it is politicized, I'm really sorry to see that because these Use Permit Conditions are
10 really important. This is about how the school and the neighborhood are going to co-exist and
11 co-exist doesn't mean coming back to the City constantly with complaints and problems for the
12 City use its expensive process on solving.

13
14 In my letter, I pointed out a lot of the deficiencies with the Use Permit Conditions that are being
15 suggested and you can read that, but just one example that came up tonight, the events. One
16 thing that Commissioner Alcheck has commented on several times and I totally agree with him.
17 There's something wrong with micromanaging the school. That's not really the idea. The idea is
18 to control the impacts on the neighborhood. So, for example, I gave you a copy of the Head
19 Royce Use Permit here and it's a good example of what happens when in this case a planner
20 didn't really pay much attention to the Conditions and ended up with Conditions that look like

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1 these. They were done at the last minute, they ended up being very ineffective, it created a ton
2 of administrative work, could of ended up in court, but she learned from that. And so, the
3 Conditions that are now in that CUP that you have a copy of our good formatting suggestion for
4 you of what can be done but I do agree. The way these are drafted, for example, the events.
5 The attendees don't matter. The attendees aren't the ones who are bothering the neighbors.
6 What's bothering the neighbors are all the cars that are coming in. So, trying to control the
7 attendees, why and who cares about exactly what the events are about? We're not here to
8 make sure the school has one event versus another.

9

10 Commissioner Alcheck has brought [unintelligible] times well, what about the other private
11 schools? Why do they have a different treatment shall we say? Well, there is a couple of
12 reasons for it. One is that this particular school is located very close to housing so that's a big
13 criterion. A lot of schools, including public schools, are often located in other places that don't
14 have that kind of problem. Another issue is that yeah, I mean this school's been out of
15 compliance. It has a history of non-compliance and probably just as significantly it didn't get
16 along with the neighbors. I mean come on, you know, I mean that's kind of obvious here from
17 these speakers you're going to hear from. If you haven't got that yet, this school and these
18 neighbors don't get along. So, what you want to do in a situation like that is come up with very
19 specific Conditions that deal just with the impacts.

20

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1 Another issue is this 540 students. I'm not surprised to hear the head of school say well, yeah,
2 that's because we want more students. Yeah, I mean all private schools want more students
3 from time to time but that isn't a reason to go with 540. And so, what you have is you have a
4 CUP with a lot of Conditions that are vague and they're loose because they all start out with this
5 very complicated process of tying together the building program with the students and how
6 many you're going to give. The truth is legally if you vest 540 students in that school, that's
7 what they're going to have and the idea that you're going to somehow start taking those away.
8 You're going to get your eyes sued out. It isn't really the smartest way with this particular
9 situation where you don't have a dire reason for 540 students. The better way to handle it
10 would be to allow a much lesser amount because you know that they're going to have to build
11 out the property anyway to accommodate more students and get rid of all the
12 micromanagement with 25 students here and 25 students there. That isn't what the problems
13 are that the neighbors have. The problems they have are the number of cars coming in there.

14

15 The TDM and Nelson/Nygaard drives me nuts. Nelson/Nygaard reel into let's just encourage the
16 school but you know, I mean simple, straightforward Conditions that control the number of cars
17 coming in and sometimes specify that this is the number. Not an average. Let me tell you, I
18 have seen so many times where schools gain the average. They're not supposed to have the
19 counter kick off more than X number of trips and what happens is then you add an average to

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1 that and then the school works to the average and so that's not the idea. That's not what you
2 want to do.

3

4 So, here's my suggestion. You know, we are where we are, and I'm sorry that it's slow but it
5 wasn't my doing anyway. I would like... I don't... I will put every day and every minute into this.
6 What I'd like to do is finish the process I started here and show the Commissioners exactly what
7 the difference things... different things are that you could do than getting in to, for example,
8 penalties. Unless the school stipulates to these penalties that are listed here, which are too long
9 and too inadequate, then you're never going to be able to apply them. You're going to get
10 challenged in court. The looseness is also an issue. That's not... you have to have reasonable
11 Conditions and you don't here. There was a decision... I don't even understand this. You're
12 going to take the old, inadequate Use Permit and pile that on top of this one? No, no, no, no,
13 no. What you're going to do is you're going to replace the old Use Permit because it was
14 inadequate and now you're going to replace it with a new one that is tight and that is specific
15 and everybody can understand it.

16

17 So, what I'm asking for... I mean I've already told you everything I can about the Variance issue,
18 ok? What I want is I want enough time to be able to go through this. I would like Amy to be
19 available so I can ask her questions and I want to give you a document that really shows what
20 your options are of what you could with this to solve the problem. The major problem here of

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1 the school and the neighborhood co-existing and that's how you're going to get to trust. That's
2 how you're going to get to trust. It's because you've got a really solid Use Permit. You're going
3 to get to it if you set yourself for years of dealing with complaints and requests for reductions of
4 this and that through modification requests from the school. Thank you.

5

6 Mr. Nguyen: Thank you Leila for joining us tonight. Our next speaker will be Jeff and Jeff, I do
7 see that your group is here so you will get 10-minutes.

8

9 Mr. Jeff Levinsky: Before I begin I have a procedural question for the Chair and that is, did I
10 understand correctly that if we don't speak tonight we will have an option to speak at the next
11 round of this (interrupted)

12

13 Chair Templeton: No, it's either-or.

14

15 Mr. Levinsky: Either-or. That if we don't speak tonight we then can speak at the next session, is
16 that right?

17

18 Chair Templeton: You're already speaking sir so I think you should go for it.

19

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1 Ms. Levinsky: Right, I will go ahead but I'm sorry, I don't... I thought the motion was to allow
2 people more time to look at it before they spoke [unintelligible].

3

4 Chair Templeton: Yes, yes, so if you want to have more time don't speak tonight. You can have
5 another whatever until the 18th to review the Packet so are you saying you need more time?

6

7 Mr. Levinsky: Yes, I would... and I thank the Commission for that granting that so I will take
8 advantage of that. Thank you.

9

10 Chair Templeton: Sure, and just to clear that up for everyone else. If you would rather speak
11 another time, don't speak tonight, but we really encourage everybody to speak tonight because
12 we want to have our next meeting have the time that we need to discuss. So, we are listening
13 tonight, we are here, we're ready to listen, we're prepared to take in the feedback that is ready.
14 I would expect that most people are prepared to speak tonight to share their thoughts so I
15 would encourage everybody who is prepared to keep your hand up and plan to speak tonight if
16 you can. Thank you.

17

18 Mr. Nguyen: Ok, next on the list will be Cindy Chen.

19

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1 Mr. Leaf King: Oh hi. Hi Commissioners and Staff, thank you for the opportunity to speak on this
2 matter. Cindy Chen has given me her time. My name is Leaf King. I currently live about five
3 blocks away from Castilleja in the Old Palo Alto neighborhood and until recently we spent the
4 prior 10-years living less than a block away from the school. I have no children at Castilleja or
5 other connections with the school and I just am here to offer a neighborhood perspective on
6 Castilleja's proposal.

7
8 We've heard a lot about how Staff has been working with the neighbors [unintelligible – audio
9 cut out] who represent some of the neighbors, doesn't represent me, or my perspective. First,
10 I'd like to express [unintelligible-audio cut out] plans in ways that will both mitigate the traffic
11 impacts of having a school in the neighborhood as well as improving the exterior appearance in
12 a way that will make the neighborhood more visually appealing and will likely improve all of our
13 property values. Thank you for that.

14
15 Second, my experience over the decade of having Castilleja as a very close neighbor left me
16 with an appreciation of their civic spirit and their care for the local community. Castilleja was
17 always careful about minimizing the impact of parking and traffic as well as noise and honestly
18 the only time I can even remember hearing Castilleja was the music from their dances which
19 were wrapped up by about 9 o'clock at night or so. So, well before folks who are usually going
20 to bed, really no big deal and finally I would urge the Commission to approve the application on

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1 its merits, you know, without further overburdening the school with these CUP terms that
2 already are cutting deeply into its ability to optimize for the best educational outcome for its
3 students. As a community, we value education highly and the vast majority of the folks that are
4 in this neighborhood value [unintelligible – audio cut out] that have been raised against this
5 application. Thank you. I give you back the rest of my time.

6

7 Mr. Nguyen: Thank you. Our next speaker will be Nancy.

8

9 Ms. Nancy Tuck: Hi, thank you for your time. My name is Nancy Tuck. I live on Melville less than
10 a block from Castilleja and the proposed exit of the underground parking structure. I'm a strong
11 support of the school, the proposed upgrades, and the enrollment increase. Castilleja has to be
12 given the right to modernize. My neighbors who are fighting this project tooth and nail so that
13 they don't have to endure the construction should not be given an audience. The Castilleja
14 proposal is being held to a level of scrutiny unlike anything imposed on public schools or the
15 community center which most certainly exists amongst residential neighborhoods.

16

17 I bought my home in Palo Alto 9-years ago on this block because of the outstanding educational
18 opportunities and I embrace the vibrant nature of the community. Regarding the attorney's
19 comments, your statements are not accurate. Some neighbors developed an issue with the
20 school, not all, and it didn't always exist. When I moved here 9-years ago with a Castilleja 7th

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1 grader, we met all these neighbors and were told what a wonderful school we were joining.
2 There was not a complaint uttered. Nothing about traffic, nothing about events, nothing about
3 parking.

4

5 I want to share my input about the concerns expressed on traffic, events, and overall trust.

6 Regarding traffic, we have many traffic factors that affect my block and the nearby streets. Palo

7 Alto High School, downtown employees, access to 101 on Embarcadero and Stanford to name

8 the biggest. Castilleja is not a traffic game changer. Their traffic management measures have

9 cut daily trips to the neighborhood by 30 percent and that has been evident. Traffic monitors

10 ensure orderly flow and behavior. Parents, students, and employees are thoughtful about how

11 they commute and the school culture embraces reducing impacts on the neighborhood. I am

12 not negatively impacted at all by the traffic that you hear so much about from the opponents.

13 That is because it isn't an issue in this neighborhood and I am not concerned about the

14 proposed garage. Particularly, now that they've added the disruptive drop-off and pick up plan

15 and to stymie Castilleja because of a potential closure of Churchill is backward. Closure of

16 Churchill should take into consideration of the community around it, which not only includes

17 Castilleja but the much larger and closer Palo Alto High School.

18

19 About events, yes there are or is a big event at the beginning of the year and a couple more at

20 the end of the year. Normal for a school. Castilleja is extremely conscientious about these and

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1 makes every effort to minimize the impact or inconvenience to the neighbors. When I hear
2 events described as onerous or steadily disruptive. I honestly can't relate at all. The school
3 advises us about upcoming events, visitors come and go quietly, and paid traffic monitors help
4 with even fairly... with even the fairly small events.

5
6 Finally, about trust, Nanci Kauffman has been accessible, open, and communicative for the past
7 9-years. There has been no valid issue regarding trust under her reign. I have asked myself
8 exactly what is it that neighbors don't want here? It's my neighborhood too and I find Castilleja
9 to be a truly excellent neighborhood. [unintelligible – background noise] I look forward to co-
10 existing with this remarkable institution for many years to come. Thank you.

11
12 Mr. Nguyen: Thank you Nancy for your comments. Our next speaker will be, and I apologize if I
13 mispronounce your name, Vania.

14
15 Ms. Vania Fang: Yes, you've got, it's Vania. Can you hear me?

16
17 Mr. Nguyen: Yes, we can hear you thank you.

18
19 Ms. Fang: Ok, so sorry. Thank you, Commissioners, for [unintelligible] to speak. My name is
20 Vania Fang. I live directly across the street from Castilleja on Kellogg Street and I support

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1 Castilleja's plan to modernize campus and increase enrollment in the high school. In tonight's
2 presentation, I see the renderings show gentle materials, lower rooflines, a subtle entryway,
3 and so many new and mature trees. The different setbacks break the building up into natural
4 sections to mirror the neighborhood and scale more gracefully than the current building. We
5 like these improvements and we appreciate all the effort Castilleja has put in to respond to
6 neighbor's feedback.

7

8 When school was in session before COVID-19 induced SIP, pick up and drop off happened
9 directly outside our home and we have not had any problem at all. Any problem at all with
10 traffic from Castilleja. If anything, we experience much more school-related traffic with the
11 nearby Palo Alto High School and we're receptive to that fact because that is part of living in
12 this neighborhood. We bought our house in this area knowing we're close to schools. While I
13 know public schools go through a different traffic regulation process, if any process at all, I just
14 want to point out that to residents in this neighborhood Castilleja deserves to be thought of
15 just like another neighborhood school.

16

17 That said we really appreciate that and the proposal Castilleja would be not permitted to
18 increase enrollment if car trips to campus exceed the City cap; which means that traffic will not
19 impact us as the upper school enrolls more students. Our concerned neighbors can rest assure
20 that they too will not be affected.

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2 It is also reassuring to know that a school has committed to hosting a few events in Mitigation
3 Number 4a. In the past, I must say we've never been bothered by any sound coming from
4 Castilleja events and we do not find Castilleja events disruptive at all, but we are grateful that
5 Castilleja has committed to a limit to calm concerns about the future.

6

7 We feel lucky to live in such a beautiful neighborhood and we look forward to it becoming more
8 beautiful with the updated Castilleja building. Thank you for your time and attention to this
9 important project for the City of Palo Alto.

10

11 Mr. Nguyen: Thank you for your comments. Our next speaker will be Jim. Jim, if you're there
12 can you please unmute yourself on your computer?

13

14 Mr. Jim Fitzgerald: Yes, yeah, I just unmuted myself so hi, my name is Jim Fitzgerald. I'm a 30-
15 year resident of Palo Alto and the father of two Castilleja graduates and I'm here to urge you to
16 support the Castilleja Floor Area Ratio Variance for a variety of reasons. First, the Variance is
17 actually a reduction in the current condition. Technically the Variance would allow Castilleja to
18 maintain the Floor Area it has now but the project actually reduced the school's above ground
19 square footage. Second, there is a precedent. The City has granted Castilleja a Conditional Use
20 Permit to operate as a school with this amount of space to support its operation in the past.

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1 There is no conceivable justification in this process to reduce this space down. Third, Castilleja
2 pre-dates these codes. The school has been on the site for over a century, almost as long as the
3 City has been in existence and longer than any of the surrounding homes.

4
5 The Variance is consistent with the City Comprehensive Plan. The primary tool for preservation
6 in development and once again, the project does not increase above ground square footage but
7 instead decreases it. This project's Final Environmental Impact Report finds no Significant
8 Impacts so I do see... I do not see any reason or justification to deny this Variance and not doing
9 this would just block benefits that the City wishes for anyway.

10
11 This proposal not only decreases above ground square footage, but it also decreases roof
12 height, increased setbacks, and green spaces. At the same time, it replaced inefficient aging
13 buildings with net-zero sustainable spaces. I absolutely see this Variance as one for the
14 significant... that significantly improves the quality of life of the entire neighborhood.

15
16 Finally, it needs to be acknowledged that Castilleja has been an exceptional neighbor through
17 this whole process and the community citizen. They've been consistently addressing the
18 neighbor's objections and they've been responsive to the City with a positive and
19 accommodating attitude. Only to be met by these neighbors who will not agree with anything
20 short of the school just going away.

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So, I'm seriously troubled also by this last-minute change in procedure you guys instilled tonight which is already starting to be gained by people who are seeing that there is an advantage to talk to you... to be the last people that talk to you. So, I'm really... as I was witnessing that discussion at the beginning of this process I was quite concerned. Anyway, it's hard enough for Castilleja to get through the neighbors who are constantly moving goalposts. We wish the City Officials wouldn't do the same. And in conclusion, the world is in great need of world-class women institutions of leaders and I really urge you to support Castilleja so they can get on with their mission. Thanks.

11 Mr. Nguyen: Thank you Jim for joining us tonight. Our next speaker is Barbara.

12
13 Ms. Barbara Hazlett: Good evening Commissioners. Can you hear me?

14
15 Mr. Nguyen: Yes, we can hear you. Thank you.

16
17 Ms. Hazlett: Great. My name is Barbara Hazlett. I've lived near Castilleja just across Embarcadero for over 40-years. It is a privilege to speak in support of Castilleja and another century, let me repeat that, another century of educating young women to become leaders. Castilleja is a treasure and as a Palo Alto voter who strongly supports protecting

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1 neighborhoods, I feel that schools, churches, libraries, and community centers are critical civic
2 elements that enhance the appeal of residential neighborhoods. Schools serve the public good
3 and should not be driven away from the students they serve.

4
5 There is a vocal residentialist movement in our City, which I am apart of and I support, and I
6 want to make clear that residentialists support Castilleja's proposal. I am tired of all the
7 comments about neighbor's concerns. I am a neighbor and my only concern is that this
8 application is approved. Once again, I want to state that I am in favor of an approach that
9 protects our town's neighborhoods. I know that supporting excellent schools supports healthy
10 neighborhoods. I support the school and in doing so I want to preserve the Embarcadero
11 corridor and the vitality of my neighborhood.

12
13 However, I want to conclude by saying I am absolutely appalled by the Commission's process
14 this evening. Mr. Riggs threw a grenade with a capital G into the Agenda. Thank you to
15 Commissioners Alcheck and Roohparvar for bringing some modicum of sanity to the discussion.
16 The complaint about not having enough time for the Commission and public to review the
17 information is absurd. As your legal counsel clearly stated this evening, all information
18 comports with legal regulations and more timely. This issue has been on the docket for 8-years.
19 Let me repeat, 8-years. Stop the delays, stop the continuances, please stop the extraordinary,
20 extraordinary punitive overreach. Thank you.

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Mr. Nguyen: Thank you for your comments. Our next speaker is Glowe. Glowe, if you're there can you please unmute yourself on your computer? Last call for Glowe, otherwise we will have to move onto the next speaker in the interest of time. Ok seeing as we're not getting a response we'll move on to the next (interrupted)

Ms. Glowe Chang: Sorry can you hear me now?

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

Ms. Chang: I apologize, I'm not used to this computer. Good evening PTC Commissioners and Chair Templeton. My name is Glowe Chang. I live directly across from Castilleja and as with my other residents on Bryant Street, my husband and I support Castilleja's plans to modernize the campus and enroll more students.

You're hearing that events and traffic are a burden and I want to speak to you from my own experience to dispel those myths. Our home is across the street from the school's driveway on Bryant and we are not, not negatively impacted. Twice a day during the high impact times of the start of school and the end of school, the cars will move through and Staff makes sure that everything goes smoothly. They also help me come in and out of my driveway if I need it.

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1

2 As far as events, I never notice any of them at all. I have heard through tonight's reports that
3 the school hosts 90 events or so per year and I do not notice them at all. Between the Castilleja
4 community's effort to minimize impacts and the paid traffic monitors. Castilleja has succeeded
5 in running a school without disrupting a residential neighborhood.

6

7 Regarding any noise, this is a school after all. It should not be silent. At least there are no Friday
8 night football games. Nevertheless, schools should be allowed to promote activities to further
9 the social, emotional, and academic growth of its students and they should be done in modern
10 buildings and a beautiful environment.

11

12 I am aware that construction will take time and I don't look forward to that, but I don't feel that
13 it means we should derail this important project. Castilleja is an excellent neighbor and their
14 success to minimizing impacts from traffic and events allows me to trust that their process will
15 be faster and more thoughtful than most of the single-family homes we see going up in Palo
16 Alto.

17

18 I hope you realize that the opponents you hear from this evening do not speak for everyone
19 who lives adjacent to the school. We moved here 24-years ago after my daughter was accepted
20 into Castilleja so that we could avoid commuting from Cupertino. Our property value has never

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1 suffered from being a neighbor and the school has been an incredible neighbor. Thank you very
2 much for your time.

3

4 Mr. Nguyen: Thank you Glowe for your comments. Our next speaker is Roger.

5

6 Mr. Roger McCarthy: This is Roger McCarthy; can you hear me?

7

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

9

10 Mr. McCarthy: Ok, my name is Roger McCarthy and I live a few blocks from Castilleja School up
11 Waverly Street. I have no connection to Castilleja, past or present. I have never set foot in the
12 place. However, my concern is from more of a national and social level. I strongly feel that it is
13 time to approve this project. What can possibly be learned in more delay? This has been going
14 on for years. It is... in fact, it is well beyond time. If these poor Castilleja people weren't so
15 dedicated, none of whom [unintelligible], they would have given up a long time ago.

16

17 The fact is Silicon Valley is dominated by men from entry-level positions to the highest
18 leadership roles. I have worked my entire career in the tech industry in this valley. I have been
19 the CEO and Chairmen of a publicly listed company in the Bay Area and I know this to be true.
20 We... and most recently I've been Chair of the Membership Committee of the National

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1 Academy of Engineering. I know we desperately need women in our tech field to make our
2 culture, our products, and our world better. A key part of this decision, a key part of this
3 solution, is an all-girls school.

4
5 Study after study, which I have already provided via references to the PTC, shows that all-girls
6 schools are overwhelmingly more likely to produce women in size and engineering careers. And
7 incredibly we have one of the best all-girls schools in the nation and my understanding is the
8 only non-secretarial one in California right down my street. Co-ed schools will not solve our
9 STEM imbalance which stands in mute testimony to their relative ineffectiveness. They're
10 already tried and they've failed and our huge gender imbalance is not going to improve without
11 change. I'm sorry, that's the deal and what Palo Alto is doing now is not enough. We need to
12 allow Castilleja to admit more school... girls to the school, we need more Castillejas because we
13 can't sit back and wait for change. We have made changes that actively promote change. We
14 certainly can't wait for the red states to do it.

15
16 You have a chance to make a difference here. The world needs girls and young women to see
17 themselves as computer programmers, sciences, and engineers. You are no we are facing steep
18 challenges. We need the brightest and most creative and most resilient and most insightful
19 people in the room. We can't squander our national reservoir of talent. Many of these people
20 are women and Castilleja is the only solution that I see within our control. Tonight, you are the

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1 people that are going to open this girls... open this door to more girls in STEMs. It is well beyond
2 time. Thank you.

3

4 Mr. Nguyen: Thank you Roger for joining us tonight. Our next speaker is Lian.

5

6 Ms. Lian Bi: Hi, can you hear me?

7

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

9

10 Ms. Bi: Ok. Good evening, my name is Lian, and thank you for the opportunity to speak in
11 support of Castilleja. I live a few blocks away from campus and I support underground parking
12 structure. I know that you would not increase daily car trips to campus because the number is
13 capped within the proposal. The school would not be permitted to admit more students if the
14 daily car tips increase. So, there would not be an increase in traffic. Instead, the structure will
15 remove street parking below ground. Improving the aesthetics. I also appreciate that the City
16 Comprehensive Plan and the Final Environmental Impact Report preferred underground parking
17 structure to surface parking lots. The Historical Review Board Members and Architectural
18 Review Board Members have already acknowledged these Findings. I hope that you will also
19 acknowledge the clear Finding that the underground option is preferred to strict parking and
20 that the no garage option was deemed, environmentally inferior. With a child who bikes in the

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1 neighborhood, I'm happy to see that the Final Environmental Impact Report supported
2 underground parking structure. It will promote safety along the bike boulevard with only right
3 turns into and out of Castilleja. Cars would never cut across the flow of bicycles in the bike
4 boulevard on Bryant. In addition, moving parking below ground makes travel safer for cyclists
5 because doors of parked cars will not be opening unexpectedly as the cyclists pass. The facts
6 and data in the Environmental Report support this plan and I feel that you should as well. Thank
7 you so much.

8

9 Mr. Nguyen: Thank you for your comments. Our next speaker will be Rob.

10

11 Mr. Rob Levitsky: Can you hear me?

12

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

14

15 Mr. Levitsky: I'm here on behalf of the trees of Palo Alto and as a 30-years neighbor of
16 Castilleja. I don't have an issue with the school but with the project. CEQA, the California
17 Environmental Quality Act, says that if you have a local protective ordinance, for example,
18 historic houses or trees, that ordinance needs to be considered in the EIR. I believe the
19 Castilleja EIR improperly handles protected trees by suggesting in the Tree Ordinance,
20 8.10.50(b), that any protected tree in the building area, like in the location of a proposed

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1 building, can be removed. According to Dave Doctor, who will speak shortly, this is an incorrect
2 interpretation of the Tree Ordinance. Dave should know, he was the plan checker and Tree
3 Ordinance administrator for 20-years. Dave supervised the Tree Ordinance for all the large local
4 developments with trees; Ricky's Hyatt House; Stanford Hospital; Stanford Shopping Center;
5 Summerhill Homes; Ronald McDonald House; Sandhill Road Corridor.

6
7 The EIR for these projects properly dealt with the protected oaks and redwoods, saving trees
8 where possible, listing others for removal as significant and unavoidable, requiring a Statement
9 of Overriding Consideration to remove any protected trees. Not so with the Castilleja EIR. Trees
10 102, 140, and 155 are list for removal but not listed as significant. This is an error. Recommend
11 certification of this flawed EIR will set a precedent that any protected tree can be removed if
12 the developer wants to build where that tree stands. On October 8th I emailed Amy French for
13 clarification on the EIR interruption and has yet to receive nothing back. Leading me to
14 conclude that planning is trying to keep the issue from decision-makers which is just the
15 opposite of what the EIR is designed to do. I await an answer regarding the proposed removal
16 of protected oak trees 102, 140, and 155. Thank you.

17

18 Mr. Nguyen: Thank you Rob for joining us tonight. Our next speaker is Amanda.

19

20 Ms. Amanda Brown: Hi, can you hear me?

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

Ms. Brown: Thanks. Good evening, I want to start by extending my thanks to Commissioners and Staff for all your hard work on the project so far. My name is Amanda Brown, I live in Old Palo Alto and I am speaking in strong support of Castilleja’s proposal.

As a native Palo Altan and a close neighbor of the school for nearly 20-years and some who regularly walks my dog around Castilleja’s campus in the morning and early evening. I want to share my appreciation for the length that Castilleja has gone to specifically reduce sound impacts and point to the evidence provided by subject matter experts.

In addition to being a long-time neighbor, I am a proud Castilleja alumnus, dedicated local government professional, and possess both a Master’s Degree in Urban and Regional Planning as well as a Masters in Public Affairs. All of which I attribute to the exceptional education and life experiences received at Castilleja. I applaud Castilleja for its dedicated efforts for providing neighborhood benefits with meaningful and measurable results.

According to the sound engineers who studied the plan and shared data and conclusions in the EIR. The new plans improve current conditions such as moving deliveries inside campus and

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1 below-grade behind a solid gate. With these changes, the EIR estimated that noise levels from
2 trucks and buses are expected to be similar or lower to current levels at the nearest residences.
3 In addition, estimated noise level from this below-grade loading area are within the limits of the
4 Municipal Code.

5
6 Another improvement from the new campus is the sound all around the pool that will insulate
7 the neighborhood from pool-related noise. As a result, the estimated maximum noise levels are
8 significantly quieter than the existing levels for the vast majority of neighbors.

9
10 This EIR outlines excellent news about noise levels around the campus and as a resident... and
11 my dog will be very happy to know that because he gets scared of noise in the neighborhood... I
12 am extremely grateful to Castilleja for the work that has been put in reducing noise. Thank you
13 for your time.

14
15 Mr. Nguyen: Thank you Amanda for joining us tonight. Our next speaker is Roy.

16
17 Mr. Roy Maydan: Hi, my name is Roy Maydan. I've lived in Downtown North for 25-years and
18 I'm here tonight to speak in support of Castilleja's plan and specifically the underground parking
19 component of the plan. The Final Environmental Impact Report and the Palo Alto

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1 Comprehensive Plan both found the underground parking to be superior to surface lots. So that
2 ought to be a very clear statement about the benefits of the underground parking structure.

3

4 First and foremost, the parking structure will not increase car trips because Castilleja will not be
5 allowed to enroll more students if car trips increase; new trips will not be permitted. The garage
6 has no relation to the number of trips that will be permitted. It simply moves cars below grade.

7

8 Visually, I think the opposing voices believe and want others to believe that it is something that
9 is absolutely it is not. This is not an industrial garage. The entrance and exit are single lanes
10 setback from the street behind gentle landscaping. The garage is simply a means to remove cars
11 from neighborhood streets. A request that was made by neighbors themselves early on and the
12 distributive drop off proposed by the school results in no traffic impact around the school.

13

14 It's compliant with City Code for a school to have underground parking. Congregation Kol
15 Emeth that's on Manuela has already been granted permission for underground parking in an
16 R1 neighborhood in Palo Alto. So, there is obviously very recent precedent established.

17

18 The City created Parking Requirements and this underground parking structure has been
19 determined to be the most environmentally sound way for the school to meet the City driven
20 Parking Requirements.

-
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1

2 Finally, with the small structure, the project conserves trees and meets all standards in the Palo
3 Alto Tree Technical Manual, and increases the overall campus canopy. Thank you for your time
4 and I urge you to please support this proposal.

5

6 Mr. Nguyen: Thank you Roy for your comments. Our next speaker will be Sulev who
7 unfortunately I don't see in this meeting anymore. Let me just do a double-check. Yeah, it looks
8 like this user is no longer in this meeting so we'll move onto the next speaker who is Kathleen.
9 Kathleen, if you're there can you please unmute yourself? Kathleen, this last call for you to
10 unmute yourself to speak. Seeing how there is no response we'll move onto the next speaker
11 but we'll try to come back to Kathleen and Sulev towards the end if we can. The next speaker
12 will be Bob.

13

14 Mr. Bob Kocher: Hello. My name is Bob Kocher, can you hear me?

15

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

17

18 Mr. Kocher: Terrific. Good evening Commissioners. My name is Bob Kocher, I've lived in Palo
19 Alto for 10-years, we live three blocks away from Castilleja on Emerson Street, and I strongly
20 support Castilleja's modernization. I really appreciate the heroic work the school has done

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1 listening to the neighbor's concerns and modifying their plans. I've been stunned at how long
2 this has been deliberated over and frankly, how inflexible a small number of neighbors have
3 been despite Castilleja making extensive revisions to their plans. Including adding an
4 underground garage at the neighbor's request, agreeing to strict traffic controls, limiting
5 events, and embracing oversights that is more aggressive than any other school in our
6 community.

7

8 We should celebrate the fact that we have one of the finest girl school in the country in Palo
9 Alto. So, then our interest to allow Castilleja to modernize so that it can continue to succeed,
10 we should celebrate more graduates in the STEM going into fields that make a difference in our
11 society. We should also celebrate that they want to invest millions of dollars in our
12 neighborhood and build a beautiful and functional school.

13

14 As a neighbor, we all knew that we'd be living in a home adjacent to a school with drop off and
15 pick up and events and joyful sounds of students in the neighborhood. It's amazing how little
16 we actually hear from noise from Castilleja and have few cars that are... there are today. I urge
17 you to recognize their responsiveness to the school and approve the plans to modernize the
18 campus and increase enrollment.

19

-
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1 Just as successful Palo Alto Unified Schools are in our interest, a vibrant successful Castilleja is
2 in [unintelligible] interest too. I hope we can move forward and start this project soon. No
3 better time than during COVID when actually we have much less traffic in our City. Thank you
4 for considering this project and for engagement.

5
6 Mr. Nguyen: Thank you for joining us tonight Bob and it looks like Trisha is also no longer in this
7 meeting as well. So, we'll move onto the next person who is Maya. Maya, if you're there can
8 you please unmute yourself?

9
10 Ms. Maya Blumenfeld: Yes, I lowered my hand. I'd like to reserve the opportunity to speak till...
11 for the next meeting. I understand that we cannot speak at both.

12
13 Mr. Nguyen: Yes, thank you. Our next speaker will be Nelson.

14
15 Mr. Nelson Ng: Hi. My name is Nelson Ng and I have been living across from Castilleja since
16 1996 so it's [unintelligible] about 24-years. From the beginning we have been living very in
17 harmony with this... the school without any complaint and then in 2016 I found out that the
18 proposal of the proposed original... first proposal of the garage was directly... directed to my
19 front of my house. That's the time that me and my wife started to try to learn about the
20 process to try to talk to the school. Why is this happening and while the school is still selling the

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1 project as they have been working with the neighbors for years to come up with this project?
2 So, I just want all these supporters to hear about that because the school, which we should hold
3 them in high regard of telling the truth and it has not been.

4
5 The other thing is that when there is something that doesn't not make sense, we owe it to
6 ourselves to ask questions. The school continues to say that the garage is the most important
7 part of the project and that's the first thing they do. And then at the same time, in the same
8 breath saying that there will be no new net traffic coming to the neighborhood. How does that
9 happen? Why do you need a garage when you [unintelligible]... no net new traffic when all
10 these supporters who claim that they have been living in the neighborhood have been... have
11 not been having any negative impact by the traffic? So why do we even need to build the
12 garage?

13
14 The other thing is that as a number of people talked about how stringent... no, the Staff has
15 talked about how stringent the TDM is, the goal is and that there is penalty associated with it.
16 At the same time yes, the reduction of enrollment can't be possible if that... if the goal is not
17 met but the garage is so permanent that you cannot put... take the garage out if they cannot
18 meet those TDM goals. So why not just go ahead with other parts that is not so permanent and
19 leave the garage out of the question?

20

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1 The other thing is that about how stringent the event is. The CUP... 2000 CUP says specifically
2 five major events and several events. Now we have to thank Castilleja for lowering it from
3 hundreds of events to 90, or the Staff proposing 70? Does that really make sense? Seven
4 times... nine times or 13 times the number of events that is allowed? Several does not mean
5 several 100. Several plus five, maybe 10, definitely less than 20. So, I just hope the Commission
6 will really think about this and also this is setting precedent for [unintelligible](interrupted)

7

8 Mr. Nguyen: You [unintelligible] your time is up.

9

10 Ms. Ng: Thank you.

11

12 Mr. Nguyen: Thank you Nelson for your comments. Our next speaker will be Jason.

13

14 Ms. Jason Stinson: Thank you. My name is Jason Stinson, I live a few blocks away from Castilleja
15 and directly across from the athletic field at Pally. When we bought our home 18-years ago we
16 obviously understood we'd be living next to a school. Soon after we moved in Pally installed
17 lights around the football field in order to enable night games which increased Friday night
18 traffic and it bled significant light directly into our living room. Additionally, the 3-acres of
19 baseball/softball fields that are located directly across from our house were permanently closed
20 to the public and now only serve approximately 30 Palo Alto softball/baseball student-athletes

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1 as well as their Staff. Note, this is an area that's roughly half the size of the entire Castilleja
2 campus that was closed to the public without any notice. In both of these cases, the football
3 field lights and the baseball/softball field closure, the surrounding community did not mount a
4 massive campaign with signs and Letters to the Editor and letters to the Planning Commission
5 to block the plans of the school. They basically supported the enrichment and education of the
6 Pally students. In fact, we, my family and I, are very appreciative of the quality and opportunity
7 that Pally offers to the Palo Alto community and we believe that living close to the school adds
8 to the value of our home while enriching our lives.

9

10 Despite the fact that Pally with over 21,000 students is a busy campus, we do not suffer under
11 the burden of their events. We made a decision to purchase a home across the street from the
12 school and we're baffled by those who made a similar choice and yet have expressed concern
13 about the number of events at Castilleja. A school with four times fewer students and
14 significantly less activity. Within the Conditions of Approval, Castilleja is being asked to reduce
15 the events by 22 percent. That seems like a lot. The term event applies to everything from
16 parent/teacher conferences to end of the semester presentations to PTA meetings. These are
17 essential activities that the school needs to function. Let me say that again, the school is being
18 asked to cut back 22 percent of the events it holds in order to operate as a school. This feels like
19 an undue burden to place on a well-established school that has already done so much to reduce
20 neighborhood impacts. Castilleja has originally proposed a 10 percent reduction. It seems like

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1 there should be some happy medium between those two numbers that would allow the school
2 to continue with essential functions while still reducing the number of events significantly. As
3 someone who lives across from the school, I hope this issue will be revisited.

4
5 Lastly, frankly, I think it's embarrassing for the Palo Alto community that presumably value
6 diversity in gender equality. That we seem to be falling into the acknowledge tropes of holding
7 women and institutions that focus on women to higher standards, to moving the goalposts, and
8 changing their requirements just as they're being met. We do not do the same for other
9 educational institutions such as Pally or honestly any other institution in the City it seems like. I
10 really hope that we acknowledge, support, and encourage one of the nation's top five women's
11 high school. Thank you so much.

12
13 Mr. Nguyen: Thank you Jason for joining us tonight. Gloria is no longer in this meeting room
14 with us so we will move onto the next speaker who is Barbara. Hi Barbara, if you're there can
15 you please unmute yourself on your computer?

16
17 Ms. Barbara Gross: Good evening. I have lived and worked in downtown Palo Alto for over 30-
18 years. This is not a debate about the quality of education Castilleja has provided to young
19 women over the past 107-years; nor is it about the need for more future female leaders and
20 STEM scholars. It is about the need to update our time... proven educate... this... it is about

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1 needing to update our proven educational assets both public and private while giving fair
2 consideration to the needs to the immediate neighborhood. It is about more challenging for a
3 private school to update their facility because they are subject to different parameters. It is
4 about intricate community collaboration and outreach with neighbors. This outreach has been
5 done and resulted in architectural changes to accommodate the needs of the expressed
6 concerns. It is about these ever-shifting neighbor's concerns presented during this 8-year
7 process. It is about the project receiving a favorable EIR report, the requested preservation of
8 two original homes owned by the school, and the arborist plan to retain, maintain and add
9 quality trees. It is about the administration having achieved the pre-COVID reduction of
10 individual car trips by 31 percent and would continue with the eventual increase... and this
11 would continue with the eventual increased enrollment. This will remain in place and will be
12 closely monitored. I have worked on our Downtowns TDM Program and appreciate how
13 challenging this accomplishment is. It is about the fact that this project boasts a lead platinum
14 certification, net-zero energy consumption using no fossil fuels, utilizing the rainwater storage
15 system with recycling strategies. It is about appreciating, understanding, and caring about the
16 escalating costs of this project. 8-years exceeds the Palo Alto process norms. It is time to pull
17 the trigger and move this project forward. Thank you.

18

19 Mr. Nguyen: Thank you for your comments. Our next speaker will be Tony.

20

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1 Mr. Tony Hughes: Hello, can you hear me?

2

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

4

5 Mr. Hughes: Hey great, listen, I'm appreciative of all your work and effort but I will be speaking
6 at the next meeting. Kathleen tried to do the same thing with her mute button was not quite as
7 successful. So, we look forward to talking to you then. Thank you for your service.

8

9 Mr. Nguyen: Got it, thank you. Our next speaker will be Yair.

10

11 Mr. Yair Blumenfeld: Yes, I would also like to reserve my speaking time till the next meeting,
12 please.

13

14 Mr. Nguyen: Ok. Moving onto the next speaker who is J. Marston. Unfortunately, I no longer
15 see this individual in our meeting room so I'll move onto the speaker after that who is Dan.

16

17 Mr. Dan Garber: Hi, this is Dan Garber. I'm a homeowner in Palo Alto. In 1922 Palo Alto
18 established its first Zoning Code. Castilleja School had opened its doors 12-years earlier when
19 Mary Lockey established it to prepare young women to enter Stanford. At that time the zoning
20 district that included Castilleja's property, included single-family houses, churches, municipal

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1 buildings, and schools were all allowed. The Sanborn Maps from then show about a dozen
2 houses surrounding Castilleja's property. Today, 100-years later, there are a bit more than
3 twice that many. As I understand it the first Conditional Use Permit that Castilleja had to
4 operate under was written 40-years later in the '60s and then in the late '70s, the state took
5 away the local purview that allowed the impacts of the recent Pally improvements to avoid the
6 public scrutiny that the Castilleja project has had to go through today.

7

8 I raise this history not to overlook the physical impacts that these institutions have on us; but
9 rather to emphasize that the value of these institutions have to our community which is often
10 marginalized in our zealousness to argue the pros and cons of what their proposed impacts on
11 us maybe. These institutions, in Castilleja, underpin not only all of our property values but in
12 part the values we hold dear to our City. The Commission needs to balance the interests of the
13 immediate neighborhood and Castilleja fairly. So, the interest of one does not outbalance the
14 other, and so that the identity and value of the City, our community as a whole, are not
15 diminished.

16

17 In general, I support the Staff's recommendations and urge the Commission to move the
18 application forward. Thank you.

19

20 Mr. Nguyen: Thank you Dan for your comments. Our next speaker will be Roy.

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1

2 Mr. Roy Wang: Hello, can you guys hear me?

3

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

5

6 Mr. Wang: No, thank you so great, Dan just addressed the need to balance the [unintelligible]

7 the school and the immediate neighborhood. So, I'm one that lives in the immediate

8 neighborhood so hi, my name is Roy Wang. I'm a neighbor on Kellogg Avenue [unintelligible] a

9 block from Castilleja. I've been here for 15-years. I really want to speak in support of the school.

10 In the immediate neighborhood, we hear voices opposing the Castilleja plan. It's important to

11 remind ourselves that among the people living next to this school, there are many of us that

12 support the plan. We may not have loud voices but we do support it.

13

14 In the neighborhood, [unintelligible] from the very beginning with Castilleja in discussing its

15 expansion plan. The top three concerns are traffic, parking, and noise from the delivery trucks.

16 The proposed underground structure is a very good solution in addressing the traffic and

17 parking as cars are directed to under the school. Also, in moving the deliveries to a location

18 below the grade, the noises from the delivery trucks are reduced. So, we as neighbors in the

19 immediate neighborhood should benefit from this massive [unintelligible] by the school and

20 this was actually mentioned by the neighbors in the very beginning first of few meetings.

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The initial design of the underground garage caused some new concerns. For example, the exit will be facing one of the houses, you know, like my dear neighbor Kimberley and Nelson as Nelson just spoke. I talked to them and the possible concerns to Nanci Kauffman, head of the school. Castilleja heard the messages from several channels and made an adjustment to the design. Such an action demonstrates that the school is working with the neighbors in very good faith.

In addition to lessening and addressing our concerns, Castilleja has put measures in place to reduce traffic demand. I have observed in the reduction of the traffic over the years so Castilleja’s actions prove to me that they deserve my full trust and full support. So, here tonight while we’re debating the technical details, let’s not lose sight of the big picture. Castilleja is really a treasure in our neighborhood and a treasure in our City. Many of us cherish it. In closing I would like to quote my next-door neighbor Alex Johnson on the topic of potential impacts of traffic, he put it beautifully. He said, “For more girls to get a world-class education, world-class, the little inconvenience is well worth it.” Thank you.

Mr. Nguyen: Thank you Roy for joining us tonight. Leif King and Amanda Zetlin are no longer in this meeting room so we’ll move onto the next speaker who is Stewart.

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1 Mr. Stewart Raphael: [unintelligible] I'm Stewart Raphael and I'm a resident of Palo Alto and I
2 urge you to support Castilleja's application which increases the enrollments in the high school
3 by 100 students over 4-years. The terms of the new Conditional Use Permit caps car trips. There
4 will be no new trips coming to campus so the increase in students isn't going to create an uptick
5 in cars. The new Traffic Demand Management measures will mitigate impacts. More girls in and
6 around Palo Alto will have access to a great education without any more cars coming through
7 the campus.

8
9 As I see it, Castilleja's mission is to really educate young women to become confident thinkers
10 and compassionate leaders. In thinking about leadership, it's... quite frankly we need to have
11 more women at the table. Less than 1 percent of the girls in the US attend all-girls schools and
12 20 percent of the women in the Senate and the House of Representatives graduated from an
13 all-girls school. Castilleja is the only non-secretary and all-girls middle school and high school in
14 Northern California and Castilleja students are more than just women leaders. They're also
15 mentors. They develop confidence, leadership, and courage that they gain from this really
16 exquisite education and that's something that they can really share with other women and girls
17 around the world. Graduates from girls' schools really develop tolerances and collaborative
18 skills. It's a really unique education.

19

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1 The Final Environmental Impact Report has no Significant Impact so please support the
2 application. This will allow more girls to build compassion and tolerance and become
3 collaborative thinkers and leaders for tomorrow and our world really just really needs that right
4 now. Thank you.

5

6 Mr. Nguyen: Thank you Stewart for your comments. Our next speaker will be Bill.

7

8 Mr. Bill Schmarzo: Hi, thanks, everybody. Good evening Commissioners and fellow residences
9 of Palo Alto and I do want to thank the Commission for allowing a very civil debate on what's a
10 very difficult topic.

11

12 Regarding Castilleja, let's be really clear here. This is not a referendum on women's education,
13 right? We all believe and understand the importance of women's education and education for
14 everybody, right? Education is important. This is also not a referendum on the quality of
15 education that Castilleja provides. You know Castilleja is a fine school for women and as we are
16 blessed in Palo Alto with a number of fine schools for women such as Pally and Gunn and
17 Sacred Heart Prep and Menlo School and Pinewood.

18

19 The issue, the only issue on the table, is traffic. As reported in the Draft Environmental Impact
20 Report, traffic caused by the expansion of Palo Alto's Castilleja School would have a Significant

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1 and Unavoidable Negative Impact to the neighborhood. And I've heard nothing tonight that
2 stems the increased enrollment or the corresponding increase in Staff or faculty to reduce that
3 threat from traffic. This is the matter, this is the issue, right? That the traffic will have a negative
4 impact on the quality of life and safety to all of Palo Alto with nothing of value being returned
5 to Palo Alto and here's the thing that's very sad here. Castilleja has the wealth and resources to
6 explore other expansion options. For example, look at what Harker and Pinewood did to
7 expand by creating second campuses and I'm sure that nearby Cities would cherish the
8 opportunity to have a bustling Castilleja campus in their neighborhood but one last observation
9 here.

10

11 We see lots of signs in neighborhoods supporting Castilleja the School, that's good. We see lots
12 of signs in the neighborhood supporting women's education, that's good, but not a single sign
13 supporting Castilleja's unwelcomed expansion and the impact on traffic. Thank you.

14

15 Mr. Nguyen: Thank you for your comments. Our next speaker will be Carolyn. Carolyn, if you're
16 there can you please unmute yourself on your computer?

17

18 Ms. Carolyn Schmarzo: Oh, unmuted? Am I there?

19

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

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Ms. Schmarzo: Very good, thank you. Good evening fellow Palo Alto citizens and especially the very hard-working members of the Planning and Transportation Commission. Oh boy, you are working. I want to express my opposition to Castilleja’s expansion project. I’m against it for the following reasons. It offers zero benefits to our City. You guys we’re going to pay for this. You know they offer no venues for music, for theater, for classes, for meetings. Really, I can walk around the school but that doesn’t really offer anything for a nice walk. I liked Lucie Stern or the Gamble Garden Center.

Number Two, it does destroy the integrity of our Zoning Codes. If approved this proposal will result in an institution the same size of a medium-sized company in an R1 Residential Zone. This should not allow the existence of a medium-sized company.

By the way, looking to invest in Palo Alto, I’d say buyers beware. Number three, health hazards to the residents of the neighbors. Massive heavy construction will release harmful particulate into the air. Much long our orange, smoky haze of a summer. Dangerous traffic, sound pollution before, during, and after construction will create horrendous living conditions. We will pay with our physical and physiological health.

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1 Number four, deleterious effect on property values. I hope you're not planning to sell in the
2 next 5-years because major construction, tree removal turns a once lovely and desirable
3 neighborhood into a construction zone causing property prices to drop. I am guessing this could
4 make the City vulnerable to lawsuits for compensatory property damages.

5

6 Number Five, expensive, and major infrastructure damage. Heavy construction equipment
7 traveling on our streets will result in severe damage to the infrastructure and the repairs will be
8 paid for by the City; that's us. This behemoth of a project should not be in a neighborhood.
9 Perhaps, Mr. Alcheck, you could welcome this project in your Duveneck/St. Francis
10 Neighborhood or Mr. Hechtman, how about it for Crescent Park. Mr. Lauing, this is perfect for
11 Professorville and Ms. Giselle, Pal Verda. Good spot because Ada's Café is near there. Cari, how
12 about something new for Barron Park or Mr. Riggs, in Fair Meadows for a fine institution
13 delivering women's education and Ms. Doria, are you in?

14

15 See, this a neighborhood, it's our homes. In the words of French economist Frédéric Bastiat,
16 "When plunder becomes a way of life for a group and society. Over the course of time, they
17 create for themselves a legal system that authorizes its plunder." Hum, could that be called a
18 Variance? "And the moral code that glorifies it." Hum, could that be women's education?
19 Please protect our City that you and I invest with our money and lives. Please refuse to be the

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1 legal system that authorizes it's plunder and enforces the moral code that glorifies it. Thank you
2 for your time and age of COVID stay well, be well.

3

4 Mr. Nguyen: Thank you. Our next speaker is Andi.

5

6 Chair Templeton: Before we start with Andi. Mr. Nguyen, I want to just poll Commissioners. We
7 had agreed to check back in at 10 o'clock. We have fewer than 10 speakers left. Is everyone
8 comfortable with hearing the ones that are prepared to speak tonight?

9

10 Commissioner Alcheck: Absolutely.

11

12 Chair Templeton: Ok. Great, thank you so much. Please continue Mr. Nguyen.

13

14 Mr. Nguyen: Thank you. Ok going back to our speaker earlier is Andi.

15

16 Ms. Andi Reed: Thank you. Good evening Commissioners. My name is Andi Reed and I live on
17 Melville and just to make a note. The reason this meeting is different from other meetings with
18 late Packets is that the well-being of our community for the next 20-years will be determined by
19 these Conditions of Approval.

20

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1 Nobody disagrees that educating girls is valuable. Also, the school buildings need to be
2 modernized and upgraded. None of these things are being contended. Where we neighbors
3 disagree with the school is a land-use dispute. The current plans put 30 percent more people
4 into the same small site. The plans indicate an increase of total square footage from 160,000
5 to... currently to 226,000-square feet. 40 percent more school, same 6-acres.

6

7 The school has a deep well of resources and many options to educate more girls without
8 overbuilding this site and abusing their neighbors. Why stop at 540? Make this site the main
9 campus. Set up a satellite campus or STEM classrooms and robot workshops and language labs
10 in one of the many commercial spaces for lease right now at Stanford Research Park and they'd
11 even have the Stanford moniker attached to their satellite campus.

12

13 Instead, rather than work within the rules that everybody else in the City of Palo Alto is
14 required to follow, the school is asking for Exceptions. There are requesting a Variance for
15 almost twice the allowed Floor Area Ratio in order to replace five buildings currently spread out
16 around campus with one large modern building and to build a neighborhood incompatible
17 underground garage, which by the way only adds 22 net new parking spaces.

18

19 As to events, Packet Page 17 says the current CUP allows an unlimited number of events with
20 over 100 attendees. That is factually inaccurate and it is very disheartening that the sentence

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1 keeps being repeated. I do appreciate Amy for coming up with the actual wording tonight which
2 is five major and several other events are allowed. And now the school is asking you to legalize
3 this higher number of events that no other private school in an R1 Zone is allowed. Please note,
4 Menlo is on 62-acres; Pally is on 44-acres. None of those are in R1 Zones. Packet Page 18 says
5 for many years Castilleja has relied on a certain number of events and a lower number would
6 impact the school's academic and social interests. Why do residents' interests' rate below those
7 of a private school?

8
9 We appreciate your hard work on this subject and please make your own Finding, make your
10 own interpretation as City Attorney Yang suggested. If you don't agree with the Staff's
11 interpretation, to listen to unaffiliated experts and attorneys, and knowledgeable residents.
12 And the way to express your dissatisfaction would be to not make the Findings. Thank you.
13 Sorry for going over.

14

15 Mr. Nguyen: Thank you for your comments. Our next speaker is Parog.

16

17 Mr. Parog Patel: Thank you but given the late hour, I'll speak next time.

18

19 Mr. Nguyen: Ok, moving onto our next speaker is Hank Sousa.

20

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1 Mr. Hank Sousa: Good evening Commissioners. Something on the history of the neighbors with
2 the school. Many of us neighbors have had nice relations with the school over the years. Some
3 enrolled their kids in Casti [note – Castilleja] summer camp while some of us use the tennis
4 courts. I attended middle school dances when I was a 7th-grade boy. Most of us opposed to the
5 size and scope of this proposal want the school to stay but with a modest enrollment increase
6 and shuttle in place of any garage. If enrollment is increased 8 percent to 448, the
7 neighborhood can live with that as we have in the past. At that level, the current 86 at grade
8 parking spaces are enough to accommodate a good amount of daily Staff. The school might
9 even be able to squeeze in a few more car parking spots. The school, at an enrollment of 448,
10 can continue to remain a top-flight education provider. Configure the new buildings around the
11 current at-grade parking areas and recommend the same enrollment increase as Castilleja got
12 when the current CUP was approved in 2000. True, the school violated the current CUP's
13 enrollment cap but let them commit to abiding by the City's rules with an additional 8 percent
14 enrollment. There would be some Conditions in the new CUP, such as a commitment to
15 shuttling in virtually all the students and limiting the number of events.

16
17 My next point is about City Staff trying to change the designation of the proposed underground
18 parking garage to a basement. When I went back through the school's project alternative
19 submitted to the City in April 2020. Out of the 23 Pages, 8 Pages should the drawing of the
20 underground garage. I'll refer to it as a garage, an underground garage, or underground parking

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1 lot. In the previous plan submittal, there are 25 mentioned of the underground garage using
2 the same verbiage. Even the school's attorney declared at the August 26th PTC meeting, the
3 garage is a below-grade parking facility, not a basement. It doesn't seem right or fair to try to
4 now label the garage a basement to skirt the requirement that the 35,000-square feet be added
5 to the FAR. When you look at the tape of September 9th's meeting, a couple of the
6 Commissioners seemed baffled and unsure how to wrap their heads around what they were
7 hearing. Please recommend the project with authentic shuttling in place of the garage along
8 with a modest enrollment increase of 8 percent. Thank you.

9

10 Mr. Nguyen: Thank you Hank for your comments. Our next speaker is Kimberley.

11

12 Ms. Kimberley Wong: Hi, this is Kimberley. Can you hear me?

13

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

15

16 Ms. Wong: Ok, oh thank you for putting that up. I was just going to ask for that. So, yes, upon
17 reading the latest CUP proposal of City Staff for Castilleja I came to the conclusion that 20
18 percent decrease in events is negligible. Take a look, 10 to 7 events per month, 2 to 1 event per
19 week is still too much. Both will cause Significant and Unavoidable Impact to the neighborhood.
20 As a neighborhood... as a neighbor living here 24-years, I remember the occasional dance and

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1 party and back to school nights. That was perfectly fine but over the last few years, the school
2 has increased events at an alarming rate by the few events the school had over 100. I would
3 challenge any supporter of Castilleja to endure this many events just outside their front door. I
4 am just as supportive of women's education but not the sheer number of events. The 100 plus
5 events have overwhelmed the neighborhood and well exceeded the 0 to 10, 12 events held at
6 Pinewood, Hill Brook, and Stratford Schools for example. These other schools host in a year
7 what Castilleja wants in one month. Furthermore, a private school should not be able to use
8 City resources for their personal gain. Especially, when they do not pay their fair share of taxes
9 as a non-profit. Pally should not be used as an overflow of events. Shouldn't the City of Palo
10 Alto be dictating what the school can be allowed instead of the school dictating their terms?
11 Why are they allowed to... why are they required to have 70 events when other schools are
12 fully operational with only 0 to 12?

13

14 Castilleja should not be rewarded with a new CUP when they have violated the old one. Not use
15 current events as a baseline to set up a new CUP and they should not be allowed for 10 times
16 more events than other private schools. I propose Castilleja be allowed only five on-site events
17 per the original CUP. These may run until 10:00 pm. Otherwise, the school should operate only
18 from 8:00 to 5:00 as any other business should. Sport events can continue to 6:00 to allow for
19 parent participation. If Castilleja violates these hours, it should be fined and with reduced
20 enrollment. Three violations should result in the school losing its Operating License.

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1

2 As per the City Municipal Code, all residents should really have the right to a peaceful
3 enjoyment of their home, especially during off-hours. Any other required events should be held
4 off-campus and paired with mandatory shuttling to reduce traffic and negate the need for a
5 garage. Should Castilleja follows these guidelines, they can host many off-site events as they
6 please.

7

8 Simplifying a CUP that can be easily adhered to will also reduce the City's responsibility on
9 making sure Castilleja complies with the new CUP. I urge the PTC to vote what is right for Palo
10 Alto and its residents. Thank you.

11

12 Mr. Nguyen: Thank you Kimberley for your comments. Our next speaker is Yanting and Olivier.

13

14 Ms. Yanting and Olivier: Hi, I'm going to speak next time. It is kind of late for us.

15

16 Mr. Nguyen: Ok thank you. That brings it to the next speaker who is David.

17

18 Mr. David Dockter: Good evening Commissioners. My name is David Dockter. In my recent 20-
19 years tenure experience with the City of Palo Alto, I was appointed as a Land Development Plan
20 Checker and Arborist administering the details of the Tree Ordinance since its inception in

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1 1996. I offer my perspective and sentiments and my comments are directed to the ongoing
2 integrity of the City's Tree Ordinance.

3

4 I submitted a letter to the PTC dated September 14th, 2020 addressing the program DEIR with
5 detailed comments relating to the biological tree resources on the site and the City's Tree
6 Ordinance, Chapter 8.10, that governs those trees during land development. Most of the
7 letter's comments were summarily disbursed by the preparer into a master response, Number
8 7 and 4b, with an academic endeavor that explained the concerns. At the last PTC meeting, you
9 voted to Certify the CEQA or Trees Element of that unaltered document. Inferring that's the end
10 of the discussion on the biological tree resources on the site and you're recommending the
11 Council approve the EIR section as it currently reads. Now I believe the FEIR preparers
12 misinterpreted the Tree Ordinance in both intent and working dynamics.

13

14 The PTC's reliance on this section of the document has now been... has incorporated this fatal
15 flaw. Because of this, I recommend to you and the Council that they not Certify the EIR without
16 a revision. Here's why, in specific, the FEIR preparer incorrectly justifies the removal of three
17 mature ordinance size oaks, 102, 140, 155 with a reasoning that is inconsistent with the past
18 23-years of administering the Tree Ordinance where the permitting of lawful removals. Now
19 following their stated justification means that if a development design or project were to
20 overlay itself over any protected tree on the lot. It would receive guaranteed approval to

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1 remove it simply for being in the way of the proposed building program. This is a Significant
2 Impact to the three ordinance size trees.

3
4 Now a reverse confirmation test is the applicant just as easily design more program details over
5 the coast redwood tree at the main office at Castilleja for instance, or any other tree on site,
6 and the same FEIR Ordinance interpretation would allow those trees to be removed also. How
7 could you deny it once that precedent's been set? This is not been an allowable justification for
8 23-years that the Tree Ordinance has been in existence. The intent of the ordinance is exactly,
9 actually the opposite to incentivizes (interrupted)

10

11 Mr. Nguyen: [unintelligible]

12

13 Mr. Dockter: Building around and with nature and with that I will not be able to finish my
14 comments. Thank you very much.

15

16 Mr. Nguyen: Our next speaker is Carla.

17

18 Ms. Carla Befera: Thank you. I have an immediate neighbor of Castilleja for more than 50-years
19 and when we moved here it was a small, quiet boarding school. I was one of the neighbors who
20 went with the school many, many times in an honest effort to find common ground. I want to

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1 firstly dispute that the underground garage was added in response to neighbor's request. The
2 truth is an underground garage is the only way the school can get the enrollment increase it
3 seeks.

4

5 I was aroused [unintelligible] when the school insisted that it need some 460 students in order
6 to ensure the correct pedagogical balance of students per class. As you heard tonight it
7 suddenly jumped to 540 only because that is the level is can maximize within TDM
8 requirements. As to ADT counts, thank you Commissioner Riggs for pointing out the obvious
9 that busy parents don't always queue up in driveways and high schools self-drive and park on
10 public streets. None of that would be counted in a driveway counter and it's unclear how it can
11 be factored into the actual counts.

12

13 The previous CUP contains vague Conditions that are widely open to interpretations, you've
14 seen, but it's major Condition, the enrollment cap, was ignored. If Headmaster Nanci Kauffman
15 came forward in 2012 as she claims and self-reported to the City that the school was over-
16 enrolled. It should be noted that the school continues to over enroll for several additional years
17 and there was no enforcement until the neighbors vociferously protested.

18

19 On the subject of events per year, the premise seems to be that if the school at least reduces its
20 existing number it's a major concession. Thank you for Commissioner Alcheck for asking about

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1 comparisons. As you see, neighbors have looked at other CUPs and note that private schools in
2 R1 are allowed very few or even precluded from any evening events. Stratford at Garland, only
3 a few blocks away, is an example.

4
5 At the last meeting, Alcheck alluded Menlo School, noting that it did not even count its events
6 because its neighbors were unconcerned. With all difference he failed to note that Menlo is
7 located on 62-acres, it's far from any neighbors and it has more than enough onsite parking.
8 Castilleja is on a 6-acre parcel, it cannot self-park its large events, and they generate bumper to
9 bumper street parking, noise, and disruption. A dispute is not the small parent meetings or
10 events which are unlimited but large-scale events. I agree students should be allowed a full
11 range of events and if that's the school's goal they should consider relocating to somewhere
12 outside a residential neighborhood.

13
14 I also question how does the City reconcile the allowed increase net daily trips, which is 114 by
15 the way, with a firm no net new commute trips model that is what is required for Stanford.
16 Why the double standard?

17
18 Finally, during the establishment of Castilleja's 200 CUP, the City Staff met with neighbors to
19 review the individual Conditions and receive input. We urgently ask City Staff to schedule

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1 meetings with immediate neighbors of the school to review the specific Conditions and receive
2 input. Thank you for your time.

3

4 Mr. Nguyen: Thank you Carla for your comments. Our next speaker will be Rebecca.

5

6 Ms. Rebecca Eisenberg: Ok. I have a lot of unavoidable righteous indignation. You must stop
7 comparing Castilleja with other schools. Castilleja is not a public school, nor it is a school
8 located on a lot zoned for schools. Castilleja is in a unique legal status in Silicon Valley. It is the
9 only, only private school located on 55 residentially zoned lots. Castilleja is not being held to
10 higher standards. That is outrageous and offensive. It is not even held up to follow its own legal
11 or contractual standards because of your decades of inaction; which I along with other
12 neighbors are sick and tired of hearing about. Stop giving so many undeserved, illegal benefits
13 to this wealthy and powerful private interest.

14

15 Let me start by describing who Castilleja is. Castilleja is a private, not a public school, it does not
16 open its doors ever to the public, it offers zero public services, zero services all to the public
17 while claiming that it changes lives for girls. It serves only the wealthiest few from dominant
18 Cast families. It refuses to offer any scholarships to needed girls from underprivileged
19 backgrounds. Not in Palo Alto, East Palo Alto, or Menlo Park.

20

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1 Comparing it to Stanford makes Stanford look like Mother Theresa. Stanford offers free shuttles
2 at the Marguerite, Stanford offers its campus to the public, Stanford allows activities in its pools
3 for non-Stanford people, it lets the community attend it's sporting events. Castilleja locks its
4 doors; all neighbors not allowed.

5

6 Castilleja needs to be held to the law. The law does not give Castilleja a right to operate it's
7 commercial, correct commercial business in... on... located on residential lots. The law clearly
8 states that for Castilleja to have its Conditional Use Permit it needs to provide a public benefit
9 which I think I've shown to you it does not. Castilleja also for 20-years has been in violation of
10 the Conditional Use Permit granted to it by the City of Palo Alto. A Conditional Use Permit that
11 Palo Alto has refused to enforce and to clarify Jonathan, the actual statutory damages for
12 violation of City Ordinances are \$500 per violation per day. Which means that during the many
13 years Castilleja was 35 students over it's allowed registration. Castilleja actually owed 35 x \$500
14 a day which is \$17,500 a day which amounts to more than \$5 million in penalties a year which
15 you did not collect and you expect us to believe that you are actually going to enforce a new
16 CUP? Nanci Kauffman signed a letter in 2013, which I emailed to all of you, where she agreed
17 that if Castilleja was not in compliance with its 2000 permit by 2018, I'm almost done, Nanci
18 Kauffman signed a letter saying that she legally agreed that she would agree to revocation
19 hearings. That is a legal status that Castilleja should be in right now; revocation hearings. Let's
20 enforce the law. Thank you.

-
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Mr. Nguyen: Our next speaker is Fred.

Ms. Fred Balin: Can you hear me?

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

Mr. Balin: Thank you. I'd like to chime in briefly on the motion that was raised at the beginning of this meeting which I feel was reasonable, not untoward, and certainly not unprecedented. If you were around at the time you may recall the 2009 JJ & F block project that had come into its final stages at 2100 block of El Camino Real. It was very combative, very controversial, went through many years in the planning process, is the last PC ever approved by the City of Palo Alto, Conditions of Approval are still being litigated, and when it came to the Council the Staff Report came out within the Brown Act requirements of 72-hours together with the Staff Report, but it was huge. There was a tremendous turnout at the Council. There was late submissions at the dais, dozens of speakers, and the Council wisely continued the hearing, keeping the public hearing open and allowing speakers to speak at the next session. Just as you did and then they proceeded as to make their decision.

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1 As a result of that project and certain projects before that, a citizen group worked very hard,
2 and successfully they get the City Manager to work together with the Clerk's Office to request
3 that Packets be released 10-days prior to a hearing. The same mechanism should apply to the
4 Planning Commission as well. In addition, we also got put into the Policies and Procedures for
5 the Council that any application project or major change to it be provided to Staff 5-days before
6 the hearing. That process was alluded to in the discussion at the last meeting and the City
7 Attorney gave his opinion that the material was not significant to go beyond that bar, but that
8 should be part of the procedures for the Planning Commission as well. Thank you.

9

10 Mr. Nguyen: Thank you Fred for joining us tonight. That's the last speaker we have raised hand.
11 I've looked through the list of attendees to see if I can find anyone who couldn't unmute their
12 microphone earlier for whatever reason and I do not see any of them still in the list. So,
13 hopefully, they're able to join us for the next meeting and give us their comments then and
14 with that, that concludes public comments for tonight.

15

16 Chair Templeton: Thank you very much, Mr. Nguyen. Ok, so we passed a motion earlier in this
17 meeting that expressed our intention to continue. I think we should talk about that and be very
18 clear about when we're going to continue. Is this to a date known, a date unknown? What is
19 our plan so if Commissioners, if you have thoughts on that and want to speak up? I also want to

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1 note in case you guys haven't looked at the schedule. It looks like we do have a planned
2 absence on the 18th. So, I don't know if we want to consider that day or a different day.

3
4 Commissioner Riggs: Yeah so that's me Cari [note – Chair Templeton], so I... in making this
5 motion I'm... I was unfortunately really deliberate that I was going to rearrange my travel
6 schedule... I actually do have travel. And I was going to rearrange my travel schedule to
7 accommodate my motion and be available at that meeting. And so, I would hope that we could
8 continue the public comment and our comments to our special meeting on November 18th.

9
10 Chair Templeton: Is that a motion?

11
12 Commissioner Riggs: I don't think I need to make a motion because it would be contained to
13 whenever Staff's scheduled it. I... but I would differ to Staff.

14
15 Chair Templeton: Yeah, lets (interrupted)

16
17 Commissioner Alcheck: I'd like to make a motion.

18
19 Commissioner Riggs: Well I see Jonathan gestating so.

20

-
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1 Chair Templeton: Ok, alright, we'll get to you Michael [note – Commissioner Alcheck] after
2 Jonathan has a chance to chime in, is that ok, Commissioner Alcheck? Yeah, ok, so Director Lait.

3

4 Mr. Lait: Thank you, so with respect to continuing it, if you have a date certain that is helpful
5 unless the... puts the public comment notice that are here in attending and everybody
6 understands where we're going.

7

8 Chair Templeton: Do we need a motion for this? I think we do because we have to set the date.

9

10 Mr. Lait: Yes.

11

12 Chair Templeton: Ok.

13

14 MOTION #1

15

16 Commissioner Riggs: So, I'll make a motion and it was the original intention that we would
17 continue to our next meeting which I... again I... November 18th which I will change my schedule
18 to attend.

19

20 Chair Templeton: Alright, do we have a second?

-
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1

2 SECOND

3

4 Commissioner Lauing: Second.

5

6 Chair Templeton: I saw Doria's... Commissioner Summa first.

7

8 Commissioner Summa: I'll second.

9

10 Chair Templeton: Ok.

11

12 Commissioner Summa: It doesn't matter.

13

14 Chair Templeton: Great and I see Commissioner Alcheck has his hand up so do you have a
15 comment?

16

17 Commissioner Alcheck: Yeah, I was going to make a motion that we continue this item to
18 November 4th in assuming we could have a quorum for next Wednesday. I continue to think
19 that this item deserves our attention and if we have a quorum available next Wednesday. I
20 think we should attempt to schedule this second part of the hearing. I feel like another week

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1 should be plenty of time. Commissioner Summa mentioned that she was hoping that I'd get a
2 chance to read the room. I felt like the room communicated that they were eager to have us
3 deliberate on this item and I would employ my fellow Commissioners to not support the
4 current motion, let... allow me to move to see if a quorum could be made available for next
5 Wednesday so that we can do the business of this Commission.

6
7 I would like to add in support of that effort. If you take a look at Packet Page 6. I began my 9th
8 year on this Commission, by the way, and I would suggest to you that in those 9-years we've
9 never had so many meetings canceled in a single year. I know COVID is responsible for a few of
10 those but this has been the lightest year... you guys have participated in the lightest year of
11 work ever. And my hope is that we can treat this item as having begun 8-years ago and give it a
12 little bit of... considering the last-minute change let's not overdo it. That's all I have to say.

13
14 Commissioner Summa: I have a question about process.

15
16 Chair Templeton: Ok.

17
18 Commissioner Summa: Is that a substitute motion because we don't allow those
19 [unintelligible]?

20

-
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1 Commissioner Alcheck: I didn't make a motion. I said I would make a motion and I asked that
2 the Commissioners would consider not supporting the current motion on the table so that I
3 could then follow with the motion to continue to the 4th if a quorum is available. That's what I
4 said.

5

6 Chair Templeton: So, you're making an argument against? Yes.

7

8 Commissioner Alcheck: I was explaining that I was... yeah. If I'm not clear I can explain more.

9

10 Chair Templeton: I think it's good. So, Vice-Chair Roohparvar has her hand up and we should
11 also give Commissioner Summa a chance to speak to her second. So, let's go to Roohparvar and
12 then Summa and then Riggs.

13

14 Vice-Chair Roohparvar: Sure. Are we going to have an opportunity to say if we're available or
15 not because that's going to impact our decision on the motion? I can do the 4th if fellow
16 Commissioners can do the 4th. Then I'd be like well I'm not going to support it but if they can't
17 then I will vote for it. You know, are we legally allowed to talk about if we're available or not
18 because that's going to impact our decision whether to approve or not approve?

19

20 Chair Templeton: We also need to hear from Staff as well if that's even a possibility.

-
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Vice-Chair Roohparvar: Yeah, whether they're available so.

Chair Templeton: It looks like Mr. Yang (interrupted)

Commissioner Riggs: I would just add that I do not like to schedule from the dais. I mean like this is incredibly awkward and I am really scheduled. And that's what I was going to say is I'm booked for like a month out and this is... I... this is uncalled for. I mean I... that's my comment. That was my comment.

Chair Templeton: It's totally called for. I know it's uncomfortable. It's ok. We should talk this through and figure out if we have next available... if the 18th is it, we need to know that. It will inform this discussion so Ms. French or Director Lait?

Mr. Lait: Yeah, I mean since we're remote we're not via for conference rooms so I believe I'm free next Wednesday.

Ms. French: I'm not doing anything.

-
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1 Chair Templeton: Alright so there's no technical hitch then it comes to the availability. It sounds
2 like Commissioner Riggs does not have availability on days other than the 18th. Is that correct
3 Commissioner Riggs?

4
5 Commissioner Riggs: Our original meeting was on the 11th. That was the meeting I had
6 scheduled.

7
8 Chair Templeton: Oh, it's a holiday.

9
10 Commissioner Riggs: Yeah in somebody's world. I don't know who celebrates (interrupted)

11
12 Chair Templeton: It's Veteran's Day.

13
14 Commissioner Riggs: Whatever.

15
16 Chair Templeton: It's a government holiday.

17
18 Commissioner Riggs: Ok, yeah, whatever.

19
20 Commissioner Alcheck: Are you available on the 4th if it gets scheduled on the 4th?

-
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Commissioner Riggs: I was available on the 11th. I have an open house on the 4th. I will divulge my calendar. I have an open house on the 4th and I have students meeting and a class on the 11th or on [unintelligible].

Commissioner Alcheck: So, is the answer that you wouldn't be able to make it on the 4th?

Commissioner Riggs: I have things that I would have to (interrupted)

Commissioner Alcheck: I just want to know if it was scheduled to the 4th, would you be a part of a quorum?

Commissioner Riggs: I have some significant challenges and I would like to participate in this item which is why there is a motion on the floor to continue this to the 18th which I would prefer to vote on before we divulge my entire private life to the public.

Commissioner Alcheck: I'm not trying to be hostile. I'm suggesting that I think it would be interesting if we could attend this meeting sooner rather than later and if a quorum is available on the 4th. Then this Commission could conceivably proceed (interrupted)

-
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1 Chair Templeton: So, I think (interrupted)

2

3 Commissioner Alcheck: And we have a professional obligation to try to do the business of the
4 City and by the way, the November 18th meeting has an Agenda.

5

6 Commissioner Riggs: I have a voluntary obligation Commissioner Alcheck. I do get any pay for
7 this (interrupted)

8

9 Commissioner Alcheck: So, I'm just (interrupted)

10

11 Chair Templeton: Guys.

12

13 Commissioner Riggs: Civic (interrupted)

14

15 Commissioner Alcheck: I don't want to argue about it. I'm just telling you that's why I asked that
16 question.

17

18 Chair Templeton: I'm going to ask you to stop, please. So, it sounds like Commissioner Riggs has
19 made his availability known to us. If any other Commissioners want to speak to it as a vote for
20 this or don't vote for this because we do have a motion on the floor. So, to that note, I'm

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1 available either date. Does anyone else want to... I see Commissioner Hechtman has raised his
2 hand. Do you want to speak to this motion?

3

4 Commissioner Hechtman: Just to say that other than probably having an election coma, I'm
5 available on November 4th and the 18th.

6

7 Chair Templeton: Alright, thank you very much. Does anyone else want to provide input or
8 discussion on the motion on the floor? Commissioner Lauing, do I see you?

9

10 Commissioner Lauing: It's easy to second Commissioner Hechtman's statement so I'll just leave
11 it at that.

12

13 Chair Templeton: I believe you, I believe you. Ok so we have the motion from Commissioner
14 Riggs and we have the second from Commissioner Summa. Are there any other questions or
15 comments or discussion before we vote? Commissioner Riggs is proposing (interrupted)

16

17 Commissioner Riggs: Well, you know it's fine. I will... we can schedule as soon as possible and if
18 I... you know what, I... the funny part is this will be the second time that I've been not able to
19 attend a voting item on this. So, I would appreciate some accommodation in being able to
20 attend this. This is what makes this awkward to in a public setting air out our schedules based

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1 on what we have scheduled at the beginning of the year and I have put on my own calendar.
2 And so, I apologize for being sharp Mike [note – Commissioner Alcheck], I really am, but I just...
3 it's just this is... this makes this slightly awkward.

4

5 Commissioner Alcheck: Apology accepted, don't worry about it.

6

7 Commissioner Riggs: I'm really sorry.

8

9 Commissioner Alcheck: I just... it's not personal, it's just quorum, we just need a quorum.

10

11 Commissioner Riggs: Yeah, I... it's just... we know, we have kids, we're insane dads right now so.
12 I'll try to... I'll figure out what I can do to get out of what my obligations if you guys do it on the
13 4th.

14

15 Commissioner Lauing: Commissioner Templeton? Yeah, I just think that Commissioner Riggs is
16 correct, he has missed unfortunately one of the prior meetings and I would hate to miss his
17 input again. So, if it's not... if he's not available I don't think that we're slowing things down by
18 going out another 2-weeks.

19

-
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1 Commissioner Riggs: Ed [note – Commissioner Lauing] thanks. I'll make it work if it works for
2 the Commission. I'll just... I'll get somebody to fill in for me and I'll attend this meeting. No
3 worries.

4

5 Chair Templeton: Commissioner Summa.

6

7 Commissioner Summa: I just don't see what the urgency is to do it on the 4th which is a day we
8 typically don't meet. It's the first Wednesday. I don't understand what difference 2-weeks
9 makes. I mean I'm not opposed to doing it on the 4th. I have a big meeting on the 5th. I would
10 prefer the 18th. I'm sorry, we obviously can't do it on Veteran's Day which is a federal holiday
11 but I would just prefer to keep it to the schedule we had. All this angst around a week here or a
12 week there has... it does nothing to delay the project. You know at the last meeting people tried
13 to accuse me of delaying tactics because I didn't... because of timing when in fact Staff needed
14 the extra time. I just don't think it matters and I would prefer to keep it on the regular schedule
15 that we have worked hard to get. The fact that meetings are cancels has nothing... is not
16 Commissioner Rigg's fault or anyone else's fault. It's probably COVID and Staff and so I think we
17 should just keep it the way it is and not get all stressed about something that is not particularly
18 stressful.

19

20 Chair Templeton: Thank you.

-
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1

2 Commissioner Riggs: And I just (interrupted)

3

4 Chair Templeton: Commissioner Riggs.

5

6 Commissioner Riggs: Cari [note – Chair Templeton], can I just (interrupted)

7

8 Chair Templeton: Yes.

9

10 Commissioner Riggs: Revise my motion? I'm... I... I am stressed. I will tell everybody, I will tell

11 the public like COVID has not been kind to Dr. Riggs.

12

13 Commissioner Lauing: Let's just stay with the motion.

14

15 MOTION REVISED

16

17 Commissioner Riggs: I'd be happy to revise my motion to continue to the 4th and I will figure my

18 (interrupted)

19

20 SECOND

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1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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Commissioner Alcheck: I would second that motion.

Commissioner Riggs: Stuff out and I will figure my stuff out. If we can make the 4th work I will make the 4th work on my end. Can I... I will revise my motion to the 4th if I can get a seconder.

Commissioner Alcheck: Second.

Commissioner Riggs: I'm... if... I don't know what the protocol is there but I think I have a motion and a second unless I need a release on the first motion.

Chair Templeton: Any input Mr. Yang? Is it fine for him to revise it or does he need to withdraw the first motion?

Mr. Albert Yang, Assistant City Attorney: I think the concept of a revision is fine. If you wanted to use the words withdrawn.

Commissioner Riggs: I will withdraw the first motion (interrupted)

Mr. Yang: It doesn't matter.

-
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Commissioner Riggs: And I will revise the second motion and to accommodate my colleagues and revise my own schedule.

Chair Templeton: Thank you Dr. Riggs [note – Commissioner Riggs]. Is it possible for you to repeat the motion before we take a vote? I do see a couple of hands up so we'll take some comments. We just want to be clear.

Commissioner Riggs: I don't remember.

Chair Templeton: You're... I believe your motion is to continue (interrupted)

MOTION RESTATED

Commissioner Riggs: I believe my motion was to continue to the... to continue to... continue the item and the public comment in the spirit of this evening and continue the hearing until next Wednesday, the 4th of November. And that at that point we would open up public comment and we would conclude public comment and have a dialog and proceed with the item.

Chair Templeton: That's fine. Thank you and Commissioner Lauing and Commissioner Summa.

-
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Commissioner Lauing: No, I'm good.

Chair Templeton: Ok Commissioner Summa.

Commissioner Summa: Sorry. Did we already inform the public that we were going to continue the meeting to the 18th in our (interrupted)

Chair Templeton: We did not have the date. The Staff Report did have a suggested next meeting but we had not specified the date by continuing... our motion to continue... our motion to continue later.

Commissioner Summa: It's your belief that the public does not expect it to be on the 18th? That's the only thing I'm worried about now is that (interrupted)

Chair Templeton: We could check with Staff, let's see. Thank you, that's a good point.

Commissioner Summa: [unintelligible] have a (interrupted)

-
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1 Mr. Lait: So, I don't know if the Staff Report included any dates but in Amy's presentation this
2 evening I think she... one of her earlier slides talked about the next possible dates and it was
3 identified at November 18th.

4

5 Ms. French: Because that was available at the time I mentioned that date and it was in the
6 PowerPoint.

7

8 Commissioner Summa: Is that going to create any problem with the public's perception and
9 maybe that's an (interrupted)

10

11 Ms. French: I don't think so. I would say we're in the habit of emailing a lot of folks about dates
12 and sending them curtesy Staff Reports and that kind of thing. We have a lot of subscribers to
13 the Castilleja webpage so there is a lot of reaching out.

14

15 Commissioner Summa: Ok so it's not a legal problem. We didn't (interrupted)

16

17 Ms. French: No.

18

-
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1 Commissioner Summa: The Planning Commission tonight didn't say... guarantee that or
2 anything (interrupted)

3

4 Mr. Lait: No and (interrupted)

5

6 Commissioner Summa: In our motion?

7

8 Mr. Lait: So just to be clear, with the motion to continue to a date certain there will not be any
9 additional mail notification for the next hearing.

10

11 Commissioner Summa: Ok. If you guys are... if every... if Staff is comfortable with that and they
12 didn't (interrupted)

13

14 Ms. French: Yes.

15

16 Commissioner Summa: [unintelligible]

17

18 Mr. Lait: So just to be clear, we're looking to the Commission to determine when you want to
19 hear this next. So, it's... you're driving it.

20

-
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1 Ms. French: In either case, it's a special hearing date; the 4th or the 18th. They're both not
2 regular dates.

3

4 Chair Templeton: Thank you, Commissioner Summa and Staff. Commissioner Riggs, you have
5 your hand up?

6

7 Commissioner Riggs: I was just going to say the idea of what we're doing is in the spirit of my
8 original proposal which wasn't to throw grenades. It was to create some logic to how we really
9 take as much public comment as possible. So, I think an additional 7-days is perfectly
10 adequate... is in the spirit of what I was originally trying to do here, and whether or not 7-days
11 or 14-days or 21-days, it really proves that extra time that I think we were after when we
12 started today.

13

14 VOTE

15

16 Chair Templeton: Ok are we ready to vote on the motion to continue this hearing to November
17 4th? It looks like it. I don't see any more hands up so Mr. Nguyen, would you please conduct the
18 vote?

19

20 Mr. Nguyen: Yes. Commissioner Alcheck?

-
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Commissioner Alcheck: Yes.

Mr. Nguyen: Commissioner Hechtman?

Commissioner Hechtman: You know, I'm sorry, can you come back to me at the end? I've got to grab my calendar. I may have a conflicting Planning Commission hearing in another City. I'm going to grab my calendar right now while you do the rest of the voting.

Mr. Nguyen: Commissioner Lauing?

Commissioner Lauing: Yes.

Mr. Nguyen: Commissioner Riggs?

Commissioner Riggs: Yes, and I also... I have to teach too, that night but I'll figure out how I can a guest speaker or something.

Mr. Nguyen: Vice-Chair Roohparvar?

-
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1 Vice-Chair Roohparvar: Yes.

2

3 Mr. Nguyen: Commissioner Summa?

4

5 Commissioner Summa: Yes.

6

7 Mr. Nguyen: Chair Templeton?

8

9 Chair Templeton: Yes.

10

11 Mr. Nguyen: Ok, the motion is currently 6-0 pending Commissioner Hechtman.

12

13 Commissioner Hechtman: Am I unmuted?

14

15 Mr. Nguyen: Yes.

16

17 Commissioner Hechtman: Alright, unfortunately, I do have a City Council meeting in Saratoga
18 where I'm representing somebody that I wouldn't be able to get out of. So, I would vote no on
19 this, unfortunately. I do have comments and I will figure out if there is a way, working with
20 Staff, to submit my comments in advance.

-
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Commissioner Riggs: Sorry Bart [note – Commissioner Hechtman], I feel you.

Commissioner Hechtman: [unintelligible] (interrupted)

Mr. Nguyen: Ok [unintelligible] (interrupted)

Commissioner Hechtman: I agree with the sentiment that we should move expeditiously so I think moving to the 4th is the right day. I'm sorry I can't attend.

Mr. Nguyen: Ok the motion carries 6-1.

MOTION PASSED 6(Alcheck, Lauing, Summa, Riggs, Roohparvar, Templeton) -1 (Hechtman)

Chair Templeton: Alright, the item is continued. Are there any special legal rules that Staff would like to remind us of when an item is continued from one week to another?

Mr. Yang: There are not in particular. We will have the same set of disclosures at the beginning of the next meeting as we usually do.

-
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1 Chair Templeton: Thank you very much. Ok, so I assume the 18th is still on at a PTC meeting with
2 just a different Agenda and the following (interrupted)

3

4 Commissioner Riggs: Are you still... you're still on your audio.

5

6 Chair Templeton: I don't know if you were talking to me but I was trying to talk to you guys. Can
7 you hear me?

8

9 Commissioner Lauing: Yes.

10

11 Chair Templeton: Ok.

12

13 Commissioner Riggs: I was just telling Bart [note – Commissioner Hechtman] his audio I think
14 was still unmuted. I think he was (interrupted)

15

16 Chair Templeton: Good point. Ok so we have now the 4th, also the 18th of November and then
17 the 9th of December will be our final planned meeting of the year. If you have any absences or
18 anything, please do let Staff know.

19

20 **Commission Action:** Motion to continue by Riggs, seconded by Alcheck. Pass 6-1 (Hechtman
21 against)

-
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1 **Approval of Minutes**

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

3 3. September 9, 2020 Draft PTC Meeting Minutes

4 Chair Templeton: So, the next item is approval of minutes for the 9th and the 30th. I believe
5 some revisions were sent in.

6

7 Commissioner Riggs: So, I'm going to abstain from the 9th.

8

9 Vice-Chair Roohparvar: Same.

10

11 Chair Templeton: Alright so do we (interrupted)

12

13 MOTION #1

14

15 Commissioner Alcheck: I move to approve the minutes.

16

17 Chair Templeton: Oh, ok. Do you want to do them separately or together?

18

19 Commissioner Alcheck: I guess separately.

20

-
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1 Chair Templeton: Ok. So, Commissioner Alcheck has approved... moved to approve the minutes
2 from the 9th. Any seconders?

3

4 SECOND

5

6 Chair Templeton: Alright, Commissioner Summa. Commissioner Hechtman, you look like you
7 might want to say something? You mean with revisions? I can't hear you but he's (interrupted)

8

9 Commissioner Hechtman: So, on the 9th I had submitted revisions. For the minutes on the 30th, I
10 think both Commissioner Riggs and I submitted revisions. So [unintelligible] (interrupted)

11

12 VOTE

13

14 Chair Templeton: We'll get to that one in a minute. Ok. Alright, so Mr. Nguyen, would you like
15 to conduct a vote on the minutes for the 9th?

16

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

18

19 Commissioner Alcheck: Aye.

20

-
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1 Mr. Nguyen: Commissioner Hechtman?

2

3 Commissioner Hechtman: Aye.

4

5 Mr. Nguyen: Commissioner Lauing?

6

7 Commissioner Lauing: Yes.

8

9 Mr. Nguyen: Commissioner Riggs?

10

11 Commissioner Riggs: Abstain.

12

13 Mr. Nguyen: Vice-Chair Roohparvar?

14

15 Vice-Chair Roohparvar: Abstain.

16

17 Mr. Nguyen: Commissioner Summa?

18

19 Commissioner Summa: Yes.

20

-
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1 Mr. Nguyen: Chair Templeton?

2

3 Chair Templeton: Yes.

4

5 Mr. Nguyen: Ok the motion carries 5-0-2

6

7 MOTION PASSED 5(Alcheck, Hechtman, Lauing, Summa, Templeton,)-2 (Riggs and Roohparvar
8 abstain)

9 **Commission Action:** Motion to approve by Alcheck, seconded by Summa. Pass 5-0-2 (Riggs and
10 Roohparvar abstain)

11

12 4. September 30, 2020 Draft PTC Meeting Minutes

13 MOTION

14

15 Commissioner Alcheck: I move to approve the minutes on the 30th.

16

17 Chair Templeton: Any seconder?

18

19 Commissioner Alcheck: As revised.

20

21 SECOND

22

-
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1 Commissioner Summa: I'll second.

2

3 Chair Templeton: Alright Commissioner Summa. Any discussion? Ok, could you please conduct

4 a vote Mr. Nguyen for September 30th minutes?

5

6 Mr. Nguyen: Commissioner Alcheck?

7

8 Commissioner Alcheck: Aye.

9

10 Mr. Nguyen: Commissioner Hechtman?

11

12 Commissioner Hechtman: Aye.

13

14 Mr. Nguyen: Commissioner Lauing?

15

16 Commissioner Lauing: Yes.

17

18 Mr. Nguyen: Commissioner Riggs?

19

20 Commissioner Riggs: Aye.

-
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1

2 Mr. Nguyen: Vice-Chair Roohparvar?

3

4 Vice-Chair Roohparvar: Yes.

5

6 Mr. Nguyen: Commissioner Summa?

7

8 Commissioner Summa: Yes.

9

10 Mr. Nguyen: Chair Templeton?

11

12 Chair Templeton: Yes.

13

14 Mr. Nguyen: Ok the motion carries 7-0.

15

16 MOTION PASSED 7(Alcheck, Hechtman, Lauing, Riggs, Roohparvar, Summa, Templeton) -0

17

18 Chair Templeton: Great, thank you very much.

19

20 **Commission Action:** Motion to approve by Alcheck, seconded by Summa. Pass 7-0

-
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1 **Committee Items**

2 Chair Templeton: Alright next up is Committee Items. Any Committee Items? Commissioner
3 Summa.

4
5 Commissioner Summa: The NVCAP is having a joint meeting with Parks and Rec on November
6 5th to discuss the Final Hydrologist Report and this is in regard to options to affect the creek and
7 nearby area to the creek that goes to the NVCAP area. And there is a survey for the public and a
8 separate one for the Working Group. The survey about... for anyone in the City on the NVCAP
9 website if anybody is interested in promoting that in their neighborhood or taking it themselves
10 about the three options.

11
12 Chair Templeton: Ah, thank you very much. I can give you a quick update from the XCAP. We
13 took 2-weeks off, we're working on chapters to describe the pros and cons of each crossing for
14 South Palo Alto each alternative that is available, and those will be published at the end of this
15 week as drafts if you want to read through those. If you have any particular concerns you can
16 contribute to that or you can always send in public comment to the XCAP as well. Commissioner
17 Alcheck.

18
19 Commissioner Alcheck: This is... I just... this is a... what would you call this... academic question?
20 I'm curious if our City Attorney... the City Assistant Attorney, I'm just curious if by chance a

-
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1 Commissioner was elected to City Council next week. Would that change their ability to attend
2 a meeting or vote in a meeting? I'm just curious.

3

4 Ms. Albert Yang, Assistant City Attorney: So, I guess this is something that we are... would still
5 need to look into further but our preliminary take is if a Commissioner has participated thus far
6 and then is elected to the Council. That might affect their ability to participate in the Council
7 deliberation.

8

9 Commissioner Alcheck: Even if they don't participate in the vote or?

10

11 Mr. Yang: We will (interrupted)

12

13 Commissioner Alcheck: Like for example on this item, I'm actually presumably asking you
14 (interrupted)

15

16 Mr. Yang: Right.

17

18 Commissioner Alcheck: Because it's the only quasi-judicial item left on our calendar. So,
19 because we didn't actually have public... Commissioner comment tonight. Would a

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1 Commissioner be precluded from participating on a City Council item if they didn't participate
2 in the next meeting if assuming they were elected?

3

4 Mr. Yang: Yeah, I'll have to do some more research specifically on that. I think it's somewhat
5 complicated by the fact that we already have had a vote on a recommendation on the EIR. So,
6 part of the research would have to be looking into whether that can be segmented out when it
7 goes to the City Council or not. In addition to the overall principle of whether recusal is
8 required. I'm sorry I don't have a more detailed (interrupted)

9

10 Commissioner Alcheck: No, no, I assume you're not going to wait till they get the results on
11 Tuesday night to figure out the answer to that question.

12

13 Mr. Yang: It's something that we have already started looking into.

14

15 Commissioner Alcheck: Cool. I look forward to hearing an answer. Academically of course.

16

17 Chair Templeton: Hypothetically academically I'm not sure we're expecting answers by
18 Tuesday. I don't know, by Tuesday night.

19

20 Commissioner Alcheck: But maybe by Wednesday afternoon.

-
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Chair Templeton: Well, in some races in 2018 we didn't have an answer for like 20-days so you just don't know. Anyway, hypothetically.

Commissioner Alcheck: Agree.

Chair Templeton: Commissioner Summa, did you have another question?

Commissioner Summa: One quick question for our legal counsel and that is since this meeting is continued. I was assuming that we should have no contact with any members... not further conversation with any... the applicant or the other side or members of the public. Is that true?

Ms. Yang: Yeah, I believe that may be a part of PTC's Procedural Rules. That's certainly advisable. I don't think that there's necessarily a broader, legal prohibition on that in a way that would... if some sort of contact did happen. As long as it was disclosed and entered into the record I think that would be ok overall but it would probably be preferable to avoid additional contacts between now and next week.

Commissioner Summa: Ok thanks.

-
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1 **Commissioner Questions, Comments, or Announcements**

2 Chair Templeton: Alright so Commissioner Questions, Comments, Announcements, or future
3 Agenda Items. Commissioner Alcheck, I'm assuming your hand is still up. I don't know if you
4 have new questions.

5
6 Commissioner Alcheck: Sorry, no I didn't realize my hand was still up.

7
8 Chair Templeton: No problem. Commissioner Riggs.

9
10 Commissioner Riggs: Well, if anybody wants to hear about... from a bunch of amazing women
11 on the lead autonomous vehicle companies or new energy companies on Friday. I have a great
12 symposium and it's worth joining from an educational standpoint and it's Friday. Everything is
13 free, it's online, 2-hours around lunchtime. I'd encourage you to join and I'll provide the link
14 that we can... to each of you. It's going to be great.

15
16 Chair Templeton: Thank you, that sounds cool. Alright, Staff did you have any other comments,
17 future Agenda items? I think we've got a big one now on the 4th. Anything to add?

18
19 Ms. Jonathan Lait, Planning Director: No updates.

20

-
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1 Chair Templeton: Alright, with that then we are adjourned. Thank you very much, everybody.

2 **Adjournment**

3 10:56 pm

-
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1 Palo Alto Planning & Transportation Commission

2 Commissioner Biographies, Present and Archived Agendas and Reports are available online:
3 <http://www.cityofpaloalto.org/gov/boards/ptc/default.asp>. The PTC Commission members are:

4
5 Commissioner Michael Alcheck
6 Commissioner Bart Hechtman
7 Commissioner Ed Lauing
8 Commissioner William Riggs
9 Vice-Chair Giselle Roohparvar
10 Commissioner Doria Summa
11 Chair Carolyn Templeton

12 Get Informed and Be Engaged!

13 View online: <http://midpenmedia.org/category/government/city-of-palo-alto> or on Channel 26.

14
15 Show up and speak. Public comment is encouraged. Please complete a speaker request card
16 located on the table at the entrance to the Council Chambers and deliver it to the Commission
17 Secretary prior to discussion of the item.

18
19 Write to us. Email the PTC at: Planning.Commission@CityofPaloAlto.org. Letters can be
20 delivered to the Planning & Community Environment Department, 5th floor, City Hall, 250
21 Hamilton Avenue, Palo Alto, CA 94301. Comments received by 2:00 PM two Tuesdays preceding
22 the meeting date will be included in the agenda packet. Comments received afterward through
23 2:00 PM the day of the meeting will be presented to the Commission at the dais.

24
25 Material related to an item on this agenda submitted to the PTC after distribution of the
26 agenda packet is available for public inspection at the address above.

27 Americans with Disability Act (ADA)

28 It is the policy of the City of Palo Alto to offer its public programs, services and meetings in a
29 manner that is readily accessible to all. Persons with disabilities who require materials in an
30 appropriate alternative format or who require auxiliary aids to access City meetings, programs,
31 or services may contact the City's ADA Coordinator at (650) 329-2550 (voice) or by emailing
32 ada@cityofpaloalto.org. Requests for assistance or accommodations must be submitted at least
33 24 hours in advance of the meeting, program, or service.

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