



# Planning & Transportation Commission

## Staff Report (ID # 12191)

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<b>Report Type:</b>	Action Items	<b>Meeting Date:</b> 12/8/2021
<b>Summary Title:</b>	Castilleja School CUP/Variance and Amend PAMC Chapter 18.04 GFA Definition	
<b>Title:</b>	PUBLIC HEARING/QUASI JUDICIAL/LEGISLATIVE: Review of the Castilleja School's Requested Conditional Use Permit and Variance per Council Direction March 29, 2021, and Review of a Draft Ordinance per Council Direction Amending Section 18.04.030 Regarding Definition of Gross Floor Area in the R1 Zone for Below Grade Garages. Zone District: R-1(10,000). Environmental Review: The Final Environmental Impact Report (EIR) was Published July 30, 2020 and the Draft EIR was Published July 15, 2019	
<b>From:</b>	Jonathan Lait	

### Recommendation

Staff recommends the Planning and Transportation Commission:

1. Conduct a public hearing.
2. Review the City Council's motion on the project and provide direction to staff as appropriate.
3. Continue the public hearing to a date uncertain.

### Executive Summary

Castilleja School seeks to renovate its campus to modernize its buildings and increase enrollment. The applicant (Castilleja School Foundation) filed an initial application to amend the school's Conditional Use Permit in 2016 and filed the Architectural Review application in 2019. The Architectural Review Board (ARB) and Planning and Transportation Commission (PTC) met in 2020. In March 2021, the City Council held three public hearings on the project.

In its review, the City Council identified several significant project components that required further study and refinement. The Council directed staff to explore a legislative amendment to

the City's zoning code that would allow some below grade parking to be exempt from gross floor area based on certain criteria. The Council expressed its interest in seeing a reduction to the size of the underground parking garage; changes to the CUP conditions related to the transportation demand management plan and phased student enrollment increases; improved tree preservation efforts; and other changes detailed in this report. Accordingly, the Council remanded the project back to the ARB and PTC.

The applicant has since made changes to the project including alternative parking layout options to address the reduced size of the below grade parking structure and add more surface parking. In one of the options, all but one protected tree is preserved or relocated on site, and improvements were made to further limit encroachments into the tree protection zones. Staff also re-evaluated existing and proposed floor area calculations and met with the applicant to discuss changes in the transportation demand management plan.

This report is intended to bring the PTC and community up to date on the project, and present changes that have been made since last reviewed by the City Council. Staff anticipates receiving public feedback and PTC direction on any further adjustments that may be necessary. No action is required at this meeting, though staff seeks the PTC's direction on any topic areas that require further analysis or project changes. The recommendation in this report is to continue the project to a date uncertain.

## Background

City staff created a website with relevant information pertaining to the project. It includes a project description, access to prior staff reports, presentations and meeting minutes, project plans, environmental documents, public correspondence, and archived City news updates. The website is available at this address: <https://www.cityofpaloalto.org/City-Hall/Hot-Topics/Castilleja-School>. The most recent staff report<sup>1</sup> and City Council minutes<sup>2</sup> are available online.

The proposed project, in summary, includes the phased demolition and construction of academic buildings, construction of a new subterranean garage and increased student enrollment. The existing fitness/athletic center and historic chapel/administration buildings will remain. Two residential properties owned by Castilleja on Emerson Street are no longer part of the project. To implement the project, the applicant must obtain Council approval of several planning entitlements: architectural review, a variance, and conditional use permit. Additionally, responsive to the Council's motion, a parking adjustment is requested.

In March 2021, the City Council stated that a zoning text amendment should also be prepared. Council determined that the below grade parking garage should count as gross floor area under

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<sup>1</sup> March 29, 2021 Council Staff Report: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/2021/id-11180.pdf>

<sup>2</sup> March 29, 2021 Council Summary Minutes: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/03-29-21-ccm-summary-minutes.pdf>

the City's current zoning code, but, as discussed below, also directed an exemption if the garage met a specific criterion. The City previously prepared an environmental impact report, which found all environmental impacts, including traffic and construction related impacts, can be reasonably mitigated. Staff does not anticipate that recent changes to the project will require significant revisions or additions to this analysis.

The PTC in its review has authority to review and make recommendations on the conditional use permit, including a comprehensive review of the proposed TDM plan, the variance, parking adjustment, environmental impact report, and the Council-initiated text amendment. The ARB has authority to make recommendations to the City Council on the architectural review application, including various parking configurations, and make comments on the environmental impact report.

The PTC last reviewed the project in November 2020<sup>3</sup> and voted 4-2 to recommend support for the variance application and split its voting on the conditional use permit with a 4-2 vote on Finding 1 and a 3-3 vote on Finding 2. The dissenting votes generally reflected a disagreement that the project complied with the City's zoning code, concerns about the proposed enrollment increase, and impacts from special events.

During Council's March 2021 hearings, individual Councilmembers provided guidance on areas of the project that required refinement; most expressed some concerns with the subterranean garage and the need to better preserve protected trees. Other items related to the PTC's review include Councilmember comments related to the TDM plan, satellite parking, special events, overall enforcement, and operational conditions of approval, including possible limits on students driving to the campus.

Below is the City Council's motion and direction to staff and the ARB and PTC regarding the project (items A, B, and H are subject to PTC oversight; items C, D, E and portions of B are subject to ARB oversight):

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

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<sup>3</sup> November 18, 2020 PTC Staff Report: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2020-agendas-minutes-and-staff-reports/ptc-11.18-castilleja.pdf>

November 18, 2020 PTC Minutes: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2020-agendas-minutes-and-staff-reports/ptc-11.18.2020-bgh-revisions.pdf>

- i. Strengthen existing TDM protections, reporting requirements, and penalties for failure to meet conditions of approval. Penalties should include fees, suspension and reduction of enrollment and streamlining of corrective actions to violations;
    - ii. To review increases in the number of students as a percentage of the student population within bicycle distance and to further restrict student driving and parking on campus, including consideration of prohibiting driving by juniors;
    - iii. Evaluate a form of a TDM Oversight Committee; and
    - iv. Consideration by Staff and the PTC to allow reduction of required parking based on a TDM;
- B. Direct Staff and the PTC to review an underground parking facility alternative that allows a maximum of 50 percent of the required on-site parking to be below grade without counting against the project floor area. No more than 50 percent of the required on-site parking may be located below grade;
  - i. Explore a Residential Parking Program (RPP) or alternative parking strategies for the surrounding neighborhood that prohibits RPP permits from being sold to Castilleja staff or students within the RPP district. The school-side of the streets surrounding Castilleja (Emerson Street, Kellogg Avenue, Bryant Street) shall be exempt from the RPP so Castilleja can continue to park on those streets. Explore requiring Castilleja to cover the expense of implementing the neighborhood RPP; and
  - ii. Castilleja's parking restrictions will be fully enforced. Explore having overflow parking located off-site and not located on residential streets; explore shuttle services satellite lots to accommodate this parking need;
- C. Direct Staff and Palo Alto's Arborist to work with Castilleja to preserve as many protected trees to reduce the loss of protected trees, on campus as can reasonably be accommodated;
- D. Evaluate phasing the construction of the new buildings to mitigate impacts associated with construction and evaluate elimination of the need for a temporary campus to be constructed on Spieker Field;
- E. Remand the revised building proposal (including the reduction of 4,370 sq. ft.) to the Architectural Review Board to reconsider the massing and the compatibility of the design within the residential neighborhood context;
- F. Evaluate 50 percent of the public art expenses going to the Public Art Fund;
- G. Direct Staff to explore the legalities of having a maximum build-out;
- H. Direct Staff and the PTC to evaluate 5 major events, and between 50 and 70 special events with no Sunday events; and
- I. Direct Staff to provide information on Conditional Use Permits from other private schools in surrounding jurisdictions.

## Discussion

The purpose of this meeting is to provide an update and receive feedback from the community and Commission on the Castilleja project and specifically those components from the City Council's motion that fall within the PTC's purview. The ARB will hold a meeting on December 2<sup>nd</sup> on aspects within their purview, and staff will provide an update to the PTC as appropriate. A staff report to the ARB includes additional information not included in this report related to five parking garage and surface parking options; a comprehensive third-party analysis of existing and proposed gross floor area calculations; architectural revisions; information on protected trees; and construction phasing. This report is available online and may be of interest to the PTC for additional background and context: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/architectural-review-board/2021/arb-12.02-castilleja.pdf>.

Based on the ARB's and PTC's review, additional project modifications are anticipated, including changes to draft documents presented to the PTC as part of this report, such as the transportation demand management plan. This and other documents presented to the PTC are intended to be drafts for discussion. The applicant has made changes to the project in response to the City Council's motion and staff has been engaged in that process and has updated the project website when appropriate. Accordingly, these documents are not presented in final form as recommendations to the PTC. Rather, staff seeks additional input from the Commission where appropriate so additional refinements can be made and represented to the Commission. It is anticipated this discussion may take place over a couple meetings before staff makes a formal recommendation to the Commission.

The remainder of this report will focus on components of the City Council motion that fall with the PTC's purview.

### Code Interpretation: Below Grade Parking Facilities

The PTC may recall when it reviewed the subject project previously that there was extensive discussion regarding the application of the zoning code as it related to the subterranean parking garage. Staff referred to this structure as a below grade parking facility, as opposed to a garage. Parking Facility and Garage are both defined terms in the zoning code. Staff suggested, to maintain consistency with an earlier non-residential project in the R-1 zone, that this feature could be considered as akin to a basement and therefore exempt from gross floor area. The PTC was split 3-3 on whether this was a correct application of the code.

The City Council did not agree with this interpretation and stated that the below grade parking facility ought to be treated as an underground garage and not a basement and, therefore, count toward gross floor area. On March 15<sup>th</sup>, the Council initiated a text amendment to clarify this perspective in the code but also directed staff and the PTC to consider language that would fully exclude or partially exclude floor area from a below grade parking garage.<sup>4</sup> This direction

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<sup>4</sup> City Council Motion from March 15, 2021:

A. Treat the underground parking facility as an underground garage and not as a basement; and

was further refined with the Council's March 29 motion (restated above) to exclude the portion of the garage that contains fifty percent (50%) or less code-required parking spaces. Moreover, specific to the Castilleja project, the Council directed that no more than 50% of the parking spaces be permitted below grade, in an effort to reduce the size of the garage and minimize construction-related impacts, including potential impacts to protected trees.

#### Text Amendment: Gross Floor Area Exemption for Below Grade Parking Facilities

Included with this report as Attachment A is a draft ordinance to effectuate the text amendment described above. Staff narrowly drafted the provision such that it potentially only applies to two properties: the subject property and another large parcel within the R-1 zone, located at 3233 Cowper Street (Our Lady of the Rosary Church). Specifically, this ordinance would only apply to below grade parking facilities in the R-1 zone district that are accessory to a non-residential use; located on a parcel greater than six acres; and where the parcel contains a listed historic resource. Based on these criteria, only Castilleja School currently meets these requirements; the other property does not currently contain a listed historic resource. It is unlikely this code provision will have a meaningful benefit to the property on Cowper Street and staff does not anticipate it being used for a future redevelopment of that site, but if the PTC were interested, the draft ordinance could be further refined to expand or narrow the qualifying criteria.

The proposed text amendment expressly identifies below grade parking facilities in the R1, R2 and RMD zoning districts as included in gross floor area calculations. It then provides an exception from gross floor area if the below grade parking facility has 50% or less code-required parking spaces and meets other qualifying criteria discussed above. The ordinance as drafted would count the entire below grade parking facility toward gross floor area if the structure had more parking spaces than 50% of the code required parking spaces in the garage. The proposed text amendment also clarifies that this 50% threshold is calculated using the base code required parking spaces, before any parking reductions.

The PTC is requested by the City Council to consider the draft ordinance. Staff welcomes any feedback and can make refinements as appropriate. No action on the draft ordinance is required at the subject meeting.

#### Castilleja School Enrollment

The City Council asked staff and the PTC to identify a procedure that would allow Castilleja to increase enrollment up to 540 students from a starting enrollment of 450 students, contingent on their verified compliance with a requirement for "no net new trips," and other TDM measures. The PTC's previously recommended conditions of approval (COA) included such a procedure prior to phased enrollment increases of 25 students. As a reminder, the PTC's recommended COA 4.e stated:

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- B. Return to Council with an alternative text change counting all the underground garage as floor area;
    - i. Return to Council with an alternative of not counting floor area or partially counting floor area; and
    - ii. Evaluate the implication of the text change on other properties in R-1 zones.

e. No enrollment increase may occur unless the School has achieved the performance standards of Condition #22 [including no net new trips for AM Peak and Average Daily Trip totals] for the preceding three reporting periods. For example, the ability to increase enrollment for the 2023-2024 academic year will require review, in early 2023, of one reporting period from the 2022-2023 academic year and two reporting periods from the 2021-2022 academic year.

If the PTC believes this procedure is responsive to the Council's motion, it may recommend that it remain unchanged. Alternatively, the PTC may wish to discuss modifications to the enrollment schedule and verification procedure, such as a slower rate of increase than 25 students or a longer verification period than two academic years.

#### Transportation Demand Management Plan

Staff continues to work with the applicant on an updated TDM plan that stipulates a number of requirements Castilleja will need to comply with to increase student enrollment beyond 450 students. This is a fairly comprehensive TDM plan and at this time does not include all of staff's anticipated inclusions related to corrective action, penalties and enforcement. However, staff wanted to present this document to the public and Commission at this stage to receive initial feedback and return with a final draft for PTC recommendation to Council.

The TDM plan includes objective standards that Castilleja will need to comply with to increase enrollment and avoid specific penalties. The no net new trips provision recommended by the PTC last year remains a key component of the TDM plan as does the limit on AM peak trips. Specifically, Castilleja will need to demonstrate that it does not exceed 440 AM Peak trips as measured daily with permanently installed driveway counters. Castilleja must also ensure it does not exceed 1,294 average daily trips (ADT) as measured over a 30 day or calendar month period. Any violation of the daily AM peak trips and monthly ADT will be considered its own discrete violation, subject to recurring fines and fee escalation as provided in the City's municipal fee schedule. Moreover, in addition to financial penalties, the revised draft TDM plan shifts the authority away from the applicant and to the City to determine specific trip reduction measures that may be needed to bring Castilleja back into compliance with any provision. This analysis and determination would occur after each violation. Examples of the type of measures that could be implemented include limits on students that may drive to campus, expanding Castilleja's shuttle program, adding a Guaranteed Ride Home program, and subsidizing employee transit fares.

When this project returns to the PTC, staff will update the TDM plan and provide a specific penalty fee structure with parameters for escalating fees and the amounts that could be assessed for various violations.

A suspension or reduction in student enrollment remains a corrective action. The PTC and City Council previously expressed concern that enrollment reduction<sup>5</sup> did not present itself as a timely remedy to what may be an immediate concern. The above referenced changes to the TDM plan and greater specificity of financial penalties are intended to bring the corrective action closer to the violation. However, staff welcomes additional feedback from the Commission as to other measures that should be included in the TDM plan or as conditions of approval. The draft TDM plan is available online: <https://www.cityofpaloalto.org/files/assets/public/planning-amp-development-services/new-development-projects/1310-bryant-street/castilleja-tdm-operations-manual-updated-2021.pdf#page=3>.

#### *TDM Oversight Committee*

The City Council in its motion included consideration of a TDM oversight committee. A conceptual approach put forth by the applicant and included in the draft TDM plan is one that includes students, faculty and staff to encourage campus attendees to participate in TDM programs. Staff supports this concept but also anticipates it may fall short of the Council's intent. Based on staff's understanding, the oversight committee was intended to ensure Castilleja remained in compliance with the TDM plan and based on the Council's dialogue, may include community members.

Staff does not have any objection to the applicant's proposed approach and supports its retention in the TDM plan. The PTC is encouraged to discuss whether this approach is sufficient or provide direction accordingly. However, it is anticipated that staff will have sufficient oversight of the TDM plan with a condition previously presented to the PTC and City Council that requires Castilleja to place a replenishable deposit that funds City's enforcement efforts. City staff participation in a TDM oversight committee is redundant and not supportable based on current staffing levels.

#### *Mitigation Measure 7a*

This subheading is included in the report because it was mentioned in the City Council's motion. There has been no change to the language in this mitigation measure though some of the provisions have been strengthened or expanded upon in the draft TDM plan and through conditions of approval. Staff will return at a future hearing with draft conditions of approval and crosswalk the mitigation measures to conditions of approval, as appropriate. Community and commissioners interested in refreshing their memory on the provisions of Mitigation Measure 7a can review that information online: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/2021/id-11180.pdf#page=65>.

#### *Reduced Parking Requirement*

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<sup>5</sup> Existing students would not be impacted by an enrollment reduction. The next incoming class size would be reduced by an amount determined by the City to address a persistent problem meeting AM Peak or ADT thresholds.



The City Council recognized that a reduced parking garage may result in fewer on-site parking spaces at Castilleja and directed staff and the PTC to consider a parking reduction based on a robust TDM plan. While the TDM plan is focused on trip reduction to the subject property, its implementation is anticipated to also result in the need for fewer on-site parking spaces. Concerned that the proposed increase in enrollment may result in school-related intrusions into adjacent residential neighborhoods, the Council also expressed a need for parking restrictions to be fully enforced and asked that overflow parking located off-site (and not located on residential streets) be explored, as well as incorporation of shuttle service to satellite lots as needed.

In response to the Council's deliberation, the applicant proposed five parking options. These site planning and parking considerations fall within the ARB's purview and are detailed in their December 2 ARB staff report.<sup>6</sup> Four of these options, due to the reduced garage size, have fewer on-site parking spaces than previously considered and corresponding parking reductions ranging from nine percent (9%) up to 20%. The parking option supported by staff (Option E) results in a 14.4% reduction. The provisions related to parking reductions are set forth in Palo Alto Municipal Code section 18.52.050, which authorizes a maximum 20% reduction. In accordance with this code section, no parking reduction may be granted that will create an undue impact on existing or potential uses adjoining the site or in the general vicinity, and will be commensurate with the reduced parking demand created by the development, including for visitors and accessory facilities.

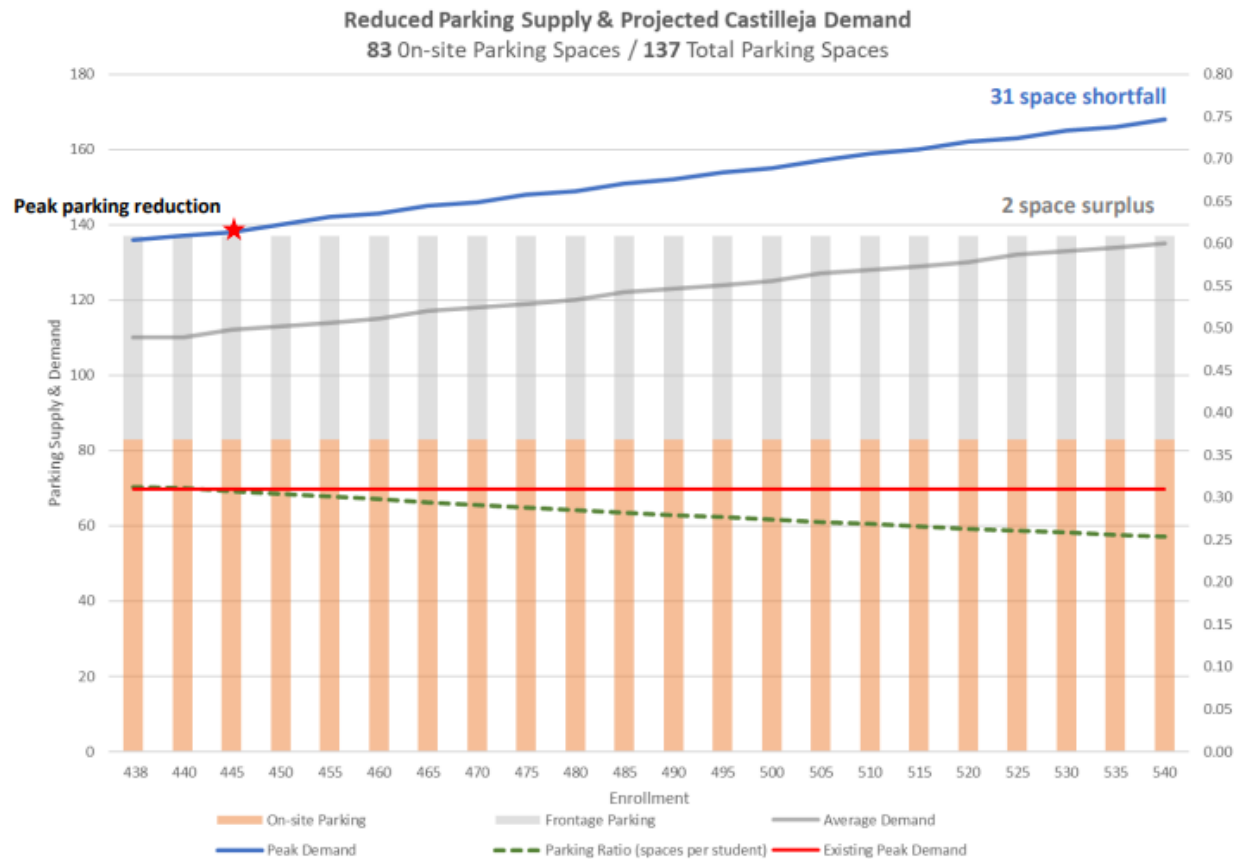
To help inform decision-makers in their consideration of the parking reduction, staff requested the applicant submit a parking demand study. Staff recommends the Commission review this report which is available online: <https://www.cityofpaloalto.org/files/assets/public/planning-amp-development-services/file-migration/castilleja/2021/13.pdf>. In summary, the original project presented to the PTC and City Council, without a parking reduction – and at a maximum enrollment of 540 students, shows a minor shortfall of about 10 parking spaces during peak parking demand. For parking layout Option E, which includes a 14.4% parking reduction, Castilleja is anticipated to be at or near peak parking demand capacity with an enrollment at 450 students (the baseline enrollment being considered by the City Council). This conclusion is based on peak parking demand and the availability of about 143 parking spaces; 89 on-site (with Option E) and 54 street parking spaces immediately adjacent to the Castilleja.<sup>7</sup> As enrollment increases to a maximum of 540 students, there is a shortfall of about 30 parking spaces. An excerpted parking supply / parking demand chart is provided below.<sup>8</sup>

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<sup>6</sup> ARB Staff Report, Dated December 2, 2021: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/architectural-review-board/2021/arb-12.02-castilleja.pdf#page=5>

<sup>7</sup> Included in the City Council's motion from March 29 is consideration of a concept that would allow street parking spaces adjacent to Castilleja's property to count toward available parking; this is consistent with an informal understanding between Castilleja and area residents.

<sup>8</sup> The parking totals presented in the chart do not reflect the total parking spaces provided for in Option E, which was prepared after the parking demand report was prepared. Parking layout Option E anticipates 89 on-site parking spaces (and 54 street parking spaces).



The parking demand study illustrates one reason why the applicant proposed a larger parking garage. With Council's direction for a smaller garage, there are fewer spaces available to accommodate the maximum enrollment of 540 students. As has been expressed by many in the community, increased student enrollment without sufficient parking is anticipated to result in more school-related parking intrusions into the surrounding neighborhood. This can be offset to some degree by limiting the number of students that can drive to Castilleja, such as seniors only or a subset of seniors as determined through a lottery process or other means, or with an off-site satellite parking facility that makes up for the shortfall in parking demand as enrollment increases. The existing off-site parking facility used by Castilleja at 1140 Cowper through a month-to-month arrangement with First Presbyterian Church does not meet the Council's direction to explore satellite parking on a non-residential street.

It is important to also note that the chart above and the analysis in the parking demand study do not take into consideration a reduction in parking demand that will necessarily be associated with implementation of the TDM plan. In other words, while the chart shows a shortfall of 30 parking spaces, based on the analysis and incorporation of the TDM plan, the actual shortfall is expected to be much lower.

Staff is still working through options and will propose as draft conditions of approval and updates to the draft TDM plan measures that address the peak parking demand shortfall that results from an increase in student enrollment and availability of on-site (and adjacent street)

parking. Staff welcomes further guidance and direction from the PTC on other approaches to minimize these impacts.

### Residential Preferential Parking District

To address school-related parking intrusions into adjacent residential neighborhoods, the City Council directed staff to explore the possibility of a residential preferential parking (RPP) district that excludes Castilleja staff or students. The Council motion indicates that on-street parking spaces on the school side of Emerson, Bryant and Kellogg would be exempt from the district, so Castilleja could continue to park at those locations. Moreover, if an RPP is formed, Council indicated an interest that Castilleja cover the cost of implementing the program.

The procedures to establish a RPP district are set forth in Palo Alto Municipal Code Chapter 10.50.<sup>9</sup> There have been no requests to initiate a district around Castilleja school. A survey in 2018 for the possible formation of a district that extended from Embarcadero Avenue to Oregon Expressway and between Middlefield Road and Alma Street received little support.

Since the outset of the subject application, staff has heard from some neighbors of their interest in a RPP district, but the support for such a program does not seem to be widespread. While the City Council could initiate a RPP district it seems an unlikely pursuit, if there is insufficient neighborhood support.

There is a considerable amount of staff time needed to establish a RPP district including community outreach: initial petition, surveys, and public meetings; sign design, fabrication and installation; and permit distribution. Other ongoing costs include annual permit orders and shipping, a parking enforcement officer and management oversight, and program management by the permit vendor and City staff. A rough estimate of one-time start-up and first year implementation costs for a hypothetical district is about \$60K with estimated revenue collection less than \$30K. To be responsive to the City Council's motion, staff is researching the feasibility of requiring Castilleja to cover the initial one-time expenses and/or operational costs if a district is successfully initiated following implementation of the requested discretionary entitlements.

As an alternative to a parking district, the City could also impose other time of day parking restrictions that would limit the number of Castilleja staff and students parking in the neighborhood. However, such regulations would also impact area residents who would be required to ensure their vehicles similarly complied with any posted restrictions. Staff welcomes the PTC's feedback on this topic and will eventually be interested in a recommendation to Council on whether any action should be taken in this regard.

### Public Art Funds

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<sup>9</sup> PAMC Chapter 10.50 Residential Preferential Parking Districts:  
[https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto\\_ca/0-0-0-68425](https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-68425)

The City Council motion includes a suggestion for the applicant that fifty percent (50%) of the public art expenses be directed toward the City's public art fund. The City's Public Art for Private Developments is regulated by Palo Alto Municipal Code Chapter 16.61.<sup>10</sup> The regulations specify that the developer may choose to satisfy the requirement with a qualifying on-site installation or through payment of an in-lieu fee to the Palo Alto Public Arts Fund. In conversation with the applicant's representative, there was no initial objection to this request. It is anticipated that this would get resolved when hearings are scheduled before the City Council next year. No action from the PTC on this topic is required at this time.

### Special Events

The PTC may recall its own discussion regarding Castilleja's special events and the different perspectives held by the City and the applicant regarding the number and intensity of special events permitted at the school.<sup>11</sup> The subject conditional use permit, if approved, is an opportunity to provide more clarity as to what is expected in the future. When the PTC last considered this project, staff recommended a total of 70 special events during the academic year compared to the applicant proposed 90 events. The PTC in its review recommended 74 special events to the City Council in response to the applicant's concerns that further reductions would impact its academic, social and programming interests.

The City Council in its review directed staff and the PTC to evaluate five major events and between 50 and 70 special events with no Sunday events.

Sunday events were already prohibited in the staff and PTC recommended draft conditions of approval to Council. The five major events that take place annually at Castilleja include: Back to School Night, Gator Gathering, Founder's Day, Opening Day, and Graduation. Three of these events are evening events (5 pm to 10 pm) of which one is on a Saturday; the remaining two take place on a weekday, 8 am to 5 pm. Major events are regarded as events that bring almost all students and parents to the Castilleja campus. In addition to these five events, the City Council requests re-consideration and possible refinement to the maximum number of additional events, between 50 and 70 events.

Castilleja provided an updated list of special events starting on page 2 of the following linked document: <https://www.cityofpaloalto.org/files/assets/public/planning-amp-development-services/file-migration/castilleja/2021/15.pdf>. Castilleja identifies the special events that would be eliminated if the school were limited to 50 special events (plus 5 major events) each academic year. These events generally relate to admission tours, speaker events, athletic events, holiday or social events, and other program-related activities. Castilleja maintains that further reductions to the number of special events would be impactful to its academic, social

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<sup>10</sup> PAMC Chapter 16.61 Public Art for Private Developments:

[https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto\\_ca/0-0-0-75112](https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-75112)

<sup>11</sup> PTC Staff Report, Dated November 11, 2020, Link to Discussion Regarding Special Events:

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2020-agendas-minutes-and-staff-reports/ptc-11.18-castilleja.pdf#page=10>

and programing needs. Based on staff's earlier analysis and in response to Council's direction, staff recommends the school be limited to the five major events and 70 other special events during the academic year. After receiving public testimony on this topic and reviewing the linked list of events, the PTC can direct staff to draft conditions approval that it believes is responsive to the Council's direction and that will minimize event-related impacts to the surrounding neighborhood while balancing Castilleja's interests.

#### CUP Conditions and Conditions from Comparable Bay Area Schools

This report does not include any draft conditions of approval. The PTC and community can access the most recent list of conditions from the last City Council report in March. It is staff's intent to update the list of conditions after the ARB and PTC have sufficient opportunity to review updated application materials and provide direction to staff. The updated conditions of approval will be presented at a future noticed public hearing. Similarly, consistent with the Council's motion, staff will also collect information on other private schools in surrounding jurisdictions. The applicant has provided an initial list based on its research, which is included in the link most recently referenced above. Staff anticipates providing this information about other private schools the next time the PTC considers this application.

#### **Next Steps**

The ARB and PTC are concurrently reviewing aspects of the subject application. Based on feedback received and direction provided, staff will return with updated materials with the intent to begin to refine recommendations that are responsive to the City Council's motion. The timing of the next PTC hearing will depend on the extent of the direction/feedback received, the applicant's ability to make any changes, and staff time needed to analyze project revisions and prepare another report. Future meetings will be noticed in accordance with the municipal code.

#### **Environmental Review**

An environmental impact report and mitigation monitoring and reporting program were prepared for this project and shared with the City Council. This is the link <https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/Castilleja-Environmental-Documents> to the environmental documents webpage for the project. Depending on direction received from the ARB and PTC, staff and consultants will update the EIR as needed prior to scheduling hearings before the City Council.

#### **Public Notification, Outreach & Comments**

The Palo Alto Municipal Code requires notice of this public hearing be published in a local paper and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance. Notice of a public hearing for this project was published in the *Daily Post* on November 26, 2021, which is 12 days in advance of the meeting. Postcard mailing occurred on November 22, 2021, which is 16 days in advance of the meeting.

Additionally, staff maintains an email list of individuals that have expressed an interest in the project. Staff notified those recipients of the subject hearing a month in advance.

#### Public Comments<sup>12</sup>

As of the writing of this report, several public comments were received. All letters to the PTC will be forwarded to the PTC. The public comments to the ARB, PTC and City Council related to the upcoming hearings will be uploaded to this page: <https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Current-Planning/Pending-and-Approved-Projects/Approved-Projects/Castilleja-School/Castilleja-School-Public-Comments>.

#### **Report Author & Contact Information**

Amy French, Chief Planning Official  
(650) 329-2336  
[Amy.french@cityofpaloalto.org](mailto:Amy.french@cityofpaloalto.org)

#### **PTC Liaison & Contact Information**

Rachael Tanner, AICP, Assistant Director  
(650) 329-2167  
[rachael.tanner@cityofpaloalto.org](mailto:rachael.tanner@cityofpaloalto.org)

#### **Attachments:**

- Attachment A: Draft Ordinance Amending Definition of Gross Floor Area (PDF)

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<sup>12</sup> Emails may be sent directly to the PTC using the following address: [ptc@cityofpaloalto.org](mailto:ptc@cityofpaloalto.org)

\*NOT YET ADOPTED\*

Ordinance No. \_\_\_\_\_

Ordinance of the Council of the City of Palo Alto Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Amend the Gross Floor Area Definition for Low Density Residential Zones

The Council of the City of Palo Alto does ORDAIN as follows:

**SECTION 1.** Subsection (a)(65) (Gross Floor Area) of Section 18.04.030 (Definitions) of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the Palo Alto Municipal Code (“PAMC”) is amended to read as follows (additions underlined and deletions ~~struck through~~; omissions noted with [. . .] represent unchanged text):

(a) Throughout this title the following words and phrases shall have the meanings ascribed in this section.

[. . .]

(65) “Gross floor area” is defined as follows:

[. . .]

(C) Low Density Residential Inclusions and Conditions: In the RE and R-1 single-family residence districts and in the R-2 and RMD two-family residence districts, “gross floor area” means the total covered area of all floors of a main structure and accessory structures greater than one hundred and twenty square feet in area, including covered parking and stairways, measured to the outside of stud walls, “(C) Low Density Residential Inclusions and Conditions: In the RE and R-1 single-family residence districts and in the R-2 and RMD two-family residence districts, “gross floor area” means the total covered area of all floors of a main structure and accessory structures greater than one hundred and twenty square feet in area, including covered parking and stairways, measured to the outside of stud walls, including the following:

[. . .]

(iii) Carports ~~and~~, garages, and below grade parking facilities, except as excluded in subsection (a)(65)(D)(viii), shall be included in gross floor area.

[. . .]

(D) Low Density Residential Exclusions: In the RE and R-1 single-family residence districts and in the R-2 and RMD two-family residence districts, “gross floor area” shall not include the following:

[. . .]

(viii) Below-grade parking facilities that: (1) are accessory to nonresidential uses; (2) are located on a parcel that is six acres or greater; and (3) are located on a parcel that contains a listed historic resource; and 4) do not provide more than 50 percent of the base required on-site vehicle parking shall be excluded from the calculation of gross floor area. A below grade parking facility that does not meet all of these criteria shall be included in the calculation of gross floor area in its entirety.

**SECTION 2.** Any provision of the Palo Alto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

**SECTION 3.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 4.** The Council finds that the adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and 15305 because it constitutes minor adjustments to the City’s zoning ordinance. As such, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment.

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\*NOT YET ADOPTED\*

**SECTION 5.** This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Planning and  
Development Services