

DOCUMENTS IN THIS PACKET INCLUDE:

LETTERS FROM CITIZENS TO THE
MAYOR OR CITY COUNCIL

RESPONSES FROM STAFF TO LETTERS FROM CITIZENS

ITEMS FROM MAYOR AND COUNCIL MEMBERS

ITEMS FROM OTHER COMMITTEES AND AGENCIES

ITEMS FROM CITY, COUNTY, STATE, AND REGIONAL AGENCIES



Prepared for: **06/06/2022**
Document dates: **05/31/2022 – 06/06/2022**

Note: Documents for every category may not have been received for packet reproduction
in a given week.

From: [Bob Sanner](#)
Subject: Fwd: Proposed tree ordinance is non-transparent; impairs rights of residents; and on its surface plainly conflicts with State Law.
Date: Monday, June 6, 2022 9:54:58 AM
Attachments: [June 6 ARNIE # 4,567.docx](#)

Some people who received this message don't often get email from bbsanner@gmail.com. [Learn why this is important](#)

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June 6, 2022, City Council-- Proposed Tree Ordinance—Removal of Protected Trees

I am Robert Sanner, 76, a resident of the same Barron Park home for 43 years. I have been very involved in this revision as an ordinary citizen, including meeting with City Staff and Council, participating in Zoom calls, sending emails, etc. A number of homeowners, including me, are potentially **SEVERELY** damaged by this revision. **I urge you to vote “NO”, for three important reasons:**

1. It's against State Law, which **clearly protects ALL privately owned real estate**, not just “residences”, as this proposes. State law protects “property”, not “residences”, and the meanings are quite different. You will be forcing residents to litigate this, using state law. (I already have, and I won. See below.)
2. It is non-transparent. It misleads residents on their legally protected tree rights.
3. The City staff has several examples of state-compliant ordinances in its files, but it has chosen instead to construct its own restrictive rule. There is a reason it is trying to limit residents' rights by changing “property” to “residences”, and I URGE the council to ask staff what it is.

STATE LAWS:

There are three relevant state laws: Civil Codes #3479, #3480, and #3481. Under “Nuisance” (#3479), in concept tree removal would be approved when there is an obstruction to the free use of property. “Public Nuisance” (#3480) covers such damage to public property. “Private Nuisance” (#3481) covers such damage to privately owned property. There are no other relevant statutes, these three are controlling; and they **supersede local laws**.

PROPOSED PA ORDINANCE

The section covering damage to Palo Alto's own property, Public Nuisance, is comprehensive, with one-half of a page of details. PA's own property is thus well protected. The section covering damage to residents' private property is skimpy and non-compliant (as noted above) with #3479 and #3481. It is so skimpy it doesn't even include a section on Private Nuisance, which it should.

A SOLUTION:

A one-minute fix. Use one of the statutes other cities use, such as Sunnyvale's, a small part of which includes, almost verbatim, #3479. Don't try to limit the state-allowed rights of residents because of an arbitrary rule set up by the staff.

PAST LITIGATION INVOLVING THE ABOVE:

In 2021, I sued my neighbor, with a one-sided result in my favor. I claimed for damage under state law #3479, and my neighbor's ONLY defense was: “I was complying with PA's tree

ordinance". The PA ordinance will not win against superseding state law. The 7-page opinion of the **state judge never even mentioned the PA ordinance because it's irrelevant against state law**. But I still was forced to sue and pay my (winning) legal fees. My neighbor chose foolishly to go to court against state law, using only the PA ordinance as a defense. He had a losing case from the start, so he had to pay his (losing) legal fees.

ONLY "RESIDENCES", NOT "PROPERTY", WOULD BE PROTECTED

As stated, this is contrary to #3479 and #3481. That means **"non-residences" like offices, banks, stores, churches, day care centers, gyms, restaurants, and many more are not protected** by the City, but are by the state. On a resident's property, the following are not protected by the City, but are by the state: **underground utilities, hardscape, pools, fences, outdoor lighting, plantings, garages, etc.**

CONCLUSION:

A PA homeowner sometimes wants, and is legally entitled by the state, to remove a protected tree causing damage, and replace it with another tree, approved by the City, all done at his own cost. PA's proposed ordinance limits and contradicts state laws in this regard. It forces the homeowner to litigate (see above) to enforce his rights under state laws.

PLEASE VOTE "NO".

From: [mwilliams](#)
To: [Howard, Adam](#); [Anderson, Daren](#); [Ribeiro, Mark](#); [Council, City](#); [ParkRec Commission](#)
Subject: Restrooms at Mitchell Park are inadequate
Date: Sunday, June 5, 2022 11:20:29 AM

Some people who received this message don't often get email from moniwilliams@yahoo.com.
[Learn why this is important](#)

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The restrooms are clearly inadequate for the hundreds of people who visit Mitchell Park. The two closest to the Magical Bridge Playground are too far away for the kiddies who have to walk a long way to reach them, and often times they are clogged and out of service.

I understand that extra service was requested during the Bay Area Senior Games. On Sunday, restrooms had supplies at 1:15 pm but at 2:25pm they were empty of seat covers and toilet paper.

To alleviate this problem for the interim, **I propose that extra toilet paper holders be installed asap.** These could be placed high enough for adults to reach so that children are not tempted to remove all of the rolls. I'm wondering if the toilets get clogged because people are using the paper towels or toilet seat covers when the toilet paper has run out?

Also, why can't the City install one of the fast-dry hand blowers instead of using paper towels? Please let me know which department, and who I should contact to make these suggestions?
Thank you,

Monica

*Monica Williams
Palo Alto Pickleball Club
President
(650)772-9493 cell
(650)254-1041 home*

From: [D Martell](#)
To: [Council, City](#)
Cc: [Shikada, Ed](#); [Jonsen, Robert](#); [Binder, Andrew](#); [Reifschneider, James](#); [Philip, Brian](#); [Kan, Michael](#); [Pojanamat, Dan](#); [Lee, David](#); [Salkeld, Joshua](#); [Jensen, Eric](#); [michael.gennaco@oirgroup.com](#); [Stephen.Connolly@oirgroup.com](#); [Jeff](#); [Supervisor Simitian](#); [AnnaEshoo@mail.house.gov](#); [anne.ream@mail.house.gov](#); [Kou, Lydia](#); [Stone, Greer](#); [Stump, Molly](#)
Subject: Lytton Gardens found GUILTY
Date: Saturday, June 4, 2022 2:11:50 PM
Attachments: [LG found GUILTY.pdf](#)

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Community Care Licensing Division - State of California Department of Social Services - admonishes Lytton Gardens Assisted-Living (LG) for abusing patients and residents.

See attached
Complaint Determination Notification

"LG found GUILTY.pdf"

- **Breaking COVID Laws**

LG Assisted-Living facility management (and Independent-Living management) hid a serious COVID outbreak in the Assisted-Living building at 649 University Avenue, Palo Alto.

LG refused to publicly post notices, denied individual requests for a notice, refused to answer questions, continued to hold group activities and carried on with reckless disregard for senior lives, safety, health, and well-being.

This outbreak included an 87-year-old male patient who became deathly sick with COVID-19.

- **Breaking HIPAA Privacy and Security Laws**

For the ENTIRE Assisted-Living patient-population and for Independent-Living residents, LG Assisted-Living facility distributed HIPAA-protected data to OUTSIDE PARTIES without consent.

This security breach of confidentiality included sharing a LG's computer printout containing lists of patient and resident names, and phone and apartment numbers.

Yours truly,
-Danielle Martell
Palo Alto City Council Candidate 2016 & 2005
dmPaloAlto@gmail.com

COMPLAINT DETERMINATION NOTIFICATION - SUBSTANTIATED

COMPLAINT INFORMATION

COMPLAINT #:
26-AS-20220517140703

Danielle Martell
P.O. Box 265
Palo Alto, CA 94301

DATE OF COMPLAINT: 05/17/2022

NUMBER OF ALLEGATIONS: 2

FACILITY #: 430701864

FACILITY NAME (CFHs, RFs, and state-licensed
FFHs leave blank):

LYTTON GARDENS COMMUNITY
CARE

Dear Complainant,

Your complaint allegation(s) regarding the facility referenced above has been investigated. The following allegations were **substantiated** and corrective action has been initiated:

Facility is not posting notices about a positive COVID case

Facility is providing residents' personal information to outside parties without consent.

Unless the above facility is a Foster Family Home, Certified Family Home, Resource Family, or Small Family Child Care Home, for which confidentiality laws prohibit the publication of identifying information, the Complaint Investigation Report (LIC 9099) will be uploaded to the licensing transparency website this Sunday, with redaction of confidential information.

If your complaint contained more than one allegation, allegations not determined as substantiated will be provided in a separate letter. For ease of tracking, each letter will reference the same complaint number.

If you are concerned about the Department's findings, please contact me or reference the Communication with Complainants Frequently Asked Questions (FAQ) document available online ([www.cdss.ca.gov/Portals/13/Blue Pages/CC-FAQ.pdf](http://www.cdss.ca.gov/Portals/13/Blue%20Pages/CC-FAQ.pdf)).

For an additional copy of the FAQ, or for general information, please visit the Community Care Licensing Division website (www.cdss.ca.gov/inforesources/Community-Care-Licensing) or contact your local Regional Office using the information provided below.

Sincerely,

David Marrufo, Licensing Program Analyst, 5/25/2022.



David Marrufo

Licensing Program Analyst

Department of Social Services

Community Care Licensing

Adult & Senior Care Program

2580 North First Street, Suite 350, MS 29-07
San Jose, CA 95131

(650) 380-0519 Direct

(408) 324-2112 Office

(408) 324-2133 Fax

David.Marrufo@dss.ca.gov

From: [Catherine Martineau](#)
To: [Council, City](#); [Clerk, City](#)
Cc: [Shikada, Ed](#); [Gollinger, Peter](#); [Lauren Weston](#); [Mulvey, Trish](#); [EAC Chair](#); [James Eggers](#); [ldruff psychology](#); [alex@grassrootsecology.org](#); [Schmidt, Brian](#)
Subject: 6/6/22 City Council Meeting: Joint support for adoption of Ordinance Amending Title 8 of the PAMC (Action Item 13 - A)
Date: Friday, June 3, 2022 3:51:05 PM
Attachments: [Joint support letter for Title 8 update - CC 6-3-22.pdf](#)

Some people who received this message don't often get email from catherine@canopy.org. [Learn why this is important](#)

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Dear Mayor Burt, Vice Mayor Kou, and Councilmembers,

Please find attached a letter urging the Council to adopt the amendments to the Tree Protection Ordinance.

The letter is jointly signed by Acterra, CLEAN South Bay, the Santa Clara Valley Audubon Society, Sierra Club Loma Prieta Chapter, the Santa Clara Valley Chapter of the California Native Plants Society, Grassroots Ecology, Green Foothills, and Canopy.

Thank you for your commitment to the natural environment, biodiversity, and climate action in Palo Alto,

Catherine



Catherine Martineau (she/her)

Executive Director

Working from home

cell: 650-575-5310

[We're hiring!](#)





Action Item 13 - Adoption of Ordinance Amending Title 8 of the PAMC City Council June 6, 2022 Meeting

June 3, 2022

Dear Mayor Burt, Vice Mayor Kou, and Council Members,

Via email

We believe that updating Palo Alto's Tree Protection Ordinance is a top priority for the city. While the city's tree canopy is mature, abundant, and vibrant, it is also at risk. Mature trees, especially native oaks, are being lost parcel-by-parcel due to development. In addition, neighborhoods face disparities in canopy cover, and climate-change impacts are already being felt. Now is the time for the city to adopt the proposed updates to Title 8.

It's been over 20 years since the last substantive update to the Tree Protection Ordinance. As the attached table shows, the current Title 8 provisions are not as strong as comparable requirements in surrounding communities in terms of which trees are protected. The City Council and staff are taking important steps to bring Palo Alto's ordinance up to date and align it with what neighboring cities have already implemented.

The reasons for protecting and planting trees are clear. The urban tree canopy is one important nature-based solution to climate change. Trees sequester carbon, combat the urban heat island effect, and cool buildings. Neighborhoods well-shaded with street trees can be up to 6-10 degrees cooler than neighborhoods without.

In addition to their climate-change benefits, urban trees prevent soil erosion and stormwater run-off, provide wildlife habitat, and promote walking and biking on city streets. As recent scientific studies show, they also play a significant role in improving public health—enhancing physical and mental health and social well-being. Trees provide a substantial return on investment and, even in times of drought and budget tightening, are worth their water and maintenance.

With the proposed changes, the Tree Ordinance will be a more useful and meaningful tool to preserve and grow Palo Alto's urban forest. Among the many ordinance improvements, the update:

- *Expands the list of protected species in section 8.10.020.* The current ordinance protects only three species, meaning that many of the city's beautiful trees on private property are completely vulnerable to harm or removal. More native species need protection, as do desirable and substantial nonnative trees.
- *Improves and clarifies protected tree removal permit processes.* Section 8.10.050 of the update provides clear criteria to guide decision making for protected tree removal permit applications in the absence of development and under different development scenarios. Section 8.10.140 clarifies the processes for applications, public notice, and appeals.
- *Simplifies and enhances the requirement to replace trees.* When a protected tree is lost for any reason—whether on public or private property—there is loss of all of the community and environmental benefits that the tree afforded, as well as a decrease in the city's canopy. One of the city's Urban Forest Master Plan policies is to strive for no net loss or, better yet, an increase in the city's canopy cover. Consistent with this policy, when a protected tree is lost, it should be replaced. We support staff's proposed change in section 8.10.055(b), which requires tree replacement under all scenarios of property development.

Over the last nine months more than fifty community members expressed their strong support for this important update either in writing or at City Council and commission and board meetings. We urge you to vote Yes!

Best regards,



Catherine Martineau
Executive Director
Canopy



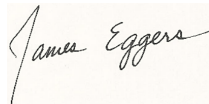
Lauren Weston
Executive Director
Acterra



Trish Mulvey
Founder
CLEAN South Bay



Annie Yang
Environmental Action Committee Chair
Santa Clara Valley Audubon Society



James Eggers
Executive Director
Loma Prieta Chapter Sierra Club



Linda Ruthruff
Conservation Chair
California Native Plant Society
Santa Clara Valley Chapter



Brian Schmidt
Policy and Advocacy Director
Green Foothills



Alexandra Von Feldt
Executive Director
Grassroots Ecology

CC Ed Shikada, City Manager; Peter Gollinger, Urban Forester

LOCAL TREE ORDINANCE COMPARISON

CITY	PROTECTED TREES - SPECIES	PROTECTED TREES — MINIMUM DIAMETER*	NUMBER OF SPECIES PROTECTED	CITATION
East Palo Alto	all species	8.0"	all	East Palo Alto Municipal Code Council approved updates 5/3/22
Los Altos	all species	15.3"	all	Los Altos Municipal Code § 11.08.040
Menlo Park	oaks native to California other species	10" 15"	all	Menlo Park Municipal Code § 13.24.020(5)
Mountain View	oaks, redwoods, cedars other species	3.8" 15.3"	all	Mountain View Municipal Code § 32.23.c
Redwood City	all species	12.1"	all	Redwood City Code of Ordinances § 35.1
Sunnyvale	all species	12.1"	all	Sunnyvale Municipal Code § 19.94.030
Palo Alto (current)	coast live oaks, valley oaks coast redwoods	11.5" 18"	3	Palo Alto Municipal Code § 8.10.020(j)
Palo Alto (proposed)	4 native oaks, bigleaf maples, incense cedars coast redwoods others except invasive species & high water users	11.5" 18" 15"	all except invasive species & high water users	Palo Alto Municipal Code § 8.10.020(l) (proposed - 06/06/22)

*Measured 54" above ground except Los Altos (48") and Redwood City (6-36")



Prepared by Canopy - June 2022

From: [Karen Holman](#)
To: [Council, City; ParkRec Commission](#)
Cc: [Pearson, Enid](#)
Subject: Agenda Item #1 June 1, 2022
Date: Tuesday, May 31, 2022 5:45:55 PM
Attachments: [Undedicated Park Land in Palo Alto and new parks - May 20162022.pdf](#)

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Honorable City Council members and Parks Commissioners,

At the June 1 Council meeting with the Parks and Rec Commission, you will be discussing the year's work plans for the Commission.

I submit the attached document identifying a number of locations in Palo Alto that have park use but do not enjoy the benefit (and future assurance) or park dedication.

Please add this list of subject locations for park dedication consideration to the Parks Commission Work Plan.

Thank you in advance.

Respectfully,

Karen Holman for Enid Pearson who did the hard work of putting together the document.

Undedicated Park Land in Palo Alto and new parks

May 2016, revised/updated 2022
Enid Pearson

Now that the 7.7 acres has been dedicated as our Charter states, I decided to review all our other parks. I have compiled a list of parks/recreation sites that might not be protected by the Park Dedication Ordinance

It would be appropriate to have the Parks and Recreation Commission review all these sites. The most important point is that ALL areas that are park, recreation, conservation and open space **MUST** be dedicated. There is no choice. In 1965 the voters of Palo Alto (7-1), voted to adopt Chapter VIII of the City charter in order to protect, enhance, and preserve parks, open space and conservation lands. “All lands **owned or controlled by the city which are or will be used for parks, playgrounds, recreation or conservation purposes shall be dedicated for such purposes by ordinance.** No land heretofore shall be abandoned or discontinued except pursuant to a majority vote of the electorate.”

1. Winter Lodge on Middlefield Road. This recreation site (ice skating rink/tennis courts) was saved from demolition by an exchange of dedicated park land for this site. i.e., The developer got 3.8A of dedicated park land (Geng Road and Embarcadero) and the public got to keep its skating rink/tennis courts. This land must be dedicated to protect from development if ice skating becomes impossible. These are valuable park recreation activities and should have been dedicated upon exchange.

2. Los Altos Treatment Plant Site – 13.8 A was purchased from Los Altos. The following is from our Baylands Master Plan.

“Los Altos Treatment Plant Site: The 1978 Baylands Master Plan recommended that the Los Altos Sewer Plant site should remain in **park land**. However, the 1987-88 update refers to City Council direction to staff in 1984 to explore use of the site as possible location for a solid waste transfer station. The **adopted 1989-91** Byxbee Park Master Plan anticipates the possible location of the transfer station in Sunnyvale. By the time of the 1998 Comprehensive Plan, the location of a regional transfer station had been resolved with construction of the SMaRT Station in Sunnyvale. The Comprehensive Plan land use designation for the Los Altos site is **public park and the site is dedicated park land.**”

These 13.8 acres have been badly abused. Part of the site is used by the city as storage for trucks and big equipment and there has been gradual invasion of the wet lands by fill. Recently, grocery trucks (marked Google and at least 2 dozen) were parked near the defunct Los Altos Plant (now gone). This land

should have been dedicated, by ordinance, as soon as it was purchased. Instead the city has proceeded to use and abuse this land without any public approval. At the very least, six acres ought to be park dedicated and immediately placed out of bounds for ANY city or other group, such as Google. It should be clearly designated by signage to prevent further encroachment. Dedication would slow any thought of selling this land for development (such as to Google?) and would also make an exchange of land that has been proposed less likely. The defunct treatment plant buildings should be removed soon.

3.The Gamble House and Gardens, Waverley Street/Embarcadero/Churchill site was given to the City by Elizabeth Gamble to be preserved as a park area which includes her house and gardens. The adjacent Bowling Green and a small sliver of land on the corner of Embarcadero and Waverley are park dedicated. It would be appropriate to dedicate the Gamble House and Gardens to protect the whole site from possible demolition and redevelopment.

4. Winter Lodge on Middlefield Road. This recreation site (ice skating rink/tennis courts) was saved from demolition by an exchange of dedicated park land for this site. i.e., The developer got 3.8A of dedicated park land (Geng Road and Embarcadero) and the city got to keep its skating rink. The rink/courts are in a commercial area subject to redevelopment for office or commercial use. It's time to dedicate this unique Palo Alto park

5.The Water Well Park on Alma and Hawthorn is a mini park in an area that is vulnerable to development. Note the somewhat recent loss of the gas station to one more commercial building (without enough parking and minimal public area, if any). History reminds us that this park has been up for "grabs" many times. Now is the time to dedicate this as a mini park and save it from redevelopment and worse, demolition and redevelopment. It is a Palo Alto landmark. Only the Water Well itself was dedicated in honor of Fred Eyerley. The site is 8,000 sq. ft. and would be a nice mini park addition to Palo Alto's downtown landscape.

6.The Community Gardens on Newell Road behind Ronconada library is valuable open space that has been used by Palo Altans for years as a demonstration and recreational garden. There are about 100 small garden plots which are open to public viewing/touring any day of the year. This garden area is equivalent to the gardens at Eleanor Pardee Park which are protected by the dedication of Eleanor Pardee Park. The Newell Gardens are vulnerable to the expansion of the library and art center and to car parking demands. The library expansion did make an incursion into the park. It is imperative that this Community Garden be dedicated and protected.

7. Bol Park in Barron Park is a wonderful park. There are two areas that ought to be acquired to protect the park as a whole and prevent

private and or future development and further encroachment by the school district and Stanford. The park is known for its resident donkeys. Their home is adjacent to Bol park but not part of it. The city ought to acquire this private land and add it to Bol Park.

The area known as Strawberry Hill is owned by Stanford. The city ought to negotiate with Stanford to permanently lease the land to Palo Alto and dedicate it as part of Bol Park. These two additions would add significantly to the park and protect the park and the areas from unwanted development.

8.The small Anna Zschotke Mini Park next to the downtown parking garage on High Street should be dedicated. It needs to be protected from any encroachment by the parking garage.

9.The Williams House on Homer Avenue across from Heritage Park is the former home of Dr. Williams (one of the Palo Alto Clinic founders) and later, his daughters. It is used as a museum of 19th century living and the gardens are still worked and preserved by volunteers. This is a very vulnerable site for development. It is surrounded by commercial and apartment buildings. Park dedication would protect this historic building and it is complimentary to our future History Museum across the street. Confirm this has occurred.

11. Soccer Fields on El Camino Real and Page Mill Road were part of a development deal with Stanford. Stanford received many construction and expansion concessions for the neighboring College Terrace development in exchange for these fields. Chapter VIII, the park dedication ordinance, includes lands that are **controlled** by the City. These lands are just like El Camino Park, which is owned by Stanford, but leased and paid for by Palo Alto and under Palo Alto's control. The fields need to be dedicated to protect them from any kind of development that might be proposed in the future. We know that artificial turf has huge drawbacks that could affect their use. Artificial turf becomes very hot and large quantities of water must be sprayed on the turf to cool them down so they can be played on. This could become a factor for change of use from park to development. Further, Stanford has huge development proposals and this land is a prime site for further expansion of the Stanford Research (formerly Industrial) Park. Dedication would clearly slow down any development prospects.

Please confirm dedication and date this site was dedicated.

11.The city purportedly gained some mini parks when developers sought PC zoning. The developers promised small public spaces in exchange for big concessions on parking requirements and added square footage. What happened to these small mini parks needs to be reviewed and corrections made.

The building on the corner of High and Homer is **where St. Michaels Alley**

Restaurant is now located. When the PC zone was requested, there were restrictions placed on how much of this public space could be occupied by the restaurant. Specific drawings exist that show most of the space is to be used by the public. To the contrary, the restaurant now totally occupies this space. The city should force compliance with the concessions given.

In the California area, the restaurant, **Café Rieche** occupies the public space almost 100%. Again the developer was given many concessions of less parking and more construction with a promise of giving public space. This open space is totally lost to the public. The city should enforce the use of this public space by the public.

Alma Village, Meadow Drive and Alma, received concessions for promised open space and a public room. It is not clear how much open space has been created and whether it is available to the general public. The city ought to make sure the developer's promises have been kept.

These private encroachments are blamed on the inadequate PC. The PC, now on hold, ought to be changed to prevent these mini park public areas from being lost. What oversight does staff employ for enforcement?

11. At the end of Geng Road, is **our baseball park**. For years the garbage company stored its garbage trucks on one acre of park land that extends from the boundary of the baseball field. The trucks have been removed, but the acre is covered with piles of "mulch" and is not available to the public. At the very least, the City ought to make this acre available to the baseball public and it should be restored to public use. This acre has been out of public use as far back as when PASCO was the garbage company of choice. It is dedicated park land that has been taken over for non-park use and continues to this day. What is the status of this land?

13. **Byxbee Park** is 126-135 acres of landfill is now closed and is being converted to park land. In 1963-65, the city told the public that the landfill activity that was a small part of this area was to be closed and our garbage was going to another landfill site. Most of this land was marsh and wet lands. The city disregarded the dedication ordinance and continued to fill these marshes with garbage until the Army Corp caught this illegal filling. The city never complied with the dedication ordinance nor asked the public if it wanted to continue this use of its valuable marshes. Instead the city side-tracked both the council and the public. The dumping was called "sculpting" the park for the future.

Please confirm dedication and date of dedication.

Meas. EE undedicated 10 acres which were put on hold until 2021. The 10 Acres ought to be rededicated as soon as possible.

14. The School District encroached, illegally, onto 1.8 A of Riconanda Park. This issue should have gone to a vote of the people, but the City chose not to comply. The District did agree to give a piece of land to the City in exchange for the land they had taken. The question remains: Did we get an equal amount of land and was this new land dedicated?

All parks are vulnerable to excessive development. The land is free and it is easy to encroach on open space. All activities become park uses. For example, the zoo, which needed and was renovated, encroached on Rinconada Park. A better or different design could have remained within in the prior boundary.

15. There are small islands of land throughout the city that are less than an acre in size that are mostly the sites of former city wells. These sites should not be abandoned and developed.

Neighborhoods should be made aware that the city could buy property that residents want to sell and lots could be combined to form a new park. This was done with the Johnson Park. Sites were acquired and residents allowed to remain in their homes until they chose to move.

16. There are tennis courts which are not dedicated parks. They should be identified and Council needs to take action and dedicate them before development proposals surface.

17. Baseball Fields Geng Road: The city has been made aware that the area adjacent to the baseball field is dedicated park. This triangle area is still being used by the city via our garbage collector to store trucks. I thought the city agreed that this area was to be vacated and converted to use for the baseball field. Even on the most recent park upgrade proposal, this area is still occupied by trucks. Might be in progress.

18. When calculating parks per person, Palo Alto should not add in its regional parks which are only accessible by car – maybe bike if you are still able. To access Foothill Park, Pearson/Arastradero Preserve, and the Baylands, cars are necessary. If we calculate the park areas per person without these 3 areas, we see that the ratio is far below the preferred Federal standards. ($4A/1,000 = 260A/65K$; PA's is $174A/65K$ or 86A short; a projected population if 82,000 without any additions would be 162A short). The Parks and Recreation Commission noted that Palo Alto was deficient. Palo Alto should be acquiring new parks steadily. Any new developments of size should be required to include a park that is available to the public. There are a few obvious sites remaining where this could be accomplished. 1) Fry's is ripe for redevelopment. The developer ought to be required to add a significant park. 2) Any future development south of

Oregon should include new park areas. 3) Any PC project must provide significant open public space and a guarantee provided (dedicate the area as park) that it will not be taken over by any commercial endeavor. Fix the PC zoning. Don't forget the Quimby Act and implement where applicable.

Palo Alto at one time (during my council years) encouraged mini parks. It is time to reinstate that concept again. Mini Parks make wonderful peaceful additions to very busy business areas.

The Mini Park concept should also apply in all commercial areas. Where better to have green refuges than in grim industrial areas? A survey of all possible sites could be started by staff, a section at a time.

Additions:

A. Boulware Park: There is a site owned by ATT that is not being used and that the city could buy (I have been told). There is a history with ATT. When the Baylands was being dedicated, at Att's request, PA left out a site for ATT of about 5 +/- A and Palo Alto did not charge ATT for doing this.

Glad the City has added this to its parkland inventory in the Ventura neighborhood. Is it dedicated yet?

B. When it was decided that the Rinconada fire Station was to be vacated for a limited time for renovations, two sites were proposed. One on Newell Road that is vacant and the Geng Road site. The council chose the Geng Road site. But it becomes clear that here is a vacant site that could be a park area and minimally upgraded so as not to get the neighbors wrought up and it surely should be dedicated before a development project is envisioned.

C. Kingsley "island" Alma and Kingsley.

From: [Randy Popp](#)
To: [Council, City](#)
Subject: Fwd: Tree protection
Date: Monday, June 6, 2022 9:21:58 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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Honorable Members of The Council:

I am aware this may have been sent too late for modifying the ordinance language but I'm hopeful you can consider my comments in your discussion. I wanted to be sure you were all aware of the concern I have shared with our City Attorney and very specifically the stated conflict between the proposed language and what HCD has communicated. Adopting the ordinance as written will create conflict with state regulation and I'm sure you will seek to avoid that if you can.

Thank you,
Randy

Randolph Popp
A R C H I T E C T

904 High Street
Palo Alto, CA 94301
650.427.0026
www.rp-arch.com

Begin forwarded message:

From: Randy Popp <randy@rp-arch.com>
Date: June 2, 2022 at 1:46:00 PM EDT
To: "Stump, Molly" <Molly.Stump@cityofpaloalto.org>
Subject: Fwd: Tree protection

Molly,

I wanted to share both some concerns and correspondence regarding the proposed changes to the Tree Protection Ordinance being considered on Monday. Mid-April I sent Peter Gollinger a note to which he never responded. I just had the opportunity to review the staff report posted in advance of Monday's Council meeting and found that the language is inconsistent with the direction provided by HCD staff. This email specifically addresses the removal of trees relative to the development of an ADU.

Palo Alto is proposing to adopt the following language:

18.09.040 Units Subject to Local Standards.

(f) No protected tree shall be removed for the purpose of establishing an accessory dwelling unit unless the tree is dead, dangerous or constitutes a nuisance under Section 8.04.050. Any protected tree removed pursuant to this subsection shall be replaced in accordance with the standards in the Tree and Landscape Technical Manual.

Repeating what I shared with Peter, I understand that if an ADU is proposed which might impact a protected tree that is larger than 800 SF, the proposal can either be restricted in terms of placement on the site or obligated to be reduced to 800 SF or less. If a proposed ADU is 800 SF or less, and that area can't reasonably be accommodated on the site without impacting a tree that would otherwise be protected, the ADU application must be approved even if it means the tree would be removed.

As HCD indicates in the thread below, a conversion ADU (not adding any additional area) would have no relevance to the ordinance. I'd argue that the standard of a tree being dead, dangerous, or constituting a nuisance, would still apply here as it would elsewhere. They go on to explain that a state exemption compliant ADU (800 sf or less) must be accommodated. This is a clear interpretation stating that a tree must be allowed to be removed under that condition and that the proposed language in 18.09.040(f) is unenforcable as written.

Restating from my initial note to HCD, also problematic (actually for any project) is new language in 18.10.040(a) that states:

"Any application for development or demolition shall be accompanied by a statement by a designated arborist which discloses whether any protected trees exist on the property which is the subject of the application, and describing each such tree, its species, size, dripline area, and location. This requirement shall be met by including the information on plans submitted in connection with the application."

This obligation this creates will impose a significant added cost and delay. In place of this, rather than including the entire property, I would recommend language that obligates the applicant to only report on a tree that might approach the 11.5" DBH standard with a dripline within 10' of the area of proposed work. An example of this could be a requirement that triggers evaluation and statement by a designated arborist only if a potentially impacted tree appears to be greater than 10" DBH measured by the applicant. In that way, we avoid the excessive nature of the section for every project and only apply the standard to the area where work will occur on the site when a potentially protected tree exists.

One last item - Additions in the proposed ordinance language which dictate when a tree may be deemed approved for removal are included in the following:

18.10.050(b)

In the case of any development...a protected tree shall not be removed unless determined by the urban forester, on the basis of a tree report prepared by a designated arborist and other relevant information, that any of the following apply:

(1) The tree is so close to the proposed development that construction would result in the death of the tree, and there is no financially feasible design alternative that would permit preservation of the tree, where financially feasible means an alternative that preserves the tree unless retaining the tree would increase project cost by more than twice the replacement value of the tree or 10% of the given project valuation, whichever is greater.

Again this language defines a problematic process in that it is subjective. As we know, there can only be ministerial review of an ADU application. There is no truly objective standard that establishes what would be considered "financially feasible" since the valuation of replacement is at best an estimate. The various methods for establishing the valuation of a tree are complicated and highly variable. I won't go into those here, but it is my belief that the language proposed in 18.10.050(b) creates an unenforceable standard.

I'd be happy to review any of this with you if that would be helpful.

Best,
Randy

Randolph Popp
A R C H I T E C T

904 High Street
Palo Alto, CA 94301
[650.427.0026](tel:650.427.0026)
[408.666.6516 mb](tel:408.666.6516)
www.rp-arch.com

----- Forwarded message -----

From: **Randy Popp** <randy@rp-arch.com>
Date: Wed, Apr 13, 2022 at 4:13 PM
Subject: Fwd: Tree protection
To: Gollinger, Peter <PETER.GOLLINGER@cityofpaloalto.org>

Hi Peter,
I just left you a message - I'm hoping to connect about the updated Tree Ordinance as it relates to ADU development.

I've had some communication with HCD that I thought would be good to share and have included it below. Essentially what I understand is that if an ADU is proposed that is larger than 800 SF, it can either be restricted in terms of placement on the site or obligated to be reduced to 800 SF or less. If a proposed ADU is 800 SF or less, and that area can't reasonably be accommodated on the site without impacting a tree (that would otherwise be protected) the ADU application must be approved even if it means the tree would be removed. I certainly do not want people to start removing trees because of this but I think I heard of at least one application that was recently withdrawn due to issues related to approval being held up as a result of conflict with a tree. I think it is important to understand this clearly and I want to encourage you to reach out to Gerlinde to clarify this before the updated ordinance is finalized.

Best,
Randy

Randolph Popp
A R C H I T E C T

904 High Street
Palo Alto, CA 94301
[650.427.0026](tel:650.427.0026)
[408.666.6516 mb](tel:408.666.6516)
www.rp-arch.com

----- Forwarded message -----

From: **Bernd, Gerlinde@HCD** <Gerlinde.Bernd@hcd.ca.gov>
Date: Sun, Apr 10, 2022 at 3:06 PM
Subject: RE: Tree protection
To: Randy Popp <randy@rp-arch.com>

Yes, a conversion [of an existing structure] would not be impacted, as the structure is already there.

Heritage tree standards can affect the maximum allowable size of an ADU. However, as noted in 65852.2(c)(2)(C) (lot size, FARs, lot coverage, etc.), the 800 square foot (minimum) size ADU would still need to be accommodated somewhere on the lot.

Thanks,



Gerlinde Bernd

Housing and Community Development

2020 W. El Camino Avenue, Suite 500 | Sacramento, CA 95833
Phone: 916.263.5146 (Office) | 916.820.1997 (Business Cell)



From: Randy Popp <randy@rp-arch.com>
Sent: Friday, April 8, 2022 6:39 PM
To: ADU <ADU@hcd.ca.gov>
Cc: Bernd, Gerlinde@HCD <Gerlinde.Bernd@hcd.ca.gov>
Subject: Re: Tree protection

Helpful!

I think the key to this may be:

- *The local tree ordinance could potentially prohibit ADUs on many properties and would constitute a sort of lot coverage restriction that is prohibited under Government Code Section 65852.2(c).*

Here is a link to the City FAQs for the draft

proposal: <https://www.cityofpaloalto.org/Departments/Public-Works/Public-Services/Palo-Alto-Urban-Forest/Tree-Ordinance-Update-2022/Tree-Ordinance-Update-FAQs>
[\[cityofpaloalto.org\]](https://www.cityofpaloalto.org)

In addition to Oaks and Redwoods, the City is significantly expanding the regulations to include:

Selected locally native species 11.5" in diameter or greater when measured 54" above grade.

Bigleaf Maple (*Acer macrophyllum*)

California Incense Cedar (*Calocedrus decurrens*)

Any other tree species that is 15" in diameter or greater when measured 54" above grade. This is really a huge increase in the restriction as almost any modest tree will have a trunk diameter of this size

Particularly problematic is a new rule that states, "all permit applications must include a report by a certified arborist that demonstrates how a tree meets these conditions and that treatments or corrective practices are not feasible." This will impose significant added cost, causes additional delay, seems subjective in its nature, and can easily be used to restrict the placement or design of an ADU in a yard.

Additions in the proposed ordinance language which dictate when a tree may be deemed approved for removal also include a statement that, "During the development process: The tree is so close to the proposed development that construction would result in the death of the tree, and there is no financially feasible and reasonable design alternative that would permit preservation of the tree." Again this is highly subjective - There can only be ministerial review of an ADU application so what method could the City use to evaluate what is a financially feasible and reasonable design alternative?

Before this change is voted into law, I'd really like to help get it right so we are not fighting to correct it after. Any assistance you can offer here will be most appreciated.

Best,

Randy

Randolph Popp
A R C H I T E C T

904 High Street
Palo Alto, CA 94301
650.427.0026
408.666.6516 mb
www.rp-arch.com [rp-arch.com]

On Fri, Apr 8, 2022 at 4:50 PM ADU <ADU@hcd.ca.gov> wrote:

Hi Randy,

I apologize for our belated response.

Trees are not covered by ADU law. However, there are a number of sections in ADU law that might apply; I've listed them below. There is at least one caveat, though, Valley Oaks and Coast Redwoods are protected. And I don't know if the sections below - although ADU law is state law - would override their protection. Since the finer details here of tree protection are outside our purview, can you look into it?

If you get push back from Palo Alto, please send us the details of the case and Palo Alto's reasoning. We can then assess it for compliance with ADU law.

Again, please note that the list below is for general information; we would need to assess the specific case.

- The area designated is based on the adequacy of water, sewer services, and impacts of ADUs on traffic flow and public safety. (Gov. Code Section 65852.2(a)(1)(A)).
- The City can impose standards in their ordinance on ADUs that include standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. (Gov. Code Section 65852.2(a)(1)(B)).
- The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth. (Gov. Code Section 65852.2(a)(2)).
- No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision. (Gov. Code Section 65852.2(a)(5)).
- The local tree ordinance could potentially prohibit ADUs on many properties and would constitute a sort of lot coverage restriction that is prohibited under Government Code Section 65852.2(c).

I hope this helped.

Best regards,

Gerlinde Bernd

From: [Tran, Joanna](#)
To: [Council, City](#)
Cc: [Shikada, Ed](#); [Executive Leadership Team](#); [ORG - Clerk's Office](#); [North, Karin](#); [Borges, Paula](#)
Subject: Council Consent Agenda Question for 6/6/2022: Item 9
Date: Friday, June 3, 2022 10:01:32 AM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image002.png](#)

Dear Mayor and Councilmembers:

On behalf of City Manager Ed Shikada, please view the following links for the amended agenda and staff response to a question from Councilmember Cormack regarding Monday night's Council Meeting:

- [June 6, 2022 Amended Agenda](#)
- [Staff response to Consent Item 9](#)

Thank you,
Joanna

Joanna Tran

Executive Assistant to the City Manager
Office of the City Manager
(650) 329-2105 | joanna.tran@cityofpaloalto.org
www.cityofpaloalto.org



Please click here to provide feedback on our City's services



From: [Wong, Tim](#)
To: [Rob Nielsen](#); [Council, City](#); [Planning Commission](#); [HeUpdate](#); [Lait, Jonathan](#)
Cc: mathew@siliconvalleyathome.org; housingelements@hcd.ca.gov
Subject: RE: Housing element: Groundtruthing report on California Ave and College Terrace, part 2
Date: Tuesday, May 31, 2022 5:31:54 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Hi Rob,

Thank you for your continued review of the City's identified sites. Also, as you know, we are entering into the Housing programs phase of the update process. So we will also be looking at relaxing development standards and providing additional incentives as well as shortening the review process to make developments on the identified sites more feasible. Staff has discussed with housing developers as well as conducting additional research in preparing the programs.

Any questions, please let me know.

Thanks.

Tim



Tim Wong

Senior Planner

Planning and Development Services

(650) 329-2493 | tim.wong@cityofpaloalto.org

www.cityofpaloalto.org



Service Feedback

From: Rob Nielsen <crobertn@yahoo.com>
Sent: Friday, May 27, 2022 3:22 PM
To: [Council, City <city.council@cityofpaloalto.org>](mailto:city.council@cityofpaloalto.org); [Planning Commission <Planning.Commission@cityofpaloalto.org>](mailto:Planning.Commission@cityofpaloalto.org); [HeUpdate <HeUpdate@CityofPaloAlto.org>](mailto:HeUpdate@CityofPaloAlto.org); [Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>](mailto:Jonathan.Lait@CityofPaloAlto.org); [Wong, Tim <Tim.Wong@CityofPaloAlto.org>](mailto:Tim.Wong@CityofPaloAlto.org)
Cc: mathew@siliconvalleyathome.org; housingelements@hcd.ca.gov
Subject: Housing element: Groundtruthing report on California Ave and College Terrace, part 2

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Here is a second groundtruthing report on the Palo Alto housing element covering sites in the greater California Ave area.

Thank you for your time and attention.

Best regards,
Rob Nielsen

From: [Krista McDermott](#)
To: [Council, City](#)
Subject: Please think about the real cost of what you are doing when you approve new build ghost homes
Date: Tuesday, May 31, 2022 2:39:26 PM
Attachments: [IMG_4273.PNG](#)

[Some people who received this message don't often get email from krista_ann@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Sent from my iPhone

From: [Aram James](#)
To: [Shikada, Ed](#); [Council, City](#); [Human Relations Commission](#); [chuck jagoda](#); [Winter Dellenbach](#); [Greer Stone](#); [Binder, Andrew](#); robert.parham@cityofpaloalto.org; [Sean Allen](#); [Linda Jolley](#); [Sajid Khan](#); [Jeff Rosen](#); [Jeff Moore](#); [Planning Commission](#); [ParkRec Commission](#); [Joe Simitian](#); supervisor.ellenberg@bos.sccgov.org; [Vara Ramakrishnan](#)
Subject: What's wrong with this picture? PA city manager earns more than the president! | An Alternative View | Diana Diamond | Mountain View Online |. (from the archives)
Date: Monday, June 6, 2022 9:47:24 AM

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FYI:

<https://www.mv-voice.com/blogs/p/2020/05/05/whats-wrong-with-this-picture-pa-city-manager-earns-more-than-the-president>

Sent from my iPhone

From: [Melanie Grondel](#)
To: [Council, City](#)
Cc: [Melanie Grondel](#)
Subject: The Trees of Palo Alto need updated Protection.
Date: Monday, June 6, 2022 12:18:51 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Mayor Burt and City Council Members,

Once more I am writing you in support of the proposed updates to Palo Alto's Tree Ordinance. Many of the important arguments have already been made.

I would like to call your attention to what it means not to have an updated Tree Ordinance in place.

On my walks in the neighborhood I have followed brokenheartedly the demolition of several structures on a large corner lot on Stanford Avenue. It started with the trees. They were the first sign of change on that lot and they were the first ones to go. I actually had trouble recognizing that corner in my neighborhood. I realized that the protective screen of trees near the fence had been removed, revealing three very large stumps of what must have been trees of considerable girth and height. In all, 14 trees had been removed, counting the stumps, nothing green was left remaining. I looked up the address on Google and found an earlier photo of that street corner, which I immediately recognized; it was nothing but leafy green. I have made photos to document the size of the stumps and the destruction. It turned out to be in vain.

I had heard stories before about clear cutting to accomodate new development without the limitations that might be imposed by trees, but I had never seen it with my own eyes. I thought that stories about clear cutting for convenience of new development may have been somewhat exaggerated or were a rare exception. This is not so !! I now believe these stories at their full value, as I have seen it happen before my very eyes. There is another report of a similar occurence a few blocks further. That is two such instances in two months !

When I tuned in to the review of these updates to the Tree Ordinance by the Parks and Rec Commisson, I learned that even with pictures in hand, little can be done without this updated Tree Ordinance in place. "Our hands are tied " was the Staff's argument when several other such instances of removing all trees from the lot, were the subject of a long discussion.

Palo Alto needs its trees. They are our best and most efficient answer to cool, shaded houses and streets, as cities warm up under the pressures of increasingly severe drought and rising temperatures, that frequently break time and heat records.

I urge you to support the proposed updates to Palo Alto's Tree Ordinance.

Thank you for your consideration,

Melanie Grondel
College Terrace.

From: [Bev Benson](#)
To: [Council, City](#)
Subject: I am FOR the Tree Protection Ordinance
Date: Sunday, June 5, 2022 5:51:40 PM

[Some people who received this message don't often get email from bevbenson@comcast.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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I moved to Palo Alto in 1983. Birch Trees were my street tree and they all died because they are river trees that like water. When my tree died the city planted an oak tree that is beautiful and never gets a drop of water. It has all the bugs that the local birds like and my yard is full of birds.

Right now I have 2 Mourning Dove chicks growing up in my backyard.

Thank you,
Bev

From: [Aram James](#)
To: [Human Relations Commission](#); [Planning Commission](#); [Joe Simitian](#); [Winter Dellenbach](#); [Council, City](#); [Sajid Khan](#); [Sean Allen](#); [Greer Stone](#); [Jay Boyarsky](#); [Shikada, Ed](#); [chuck jagoda](#); [Jeff Rosen](#); [citycouncil@mountainview.gov](#); [city.council@menlopark.org](#); [GRP-City Council](#)
Subject: City goes rogue to deal with fentanyl overdoses
Date: Sunday, June 5, 2022 2:50:51 PM

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https://www.latimes.com/california/story/2022-06-04/san-francisco-fights-drug-overdoses-tenderloin-fentanyl?_amp=true

Sent from my iPhone

From: [Drew Musto](#)
To: [Council, City](#)
Subject: Bike Lane on El Camino
Date: Sunday, June 5, 2022 2:09:43 PM

Some people who received this message don't often get email from dmusto@stanford.edu. [Learn why this is important](#)

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Dear Council,

I am writing in support of a dedicated bike lane on El Camino Real.

I live and study at Stanford University. Because I don't have a car—an option not feasible to me given my limited budget—I rely on biking to run many of my errands. I enjoy doing so, but the lack of a dedicated bike lane on El Camino Real puts my safety at risk and makes it difficult to support Palo Alto businesses.

You can no doubt appreciate the risks associated with sharing lanes with vehicles 20 times your size capable of going 5 times your speed. But what long-term residents may not be aware of is the danger to new residents of having to take routes off El Camino. These routes tend to be windy, and since new residents aren't always familiar with them, it becomes necessary to follow Google-Maps directions. But that is dangerous for everyone. Paying attention to phones takes bikers' focus off the road and reduces their ability to signal their turns (since if one hand is holding the phone, signaling with the other hand means having no hands wrapped around the handlebars). And if bikers' phones die or lose internet connection, they have to figure out the journey themselves, likely biking distractedly while doing so.

Accepting CalTrans's offer to build a bike lane on El Camino would address these safety concerns at no cost to Palo Alto residents. It would ease access to local businesses and reduce the need to have a car. And finally—something special to me as an out-of-stater who has fallen in love with this region—it would democratize access to one of the most historic, culturally significant routes in North America. It's only right!

Thank you for your time,

Drew Musto
Stanford Law School

From: [Aram James](#)
To: [Raj](#); [Sajid Khan](#); [Jeff Rosen](#); [Council, City](#); [Human Relations Commission](#); [Winter Dellenbach](#); [Joe Simitian](#); [Jay Boyarsky](#); [Greer Stone](#); [chuck jagoda](#); [Binder, Andrew](#); [citycouncil@mountainview.gov](#); [Shikada, Ed](#); [Council, City](#)
Subject: Zisser: Can a public defender be district attorney? - San José Spotlight
Date: Saturday, June 4, 2022 10:12:59 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

<https://sanjosespotlight.com/zisser-can-a-public-defender-be-district-attorney/>

Sent from my iPhone

From: [Aram James](#)
To: [Roberta Ahlquist](#); [Bains, Paul](#); [ladoris.cordell](#); [darylsavage@gmail.com](#); [Stump, Molly](#); [Shikada, Ed](#)
Cc: [Perron, Zachary](#); [Jonsen, Robert](#); [Sean Allen](#); [Greer Stone](#); [WILPF Peninsula Palo Alto](#); [Raging Grannies of the Peninsula](#); [Vara Ramakrishnan](#); [Portillo, Rumi](#); [Council, City](#); [Jay Boyarsky](#); [Jeff Moore](#); [mike.wasserman@bos.sccgov.org](#); [Joe Simitian](#); [Sandy Perry-HCA](#); [melissa.caswell](#); [gmah@sccoe.org](#); [chuck jagoda](#); [Planning Commission](#); [Human Relations Commission](#); [Rebecca Eisenberg](#); [Debbie Mytels](#); [WILPF Peninsula Palo Alto](#); [Palo Alto Renters' Association](#); [Joyce Beattie](#); [Marie-Louise Starling-Bell](#); [Carol Lamont](#)
Subject: Re: Qualities I want in our next police chief -obligation for officers to intervene -and severe discipline for those who fail to do so
Date: Saturday, June 4, 2022 9:15:37 PM

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Mr. Shikada tear down this wall of secrecy

6/4/22

Dear Editor

The citizens of Palo Alto must keep pushing our notoriously non-transparent and habitually obfuscating city manager Ed Shikada and demand an open forum where at least the three finalists for our next police chief are subject to a very powerful public vetting.

Our current chief was interviewed by a group of allegedly blue-ribbon citizens, they know who they are, and guess who was selected: one of the very worse police chiefs in Palo Alto's long history of extraordinarily bad and often far-right-wing leadership.

Ed Shikada is proposing a similar group of "blue ribbon citizens" conduct the interview process- yet again behind closed doors.

We can't afford more of the same. Mr. Shikada open up the police chief hiring process to public view and do it now!!

Two years after the police execution of George Floyd and Mr. Shikada you still haven't received the memo.

The public doesn't trust their police and demands transparency in all matters related to police practices, including hiring our next chief.

It's time the city council fired Ed Shikada!!!

aram

On Jun 3, 2022, at 5:36 PM, Roberta Ahlquist <roberta.ahlquist@sjsu.edu> wrote:

Dear Representatives:

We are very supportive of an **open forum** to decide who should be selected as the new police chief of Palo Alto. We need to know who is being considered and who is in the running.

Please provide the needed transparency so that the residents of our city will know who is being considered and who is in the lead. Our community deserves to be so informed.

Sincerely,

Roberta Ahlquist & Walter Bliss

On Sun, Apr 24, 2022 at 12:13 AM Aram James <abjpd1@gmail.com> wrote:

>
> April 24, 2022
>
> From: Aram James long time attorney (statebar # 80215), long time Palo
> Alto residentand long time community activist
>
> To: City Manager Ed Shikada
>
> Re: Obligation for officers to intervene and severe discipline, firing or
> prosecution for officers who fail to intervene when supervisors or fellow
> officers engage in acts of racially discriminatory policing, acts of police
> brutality and other acts of misconduct.
>
> The Palo Alto Police Department is plagued with recent cases where an
> officer-has brutally attacked an innocent community member while other
> officers have stood by and chief Robert Jonsen has failed to discipline the
> officers who at the scene failed to take steps to intervene: Robert Jonson has
> engaged in such a pattern of malfeasance on the job that city manager Ed
> Shikada should long ago have fired Robert Jonsen as our chief.
>
> 1. The Wayne "The Fuse" Benitez case is one example. Benitez brutality beat
> Gustavo Alvarez at the Buena Vista Mobile Park in Barron Park and then lied
> by failing to mention the beat down in his police report.
>
> 2. Three or four other members of the PAPD stood by at the scene and never
> mentioned the vicious beat down in their police reports or attempted to
> intervene while Benitez conducted his beat down.
>
> 3. Of course our heroic police chief Robert Johnson never took any
> disciplinary action against the stand by and do nothing officers.
>

- > 4. In addition our city manager did nothing to discipline chief Robert Jonsen despite the fact that city manager Ed Shikada is his boss.
- >
- > 4. Both Shikada and Jonsen are arguably complicit in failing to punish the officers who failed to intervene.
- >
- > 5. Agent Nicholas Enberg released a vicious weaponized canine on an innocent sleeping man, Joel Alejo, ordering the dog to bite Mr. Joel Alejo multiple times without basis to do so.
- >
- > 6. Other officers were present while this torture by weaponized canine was allowed to occur and the other officers failed to take action to pull both the canine and Enberg off Mr. Joel Alejo.
- >
- > 7. Both Enberg and the other officer or officers at the scene were never disciplined by chief Robert Jonsen. And again city manager Ed Shikada took no action to discipline or fire the chief for his dereliction of duty.
- >
- > 8. All candidates for the next chief position must be asked if they are will to implement an absolutely duty to intervene when the officers under the chief's command see supervisor or fellow officers engaged in acts of misconduct.
- >
- > 9. In addition each candidate must be asked about there willingness to enforce swift discipline on the offending officers including firing them from their jobs and referring their cases to the district attorney for prosecution.
- >
- > Sincerely.
- >
- > Aram" Best Police Practices Advocate " James

From: [Aram James](#)
To: [Raj](#); [Jethroe Moore](#); [Jeff Rosen](#); [Sean Allen](#); [Sajid Khan](#); [Dr t](#); [Human Relations Commission](#); [Winter Dellenbach](#); [Joe Simitian](#); [chuck jagoda](#); supervisor.ellenberg@bos.sccgov.org; supervisor.lee@bos.sccgov.org; [Jay Boyarsky](#); [Greer Stone](#); [Binder, Andrew](#); [Council, City](#); citycouncil@mountainview.gov; [Shikada, Ed](#)
Subject: Boudin recall and its political implications for criminal justice reform
Date: Saturday, June 4, 2022 8:27:20 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

https://www.latimes.com/california/story/2022-06-04/boudin-recall?_amp=true

Sent from my iPhone

From: [Aram James](#)
To: [Jethroe Moore](#); [Jeff Rosen](#); [Human Relations Commission](#); [Winter Dellenbach](#); [Sajid Khan](#); [chuck jagoda](#); [Sean Allen](#); [Jonsen, Robert](#); [Jay Boyarsky](#); [Council, City](#); [Greer Stone](#); [Binder, Andrew](#); [melissa caswell](#); [gmah@sccoe.org](#); [Shikada, Ed](#); [Braden Cartwright](#); [supervisor.ellenberg@bos.sccgov.org](#); [Cindy Chavez](#); [EPA Today](#); [Joe Simitian](#); [mike.wasserman@bos.sccgov.org](#); [Bill Johnson](#); [Enberg, Nicholas](#); [Alison Cormack](#); [Roberta Ahlquist](#)
Subject: Sean Allen, candidate for Santa Clara County Sheriff Interview with Arthi Abhyanker
Date: Friday, June 3, 2022 9:38:30 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

<https://www.bwcproject.com/post/sean-allen-candidate-for-santa-clara-county-sheriff-interview-with-arthi-abhyanker>

Sent from my iPhone

From: [Roberta Ahlquist](#)
To: [Aram James](#)
Cc: [Perron, Zachary](#); [Jonsen, Robert](#); [Sean Allen](#); [Greer Stone](#); [wilpf.peninsula.paloalto@gmail.com](#); [peninsula_raging_grannies@yahoo.com](#); [Vara Ramakrishnan](#); [Portillo, Rumi](#); [Council, City](#); [ladoris cordell](#); [Jay Boyarsky](#); [Jeff Moore](#); [mike.wasserman@bos.sccgov.org](#); [Joe Simitian](#); [Sandy Perry-HCA](#); [melissa caswell](#); [gmah@sccoe.org](#); [chuck jagoda](#); [Planning Commission](#); [Human Relations Commission](#); [Shikada, Ed](#); [Rebecca Eisenberg](#); [Debbie Mytels](#); [WILPF Peninsula Palo Alto](#); [Palo Alto Renters" Association](#); [Joyce Beattie](#); [Marie-Louise Starling-Bell](#); [Carol Lamont](#)
Subject: Re: Qualities I want in our next police chief -obligation for officers to intervene -and severe discipline for those who fail to do so
Date: Friday, June 3, 2022 5:36:28 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Representatives:

We are very supportive of an **open forum** to decide who should be selected as the new police chief of Palo Alto. We need to know who is being considered and who is in the running.

Please provide the needed transparency so that the residents of our city will know who is being considered and who is in the lead. Our community deserves to be so informed.

Sincerely,

Roberta Ahlquist & Walter Bliss

On Sun, Apr 24, 2022 at 12:13 AM Aram James <abjpd1@gmail.com> wrote:

>
> April 24, 2022
>
> From: Aram James long time attorney (statebar # 80215), long time Palo
> Alto residentand long time community activist
>
> To: City Manager Ed Shikada
>
> Re: Obligation for officers to intervene and severe discipline, firing or prosecution for
officers who fail to intervene when supervisors or fellow officers engage in acts of racially
discriminatory policing, acts of police brutality and other acts of misconduct.
>
> The Palo Alto Police Department is plagued with recent cases where an officer-has
brutally attacked an innocent community member while other officers have stood by and
chief Robert Jonsen has failed to discipline the officers who at the scene failed to take steps
to intervene: Robert Jonson has engaged in such a pattern of malfeasance on the job that
city manager Ed Shikada should long ago have fired Robert Jonsen as our chief.
>
> 1. The Wayne "The Fuse" Benitez case is one example. Benitez brutality beat Gustavo
Alvarez at the Buena Vista Mobile Park in Barron Park and then lied by failing to mention
the beat down in his police report.

- >
- > 2. Three or four other members of the PAPD stood by at the scene and never mentioned the vicious beat down in their police reports or attempted to intervene while Benitez conducted his beat down.
- >
- > 3. Of course our heroic police chief Robert Johnson never took any disciplinary action against the stand by and do nothing officers.
- >
- > 4. In addition our city manager did nothing to discipline chief Robert Jonsen despite the fact that city manager Ed Shikada is his boss.
- >
- > 4. Both Shikada and Jonsen are arguably complicit in failing to punish the officers who failed to intervene.
- >
- > 5. Agent Nicholas Enberg released a vicious weaponized canine on an innocent sleeping man, Joel Alejo, ordering the dog to bite Mr. Joel Alejo multiple times without basis to do so.
- >
- > 6. Other officers were present while this torture by weaponized canine was allowed to occur and the other officers failed to take action to pull both the canine and Enberg off Mr. Joel Alejo.
- >
- > 7. Both Enberg and the other officer or officers at the scene were never disciplined by chief Robert Jonsen. And again city manager Ed Shikada took no action to discipline or fire the chief for his dereliction of duty.
- >
- > 8. All candidates for the next chief position must be asked if they are will to implement an absolutely duty to intervene when the officers under the chief's command see supervisor or fellow officers engaged in acts of misconduct.
- >
- > 9. In addition each candidate must be asked about there willingness to enforce swift discipline on the offending officers including firing them from their jobs and referring their cases to the district attorney for prosecution.
- >
- > Sincerely.
- >
- > Aram" Best Police Practices Advocate " James

From: [D Martell](#)
To: [Council, City](#)
Cc: [Shikada, Ed](#); [Jonsen, Robert](#); [Binder, Andrew](#); [Reifschneider, James](#); [Philip, Brian](#); [Kan, Michael](#); [Pojanamat, Dan](#); [Lee, David](#); [Salkeld, Joshua](#); [Jensen, Eric](#); [michael.gennaco@oirgroup.com](#); [Stephen.Connolly@oirgroup.com](#); [Jeff](#); [Supervisor Simitian](#); [AnnaEshoo@mail.house.gov](#); [anne.ream@mail.house.gov](#); [Kou, Lydia](#); [Stone, Greer](#); [Stump, Molly](#); [Jay Thorwaldson](#); [Bill Johnson](#); [Dave Price](#)
Subject: NEWS FLASH - Even more COVID at Lytton Gardens Senior Communities
Date: Friday, June 3, 2022 4:16:03 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Today, June 3, care STAFF at Lytton Gardens Assisted Living facility is sick with COVID-19.

This is the third case of COVID, in the last few days, at Lytton Gardens Senior Communities, downtown Palo Alto.

**There is always a first time,
second time happens,
third time is ... newsworthy.**

-Danielle Martell
dmPaloAlto@gmail.com
Palo Alto City Council Candidate 2016 & 2005

----- Forwarded message -----

From: **D Martell** <dmpaloalto@gmail.com>
Date: Thu, Jun 2, 2022 at 4:46 PM
Subject: **More COVID at Lytton Gardens Senior Communities**
To: Council, City <city.council@cityofpaloalto.org>
Cc: Shikada, Ed <Ed.Shikada@cityofpaloalto.org>, Robert.Jonsen@cityofpaloalto.org <Robert.Jonsen@cityofpaloalto.org>, Supervisor Simitian <Supervisor.Simitian@bos.sccgov.org>, AnnaEshoo@mail.house.gov <AnnaEshoo@mail.house.gov>, anne.ream@mail.house.gov <anne.ream@mail.house.gov>
<anne.ream@mail.house.gov>

Yesterday, June 1, another COVID outbreak was reported.

-Danielle Martell

----- Forwarded message -----

From: **D Martell** <dmpaloalto@gmail.com>
Date: Sunday, May 15, 2022
Subject: **More COVID at Lytton Gardens Assisted Living building**
To: "Council, City" <city.council@cityofpaloalto.org>
Cc: "Shikada, Ed" <Ed.Shikada@cityofpaloalto.org>, "Robert.Jonsen@cityofpaloalto.org" <Robert.Jonsen@cityofpaloalto.org>, Supervisor Simitian <Supervisor.Simitian@bos.sccgov.org>, "AnnaEshoo@mail.house.gov" <AnnaEshoo@mail.house.gov>, "anne.ream@mail.house.gov" <anne.ream@mail.house.gov>

New outbreak of COVID last week.

Lytton is hiding it, and has only notified about half the Assisted Living building's more than eighty residents !!!

At least one tenant is quarantined.

Today, when the lobby receptionist was asked for a copy of notice, she refused to comply or give out any information saying, "Talk to management tomorrow."

-Danielle Martell

From: [Ronald Jean Smith](#)
To: [Council, City](#)
Subject: Fwd: Phone records evidence
Date: Friday, June 3, 2022 9:40:57 AM

Some people who received this message don't often get email from baywoodronald@gmail.com.
[Learn why this is important](#)

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----- Forwarded message -----

From: **Ronald Jean Smith** <baywoodronald@gmail.com>
Date: Fri, Jun 3, 2022, 09:40
Subject: Fwd: Phone records evidence
To: <spydman1@earthlink.net>

----- Forwarded message -----

From: **Ronald Jean Smith** <baywoodronald@gmail.com>
Date: Fri, Jun 3, 2022, 09:40
Subject: Fwd: Phone records evidence
To: <senator.becker@senate.ca.gov>

----- Forwarded message -----

From: **Ronald Jean Smith** <baywoodronald@gmail.com>
Date: Fri, Jun 3, 2022, 09:39
Subject: Fwd: Phone records evidence
To: Paloaltopolice <city.attorney@cityofpaloalto.org>

----- Forwarded message -----

From: **Ronald Jean Smith** <baywoodronald@gmail.com>
Date: Fri, Jun 3, 2022, 09:39
Subject: Fwd: Phone records evidence
To: <tips@insideedition.com>

----- Forwarded message -----

From: **Ronald Jean Smith** <baywoodronald@gmail.com>
Date: Fri, Jun 3, 2022, 09:38
Subject: Phone records evidence
To: <rgc@rgclegal.org>

Provider ATT prepaid account Marcus Morgan 5103325003

Dates January to march 2014

January 2018 to December

Code 2020

Please get evidence now Jo gave you \$500 for the CVC case to get started and no I don't want to dismiss my case Jo is not n charge now I am very sick you have the document s my trust and transfer ownership to Tommie lampley

From: [Hello Dr, LLC](#)
To: [Council, City](#)
Subject: Pre-Event Mail
Date: Friday, June 3, 2022 3:45:28 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

From: [James Sperry](#)
To: [Council, City](#)
Subject: New lane improvements on Charleston Road
Date: Thursday, June 2, 2022 9:05:04 PM

Some people who received this message don't often get email from long.kite.string@gmail.com.
[Learn why this is important](#)

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Dear City council,

This morning I rode my bike to ACE Hardware and back (I live on East Charleston at the corner of Nelson) and was delighted with the lane improvements along the route. I think it's going to work a lot better for bicyclists and motor vehicle drivers both.

Thank you! Thank you!

Sincerely,
James Sperry
520 East Charleston Road

From: [Aram James](#)
To: [Human Relations Commission](#); citycouncil@mountainview.gov; [Winter Dellenbach](#); [Council, City](#); [chuck jagoda](#); [Greer Stone](#); [Sajid Khan](#); [Jay Boyarsky](#); [Joe Simitian](#); [Binder, Andrew](#); [Lumi Gardner](#); wilpf.peninsula.paloalto@gmail.com; [Greg Tanaka](#); [GRP-City Council](#); supervisor.ellenberg@bos.sccgov.org
Subject: Woman arrested for racist attack at Mountain View Starbucks: police
Date: Thursday, June 2, 2022 8:02:57 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.



NewsBreak
Used by over 45 million people

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Woman arrested for racist attack at Mountain View Starbucks: police

KRON4 News

MOUNTAIN VIEW, Calif. (KRON) — A woman was arrested on May 28 after she attacked a Starbucks customer and directed racial epithets towards a store manager, the Mountain View Police Department announced in a press release on Thursday. Daixin Neill Quan, 33, was arrested suspicion of misdemeanor battery and suspicion of a hate crime. Officers [...]



[Click to read the full story](#)

Sent from my iPhone

From: [Loran Harding](#)
To: [Loran Harding](#); [antonio.tinoco@hsr.ca.gov](#); [alumnipresident@stanford.edu](#); [David Balakian](#); [bearwithme1016@att.net](#); [boardmembers](#); [fred beyerlein](#); [beachrides](#); [bballpod](#); [Cathy Lewis](#); [Chris Field](#); [Council_City](#); [dennisbalakian](#); [Doug Vagim](#); [Dan Richard](#); [dallen1212@gmail.com](#); [Daniel Zack](#); [esmeralda.soria@fresno.gov](#); [eappel@stanford.edu](#); [Scott Wilkinson](#); [Gabriel.Ramirez@fresno.gov](#); [George.Rutherford@ucsf.edu](#); [huidentalanmateo](#); [hennessy](#); [Irv Weissman](#); [jerry ruopoli](#); [Joel Stiner](#); [kfsndesk](#); [kwalsh@kmaxtv.com](#); [karkazianjewelers@gmail.com](#); [lalws4@gmail.com](#); [Leodies Buchanan](#); [leager](#); [Mayor](#); [Mark Standriff](#); [mthibodeaux@electriclaboratories.com](#); [margaret-sasaki@live.com](#); [merazroofinginc@att.net](#); [newsdesk](#); [news@fresnobee.com](#); [david pomaville](#); [russ@topperjewelers.com](#); [Sally Thiessen](#); [Steve Wayte](#); [tsheehan](#); [VT3126782@gmail.com](#); [vallesR1969@att.net](#)
Subject: Fwd: Spring, 2022 CHSRA Quarterly Newsletter. Much information
Date: Thursday, June 2, 2022 5:50:23 PM

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----- Forwarded message -----

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Thu, Jun 2, 2022 at 4:17 PM
Subject: Fwd: Spring, 2022 CHSRA Quarterly Newsletter. Much information
To: Loran Harding <loran.harding@stanfordalumni.org>

----- Forwarded message -----

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Wed, Jun 1, 2022 at 3:50 PM
Subject: Spring, 2022 CHSRA Quarterly Newsletter. Much information
To: Loran Harding <loran.harding@stanfordalumni.org>

Thursday, June 2, 2022

To all- Whether you live in the Bay Area or in Fresno, this non-technical report by CHSRA has much information of interest.

Interesting that they have bought and taken delivery of NON- HSR electric trains to run on the Caltain tracks (commuter line between San Francisco and Gilroy) as they get electrified, which project is underway. (HSR will need an electrified route between San Jose and San Francisco. The HSR route will be electrified as it is built between Merced and San Jose). That will reduce the diesel pollution that Caltrain currently produces between SF and Gilroy. BUT notice, those new electric trains are not high speed trains. It seems like a good idea to replace some or all of the diesel Caltrain commuter trains between San Francisco and Gilroy as the HSR route between San Francisco and San Jose is constructed. I suppose, but I do not know, if the plan is to then keep these new non-HSR electric trains as the main rolling stock of Caltrain even when HSR is running between Gilroy, San Jose and San Francisco. If so, you would have HSR trains and these new non-HSR electric trains running on the same tracks between San Francisco and San Jose. Why wouldn't all of the Caltrain stops on the peninsula get in the way of and seriously slow the HSR trains as they run between San Jose and San Francisco with a lot fewer stops? I wish CHSRA would clarify that. Surely separate

track is not to be built on the peninsula for HSR, separate from the Caltrain track. I believe there is to be a HSR stop at San Francisco Airport.

[Regional Newsletters - California High Speed Rail](#)

Notice that a lot of work and study has been devoted to the Fresno HSR station. And just look at what Diridon Station in San Jose is slated to become! I have expressed hopes that the Caltrain Station in Santa Clara, as well, could become a major commuter hub. It is just a few miles- three or four miles- further north on the Caltrain route than Diridon. If HSR were to stop there, many of those thousands of high tech workers who will be leaving old, small \$3,000 per month apartments in Silicon Valley and buying nice new homes in Fresno for less, could disembark there. They could then be driven in vans up Central Expressway to jobs in SV. It will take longer for them to get to work if they have to disembark at Diridon, unless, of course, they work at the vast complex that Google will build around Diridon. Also, a HSR stop in Santa Clara would enable HSR riders from the Central Valley to more easily access San Jose International Airport, not to mention Levy Stadium. That would mean a HSR station at Diridon and another one, or at least a stop, three miles further up the track at Santa Clara. Probably, not going to happen. Probably some local street traffic improvements can be implemented to cut the drive time from Diridon to the Santa Clara Caltrain Station and to Central Expressway. They will have to be. There is a bus that runs now from the Santa Clara Caltrain Station around to the commercial airline terminals at San Jose International Airport in about ten minutes. The trains from Sacramento come to the Santa Clara Caltrain station now too. There are plans too to extend BART from Diridon over the the Santa Clara Station. So Santa Clara is already a major hub of sorts. What will HSR riders do, walk across the platform at Diridon to a Caltrain to get over to Santa Clara, and then proceed north on Central Expressway in vans to companies along it? Look at the easy route, maybe a mile, from the Santa Clara Caltrain station over to the southern terminus of Central Expressway. What would be so horrible about a HSR stop at Diridon in the morning, and another one three miles farther north at Santa Clara? Reverse that in the evening. Disembark half of your SV workers from the CV at Diridon in the morning and the other half over at Santa Clara. A good study of where SV companies are located would inform the need for a HSR stop at the Santa Clara Caltrain station.

L. William Harding
Fresno, Ca.

PS- I just heard President Biden's address on gun violence. I favor most or all of his proposals. The way to stop the bloodshed is to vote out the Republicans in Congress who will not see sense for reform of gun control laws. The reason most Americans want their guns is one or both of the following:

1) The program of the original Nazis- rounding people up at gun-point and putting them in cattle cars to be shipped to death camps. Many Americans are determined to "take a few of them with us" when that happens here. That seems to be an increasingly likely scenario with the dedicated Nazi program of the United States government that works to to ruin the lives of white men in this country.

2) To kill the thugs who try to kick your door in late at night to rob and kill you and your family.

As Mr. Biden said, most Americans are not prone to engage in the mass shootings we now have almost daily. As long as the Nazi program continues at the heart of the United States government, white men here will want the firepower to deal with the genocide threat that that poses to us. Most of his proposals would leave adequate guns in our hands to deal with both of the two eventualities mentioned above.

From: [D Martell](#)
To: [Council, City](#)
Cc: [Shikada, Ed](#); [Jonsen, Robert](#); [Supervisor Simitian](#); AnnaEshoo@mail.house.gov; anne.ream@mail.house.gov
Subject: More COVID at Lytton Gardens Senior Communities
Date: Thursday, June 2, 2022 4:46:23 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Yesterday, June 1, another COVID outbreak was reported.

-Danielle Martell

----- Forwarded message -----

From: **D Martell** <dmpalalto@gmail.com>
Date: Sunday, May 15, 2022
Subject: More COVID at Lytton Gardens Assisted Living building
To: "Council, City" <city.council@cityofpaloalto.org>
Cc: "Shikada, Ed" <Ed.Shikada@cityofpaloalto.org>, "Robert.Jonsen@cityofpaloalto.org" <Robert.Jonsen@cityofpaloalto.org>, Supervisor Simitian <Supervisor.Simitian@bos.sccgov.org>, "AnnaEshoo@mail.house.gov" <AnnaEshoo@mail.house.gov>, "anne.ream@mail.house.gov" <anne.ream@mail.house.gov>

New outbreak of COVID last week.

Lytton is hiding it, and has only notified about half the Assisted Living building's eighty-plus residents !!!

At least one tenant is quarantined.

Today, when lobby receptionist was asked for copy of notice, she refused to comply or give out any information saying, "Talk to management tomorrow."

-Danielle Martell

From: [Rebecca Cafiero](#)
To: [Council, City](#)
Subject: Request to keep California Ave closed to traffic!
Date: Thursday, June 2, 2022 3:32:45 PM

Some people who received this message don't often get email from rebecca.newell@gmail.com.
[Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

As a Palo Alto resident of 10 years (and a homeowner), we LOVE having California Ave closed to traffic! Since it's pedestrian only and the restaurants have expanded with outdoor seating, we come more often!

We would love to see it made more permanent, removing the cones and putting in permanent planters, or other beautification attempts!



Rebecca Cafiero

Business Strategist | TEDx Speaker | [Podcast Host](#) | [Bestselling Author](#)

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Business Training on Pitch Club TV Tues @ 9am pst [Here](#)

I help female entrepreneurs increase visibility, credibility + profitability



From: [mark weiss](#)
To: [Council, City](#)
Subject: Fw: World Music Week-Day:We Are The World
Date: Thursday, June 2, 2022 5:58:32 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

officially, for the record, vox clamantis en deserto and all that..Mark

----- Forwarded Message -----

From: mark weiss <earwopa@yahoo.com>
To: Stump Molly <molly.stump@cityofpaloalto.org>; Ed Shikada <ed.shikada@cityofpaloalto.org>; Anderson Daren <daren.anderson@cityofpaloalto.org>; Pat Burt <pat@patburt.org>
Sent: Thursday, June 2, 2022, 05:49:15 AM PDT
Subject: Fw: World Music Week-Day:We Are The World

And another thing:

I am not an lawyer (beyond passing Govy 60 with Prof Starzinger at Dartmouth in 1984) but I believe that based on the legal arguments made by the NAACP and ACLU recently apropos of the "disparate effects" on Blacks and the poor at Foothill Park that a Palo Altan named B_____ has standing to sue us over recent policy shifts at Lytton Plaza (also, of course, considered a park and public forum).

City staff named A_____ told me that now all the power is metered by an office out near the Baylands, that citizens cannot just plug into the three outlets (and this despite the fact that music is being piped in to the speakers built into the benches -- which, by the way, has shifted towards songs I like which are now oldies and away from white music from the 1970s which staff was told by "stakeholders" the purpose of which was to deter drug dealers who were presumed to be Black). So B_____ (who I don't know if he considers himself Black or "person of color" -- I've met his parents -- he recently lost his mother -- but he just might) has played with his improvised rock band more than 100 times at Lytton Plaza, for free, often weekend evenings like Fridays from 7 to 10, within existing "noise ordinances" and other rules and regulations, over the last couple years. I actually tried to include him officially in the Mayor (Dubois)'s "Together Again Palo Alto" initiative of September 11-17 circa 2021 -- he played but his name was excluded from the program for whatever reasons -- I paid him to play out of my own pocket -- although I got a small grant from Chamber of Commerce --and he called me recently to complain or to look into the sudden change in policy.

Who decided to meter the power at Lytton Plaza and to limit access to power except by permit process?

How much does this purportedly save us in juice or costs of juice, versus the presumptive idea that the group of mostly white and Christian landlords -- whose names conveniently are on a plaque at the plaza -- feel good about their ability to lord over us, or lord over musicians and who they, in the press called "undesirables" and "sketchy people" -- and by the way just yesterday in the Post there is something about a group of white landlords calling Elizabeth Wong -- who is Latina and Asian and of course a woman "a dark space" -- they are, ironcially enough claiming foul that there are construction delays at 429 Uni - and one, of course, is the one who refuses to go with the flow and let 456 The Varsity revert to being a theatre --now a huge waste of space - -and the other, of course got 500 Uni fastracked and made the Wongs wait!!! -- excuse the digression -- who decided to deny people like me and B_ the use of utility?

Just as I argued in public hearings that the law prohibiting amplifiers - its a type of speech -- see Dylan at Newport -- is unconstitutional -- I think denying B___ and his band gives him standing to sue and the people at NAACP and or ACLU who prevailed at Foothill Park will join the case here along the same lines. That Black people and the poor feel that the new, secretly contrived rules, harm them more than we realize, disparately.

I suggest we immediately reach out to B_ and offer him an apology and 10 permits for 10 official concerts at Lytton Plaza between now and Labor Day. (Also, at one of my permitted events this recent spring there was no power --and staff later told me that even they didn't know that Daren or someone at his office needed to be notified to unlock the power -- I have permitted events by the way June 11, June 14, June 20 and June 25, a variety of music: folk, funk, jazz and the music of Linda Ronstadt by Sony Holland - Linda, we do not believe, will personally appear - -by the way, she's Latina, too!).

I'd be perfectly happy to lend B_ some money for a legal consult to sue us, if needs be. We deserve it!

Mark Weiss

We the People -- I live here, on and off since 1974 --student body president at Terman Middle School, editor in chief two years in a row at Gunn Oracle -- basketball team member league champs BEST GUNN TEAM ALL-TIME
downtown North --married into the neighborhood -- married the chair of public arts commission

----- Forwarded Message -----

From: mark weiss <earwopa@yahoo.com>

To: Tom DuBois tom.dubois@gmail.com <tom.dubois@gmail.com>; Ed Shikada <ed.shikada@cityofpaloalto.org>; Kristen O'Kane <kristen.o'kane@cityofpaloalto.org>; Jeff LaMere <jefflamere@gmail.com>; Lisa Waltuch <lisa.waltuch@gmail.com>; Camille Townsend <camillet@aol.com>; Rebecca Eisenberg <rebecca@winwithrebecca.com>; Alison Cormack <alisonlormack@gmail.com>; Pat Burt <pat@patburt.org>; James Nadel <jazzline@stanford.edu>; claude@ezran.com <claude@ezran.com>; Peter Drekmeier <pdrekmeier@earthlink.net>

Cc: Akira Tana <acanatun@me.com>

Sent: Wednesday, June 1, 2022, 10:38:12 AM PDT

Subject: Re: World Music Week-Day:We Are The World

We are the world

Posted on [June 1, 2022](#) by [markweiss86](#)

Gertrude Stein said I write for myself and strangers. As I sit the world around me is increasing, approaching 9 billion souls and bodies. I am actually South County today, so we are more like 2 million not the 60,000 fellow denizens of our fair city, Plastic Alto.

And I am writing to about 10 people in particular, members of leadership: elected council members, appointed commisioners, paid staff. And the blog -- -the name, by the way, is a jazz reference, to **Ornette Coleman** -- gets on average about 500 hits.

And I guess I am writing for or to myself. I am conjuring the familiar subvocal voice that goes with the taptaptaping of the keyboard. I've been hearing this voice for about

50 years or so, it started early. I am guided by voices, and only slightly annoyed and not energized by the neo-soul soundtrack at **Nirvana Soul**, on South First, in the Hotel St. Claire building, across from Anno Domini and near the California Theatre.

“We are the World” conjures the supergroup that sang an antifamine song in the mid-1980s. **Lionel Ritchie** — who was at Stanford recently — **Bob Dylan**, likewise, Huey Lewis, whose stepfather was a Paly track star, et cetera.

But my usage today is referring to World Music Day, which is coming back to Palo Alto on Saturday, June 25. I learned this from a blast from City Manager’s office. the City Manager is Ed Shikada — who used to work in San Jose — -he likely knows this building and certainly the South First. He is also Hawaiian and Japanese. He came to my Akira Tana Otonowa show, the day before Covid. I saw Akira with Tammy Hall at First Cong this weekend, the 30th anniversary of Palo Alto Jazz Alliance, started by Herb Wong. Sorry to digress.

I am writing this to Pat Burt, mayor; Tom Dubois, former mayor, current council member for another seven months; Alison Cormack, seven months; Jeff LaMere, parks commissioner; David Moss former Parks Commissioner; David Goldman a retired baseball coach and grandfather currently traveling in Europe — I can tell by the tones when I tried to ring him — we’ve never met; he’s on the board of Palo Alto Recreation Foundation. With Camille Townsend, former school board member, grandmother, and my sometime ally. Kris O’Kane, staff. Claude Ezran, former chair of the Palo Alto Human Relations Commission who most notably and relevantly founded Palo Alto’s World Music Day in 2009, based on his having visited (his native) France during Fete De La Music, which loosely translates as Make Music Day, which I believe meant he was in France during Solstice, in 2008.

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In 2009, Palo Alto’s first World Music Day was on both Solstice, the longest day of the year, and Father’s Day, a Sunday. Auspicious start. I was both a member of the first planning committee for such — although I jumped in late, in January or February, i.e. about four months out — presumably Claude was working on it for about a year. Beyond Claude, I am certainly the world’s expert on Palo Alto World Music Day, but I will —seriously — try to self-edit, for brevity. I just said to my wife that the World Music Day meeting was one of our first dates — Terry, Terry Acebo Davis, was chair of the public art commission at the time — -we were suggesting that the Human Relations commission and the Public Art commission should collaborate to make the idea fly.

I was also a participant, a performer at World Music Day that year, although I am not actually a musician or performer. (I’m a writer, duh!)

Steve Rothblatt and I debuted a project called Beat Hotel Rm 32 Reads ‘Howl’ which

is an Allen Ginsburg tribute project. I read “Howl” the formerly controversial and “obscene” poem – though with, note the quotes, “redeeming social value” and Steve, possibly, played congas, a set of handdrums. Two, if memory serves. The act takes about 25 minutes – it’s a long poem, even without the coda. I don’t recall if I bleeped out the most obvious obscene phrase – with mother finally f_____ – the poem itself I think bleeps it out– and there is a history about buskers of NOT doing blue material. I apologize to anyone who has seen Beat Hotel Rm 32 Reads ‘Howl’ on the street and was shocked if I actually said “fucked” and not, for instance “fit” – sometimes I say “fit” not “fucked” and make a hand signal to draw attention to the elision or gap. (note to self: look up “elision” –like elipsis I think – I mean a part that has been cut or changed).

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Jujitsu is based on the notion that people need distance to hurt you. Instead of keeping away, you pull your opponent closer, so that your bodies are touching, so their arms and legs are too close to strike you. Then you have to learn to feel at home in the grasp of a stranger. (Adam Johnson, “Teen Sniper”, circa 2000 – besides

shooting people, a precocious Palo Altan studies martial arts — and please do not look for a metaphor about judo and me and my wife, or me and leadership, or Earthwise Productions and either Palo Alto Community Services or Palo Alto Parks Foundation. Or you will be, if not shot, then thrown down metaphorically speaking with great panache, or whatever the Japanese word for panache is, maybe Wa.)

Briefly: I am producing a Marta Sanchez show on Saturday June 25 at Lytton Plaza simultaneous to both World Music Day and a Drew Harrison Sun Kings Beatles concert at Rinconada Park a mile south — I am suggesting that rather than staggering the events, so that people can in theory see Marta Sanchez quintet — five musicians — a very fab five I must say — and the New York Times, in 2,000 words no less — said as much — that we joint-market the events to make the series of six to ten performances seem more like a party, a fete, an event or Make Music Day.

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Or as Stevie Wonder said or says "peace has come to Zimbabwe".

There's also an Indian jazz concert that night at Stanford and Jim Nadel of Stanford Jazz Workshop is also someone I think about as I write here. As in:

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Sun Kings (Beatles Covers, including the Sitar Ones) (Rinconada Park)

Marta Sanchez Quintet (from Spain —Lytton Plaza)

Mahesh Kale and George Brooks Indian Jazz Journey (at Stanford Dink -tickets required)

Music from local and touring groups, 12:30 to Sunset — 8:33 or so

Some thing like that. (and when I read or write this I say

“some” rhymes with “poem”)

I might also add one, two, three, four or even five more acts and close to 20 musicians all in for Lytton Plaza that day — our permit says we are there from 10 a.m. to 11 p.m. Stay tuned. When a listening occurs, that will make the difference. *Difference*, even.

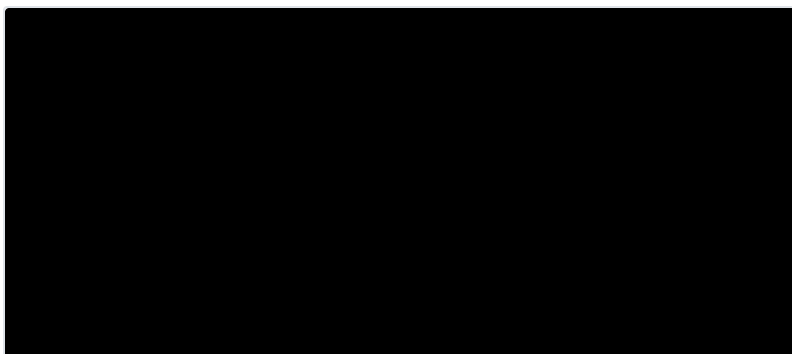
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When Marta Sánchez's mother died unexpectedly in late 2020, the pianist was at a loss. But Sánchez knew, almost instinctively, where she could process her grief: at the piano, pen and paper in hand, sounding out new music for her quintet.

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The group's personnel rotates often, but the format has never shifted: a pair of saxophones out front, often in high contrast with one another; a bassist; a drummer; and the tension-raising technique of Sánchez's piano.

Three, my favorite World Music Day acts include Palo Alto Jazz Quintet, Gaby Castro. I had a guy named Johnny Law play that first year – he went to high school with my South County friends from grammar school.

Four, Nirvana Soul, my hosts this most lovely morning is a Black-owned small chain with outlets on South First Street in the old St. Claire Hotel and near Vallco and near Apple in Cupertino. The owners are named Jeronica Macey and Be'Anka Ashaolu.

Five, world music in our sense of the world, the instant matter, means “world-wide”. As we are doing our event, so our hundreds of other communities, although this is more true on Solstice, that Tuesday than that Saturday. I am actually as Earthwise Productions doing a show even closer to Solstice on Monday, June 20 with Mary Gauthier. Also at Lytton Plaza. I have shows this month at three locations on the following June dates: 3, 5, 9, 11, 14, 20 and aforementioned 25. Then back on Sunday, July 10 at 2 p.m. at Mitchell Park with The Waybacks. Five of those seven shows are free to the public.

Six, world music typically means songs sung in Spanish or Portuguese; music made by brown or Black people; songs from continents or referencing geography beyond Europe and North America; songs from below the equator. In Palo Alto, at best, the event organizers meant to include world music among six or seven types of music welcomed or offered that day.

Seven, one of the debates between Claude Ezran and I in the meetings that influenced the first World Music Day here, in 2009 were about my suggestion to pay some performers, to seed the event, to have a main stage and not, like in its purest or more French form be mostly local denizens. Honestly when Peter Drekmeyer then mayor told me, at Printers Ink a January morning 161 months ago but very much like today, that “Palo Alto” or We The People was hosting a “world music day” I thought he was asking if I would be the talent buyer and that he had a budget for talent of around \$20,000 – which would be about \$50,000 in today's dollars. Previous world music concerts I had presented includes ones with Femi Kuti (Nigeria), Bloque (Colombia), Ozomatli (LA but multi-kulti), Danilo Perez (jazz but Panamanian or Pan-Americano

– literally, the name of the project) and Kemuri (Japanese ska). My first thought was Rupa Marya, the physician and activist and Castilleja grad who led or leads Rupa And The April Fishes, who sing in French, Spanish, English – in that order – and Hindi. So on some level it is satisfying if World Music Day in Palo Alto takes my advice and pays its headliner the Beatles Cover Band Sunk Kings with Drew Harrison. With or without the sitar songs. And I do think it is better to jointly market the Marta Sanchez show with the Sunk Kings show and think of it as giving people options not making them choose. There would be no, excuse the expression, Louisers. Sun Kings on Sostice actually has a ring to it. The song “Sun King” from which Harrison drew his band name actually includes lyrics in Spanish and Italian so in a loosey-goosey sense is world music. And references the French monarchy, preserving the French motif. (As does the cognate “motif”). For the record, and because I was an exchange student, Palo Alto has sister cities in Mexico, the Philipines, Japan, France, The Netherlands, Germany, and Sweden. I often say Neighbors Abroad should be down with our World Music Day.

Eight, Palo Alto’s Tommy Jordan was on David Byrne’s label with Geggy Tah and also plays with musicians from many other countries. Luaka Bop.

Nine, I am producing a reggae concert at Mitchell Park August 7 2 pm with Native Elements. I’d call reggae world music.

Ten, I don’t often explain within the text or explicate other parts of the text or the headline. But here I am referncing that song and also the idea that leadership is still We The People, government is a we not a they, et cetera. Or I am asking such. Is it? There is an election coming up. I wrote privately two or three previous versions of this. Crickets. As Buddy Holly might say.

Eleven: Bob Dylan is playing Fox Theatre Oakland Saturday, produced by Another Planet or APE — and Earthwise is one of 156 independent concert promoters in CA according to Pollstar and was founded five years or so before Another Planet and is an influence on Another Planet in that **Gregg Perloff** had a file on Earthwise like his file on Mystery Machine while at BGP — which is one of the reasons my Russian Telegraph (Beth Custer, David James et al) show is at noon — should be a buzzy downtown since it is also Stanford commencement.

I am Mark Weiss and I approve this message - -did y'all feel that earthquake?

From: [mark weiss](#)
To: [Stump, Molly](#); [Shikada, Ed](#); [Anderson, Daren](#); [Pat Burt](#)
Subject: Fw: World Music Week-Day:We Are The World
Date: Thursday, June 2, 2022 5:49:44 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

And another thing:

I am not an lawyer (beyond passing Govy 60 with Prof Starzinger at Dartmouth in 1984) but I believe that based on the legal arguments made by the NAACP and ACLU recently apropos of the "disparate effects" on Blacks and the poor at Foothill Park that a Palo Altan named B_____ has standing to sue us over recent policy shifts at Lytton Plaza (also, of course, considered a park and public forum).

City staff named A_____ told me that now all the power is metered by an office out near the Baylands, that citizens cannot just plug into the three outlets (and this despite the fact that music is being piped in to the speakers built into the benches -- which, by the way, has shifted towards songs I like which are now oldies and away from white music from the 1970s which staff was told by "stakeholders" the purpose of which was to deter drug dealers who were presumed to be Black). So B_____ (who I don't know if he considers himself Black or "person of color" -- I've met his parents -- he recently lost his mother -- but he just might) has played with his improvised rock band more than 100 times at Lytton Plaza, for free, often weekend evenings like Fridays from 7 to 10, within existing "noise ordinances" and other rules and regulations, over the last couple years. I actually tried to include him officially in the Mayor (Dubois)'s "Together Again Palo Alto" initiative of September 11-17 circa 2021 -- he played but his name was excluded from the program for whatever reasons -- I paid him to play out of my own pocket -- although I got a small grant from Chamber of Commerce --and he called me recently to complain or to look into the sudden change in policy.

Who decided to meter the power at Lytton Plaza and to limit access to power except by permit process?

How much does this purportedly save us in juice or costs of juice, versus the presumptive idea that the group of mostly white and Christian landlords -- whose names conveniently are on a plaque at the plaza -- feel good about their ability to lord over us, or lord over musicians and who they, in the press called "undesirables" and "sketchy people" -- and by the way just yesterday in the Post there is something about a group of white landlords calling Elizabeth Wong -- who is Latina and Asian and of course a woman "a dark space" -- they are, ironically enough claiming foul that there are construction delays at 429 Uni - and one, of course, is the one who refuses to go with the flow and let 456 The Varsity revert to being a theatre --now a huge waste of space - -and the other, of course got 500 Uni fasttracked and made the Wongs wait!!! -- excuse the digression -- who decided to deny people like me and B_ the use of utility?

Just as I argued in public hearings that the law prohibiting amplifiers - its a type of speech -- see Dylan at Newport -- is unconstitutional -- I think denying B_____ and his band gives him standing to sue and the people at NAACP and or ACLU who prevailed at Foothill Park will join the case here along the same lines. That Black people and the poor feel that the new, secretly contrived rules, harm them more than we realize, disparately.

I suggest we immediately reach out to B_ and offer him an apology and 10 permits for 10 official concerts at Lytton Plaza between now and Labor Day. (Also, at one of my

permitted events this recent spring there was no power --and staff later told me that even they didn't know that Daren or someone at his office needed to be notified to unlock the power -- I have permitted events by the way June 11, June 14, June 20 and June 25, a variety of music: folk, funk, jazz and the music of Linda Ronstadt by Sony Holland - Linda, we do not believe, will personally appear - -by the way, she's Latina, too!).

I'd be perfectly happy to lend B_ some money for a legal consult to sue us, if needs be. We deserve it!

Mark Weiss

We the People -- I live here, on and off since 1974 --student body president at Terman Middle School, editor in chief two years in a row at Gunn Oracle -- basketball team member league champs BEST GUNN TEAM ALL-TIME
downtown North --married into the neighborhood -- married the chair of public arts commission

----- Forwarded Message -----

From: mark weiss <earwopa@yahoo.com>

To: Tom DuBois tom.dubois@gmail.com <tom.dubois@gmail.com>; Ed Shikada <ed.shikada@cityofpaloalto.org>; Kristen O'Kane <kristen.o'kane@cityofpaloalto.org>; Jeff LaMere <jefflamere@gmail.com>; Lisa Waltuch <lisa.waltuch@gmail.com>; Camille Townsend <camillet@aol.com>; Rebecca Eisenberg <rebecca@winwithrebecca.com>; Alison Cormack <alisonlormack@gmail.com>; Pat Burt <pat@patburt.org>; James Nadel <jazzline@stanford.edu>; claude@ezran.com <claude@ezran.com>; Peter Drekmeier <pdrekmeier@earthlink.net>

Cc: Akira Tana <acanatan@me.com>

Sent: Wednesday, June 1, 2022, 10:38:12 AM PDT

Subject: Re: World Music Week-Day:We Are The World

We are the world

Posted on [June 1, 2022](#) by [markweiss86](#)

Gertrude Stein said I write for myself and strangers. As I sit the world around me is increasing, approaching 9 billion souls and bodies. I am actually South County today, so we are more like 2 million not the 60,000 fellow denizens of our fair city, Plastic Alto.

And I am writing to about 10 people in particular, members of leadership: elected council members, appointed commisioners, paid staff. And the blog -- -the name, by the way, is a jazz reference, to **Ornette Coleman** -- gets on average about 500 hits.

And I guess I am writing for or to myself. I am conjuring the familiar subvocal voice that goes with the taptaptaping of the keyboard. I've been hearing this voice for about 50 years or so, it started early. I am guided by voices, and only slightly annoyed and not energized by the neo-soul soundtrack at **Nirvana Soul**, on South First, in the Hotel St. Claire building, across from Anno Domini and near the California Theatre.

"We are the World" conjures the supergroup that sang an antifamine song in the mid-1980s. **Lionel Ritchie** -- who was at Stanford recently -- **Bob Dylan**, likewise, Huey Lewis, whose stepfather was a Paly track star, et cetera.

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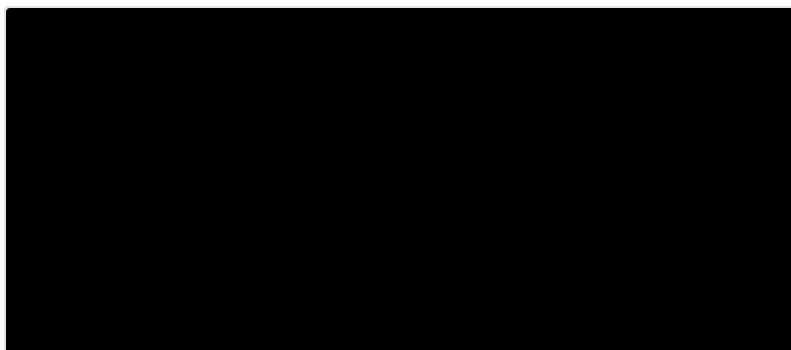
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Four, Nirvana Soul, my hosts this most lovely morning is a Black-owned small chain with outlets on South First Street in the old St. Claire Hotel and near Vallco and near Apple in Cupertino. The owners are named Jeronica Macey and Be'Anka Ashaolu.

Five, world music in our sense of the world, the instant matter, means “world-wide”. As we are doing our event, so our hundreds of other communities, although this is more true on Solstice, that Tuesday than that Saturday. I am actually as Earthwise Productions doing a show even closer to Solstice on Monday, June 20 with Mary Gauthier. Also at Lytton Plaza. I have shows this month at three locations on the following June dates: 3, 5, 9, 11, 14, 20 and aforementioned 25. Then back on Sunday, July 10 at 2 p.m. at Mitchell Park with The Waybacks. Five of those seven shows are free to the public.

Six, world music typically means songs sung in Spanish or Portuguese; music made by brown or Black people; songs from continents or referencing geography beyond Europe and North America; songs from below the equator. In Palo Alto, at best, the event organizers meant to include world music among six or seven types of music welcomed or offered that day.

Seven, one of the debates between Claude Ezran and I in the meetings that influenced the first World Music Day here, in 2009 were about my suggestion to pay some performers, to seed the event, to have a main stage and not, like in its purest or more French form be mostly local denizens. Honestly when Peter Drekmeyer then mayor told me, at Printers Ink a January morning 161 months ago but very much like today, that “Palo Alto” or We The People was hosting a “world music day” I thought he was asking if I would be the talent buyer and that he had a budget for talent of around \$20,000 – which would be about \$50,000 in today's dollars. Previous world music concerts I had presented includes ones with Femi Kuti (Nigeria), Bloque (Colombia), Ozomatli (LA but multi-kulti), Danilo Perez (jazz but Panamanian or Pan-American – literally, the name of the project) and Kemuri (Japanese ska). My first thought was Rupa Marya, the physician and activist and Castilleja grad who led or leads Rupa And The April Fishes, who sing in French, Spanish, English – in that order – and Hindi. So on some level it is satisfying if World Music Day in Palo Alto takes my advice and pays its headliner the Beatles Cover Band Sunk Kings with Drew Harrison. With or without the sitar songs. And I do think it is better to jointly market the Marta Sanchez show with the Sunk Kings show and think of it as giving people options not making them choose. There would be no, excuse the expression, Louisers. Sun Kings on Solstice

actually has a ring to it. The song “Sun King” from which Harrison drew his band name actually includes lyrics in Spanish and Italian so in a loosey-goosey sense is world music. And references the French monarchy, preserving the French motif. (As does the cognate “motif”). For the record, and because I was an exchange student, Palo Alto has sister cities in Mexico, the Philipines, Japan, France, The Netherlands, Germany, and Sweden. I often say Neighbors Abroad should be down with our World Music Day.

Eight, Palo Alto’s Tommy Jordan was on David Byrne’s label with Geggy Tah and also plays with musicians from many other countries. Luaka Bop.

Nine, I am producing a reggae concert at Mitchell Park August 7 2 pm with Native Elements. I’d call reggae world music.

Ten, I don’t often explain within the text or explicate other parts of the text or the headline. But here I am referncing that song and also the idea that leadership is still We The People, government is a we not a they, et cetera. Or I am asking such. Is it? There is an election coming up. I wrote privately two or three previous versions of this. Crickets. As Buddy Holly might say.

Eleven: Bob Dylan is playing Fox Theatre Oakland Saturday, produced by Another Planet or APE — and Earthwise is one of 156 independent concert promoters in CA according to Pollstar and was founded five years or so before Another Planet and is an influence on Another Planet in that **Gregg Perloff** had a file on Earthwise like his file on Mystery Machine while at BGP — which is one of the reasons my Russian Telegraph (Beth Custer, David James et al) show is at noon — should be a buzzy downtown since it is also Stanford commencement.

I am Mark Weiss and I approve this message - -did y'all feel that earthquake?

From: [Aram James](#)
To: [Dave Price](#); [Emily Mibach](#); [Braden Cartwright](#); [Sean Allen](#); [Human Relations Commission](#); [Council, City](#); [Diana Diamond](#); [Winter Dellenbach](#); [Joe Simitian](#); robert.parham@cityofpaloalto.org; [Tannock, Julie](#); [Figueroa, Eric](#); [Alison Cormack](#); [Filseth, Eric \(Internal\)](#); [Greer Stone](#); [Pat Burt](#); [Lynn Krug](#); [chuck jagoda](#); [Roberta Ahlquist](#); [Binder, Andrew](#); [Enberg, Nicholas](#); [Sajid Khan](#); [Jeff Rosen](#); [Shikada, Ed](#)
Subject: Reparations Reports | State of California - Department of Justice - Office of the Attorney General
Date: Wednesday, June 1, 2022 7:54:32 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

<https://oag.ca.gov/ab3121/reports>

Sent from my iPhone

From: [Helen Wendy Loo](#)
To: [Council, City](#)
Subject: Ramona Street
Date: Wednesday, June 1, 2022 5:17:39 PM

[Some people who received this message don't often get email from loo.helen@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Hi!

Please continue to keep Ramona Street closed for outdoor dining. It is a pleasure to sit outside!

Warmly,
Helen

From: [Loran Harding](#)
To: [Loran Harding](#); [antonio.tinoco@hsr.ca.gov](#); [alumnipresident@stanford.edu](#); [David Balakian](#); [bearwithme1016@att.net](#); [boardmembers](#); [beachrides](#); [fred beyerlein](#); [bballpod](#); [Cathy Lewis](#); [Council, City](#); [dennisbalakian](#); [Doug Vagim](#); [Dan Richard](#); [esmeralda.soria@fresno.gov](#); [Scott Wilkinson](#); [Gabriel.Ramirez@fresno.gov](#); [George.Rutherford@ucsf.edu](#); [huidentialsanmateo](#); [hennessy](#); [Irv Weissman](#); [jerry ruopoli](#); [Joel Stiner](#); [kfsndesk](#); [kwalsh@kmaxtv.com](#); [karkazianjewelers@gmail.com](#); [lalws4@gmail.com](#); [leager](#); [Leodies Buchanan](#); [Mayor](#); [Mark Standriff](#); [mthibodeaux@electriclaboratories.com](#); [margaret-sasaki@live.com](#); [merazroofinginc@att.net](#); [newsdesk](#); [news@fresnobee.com](#); [nick yovino](#); [david pomaville](#); [russ@topperjewelers.com](#); [Sally Thiessen](#); [Steve Wayte](#); [tsheehan](#); [terry](#); [VT3126782@gmail.com](#); [vallesR1969@att.net](#); [Daniel Zack](#)
Subject: Fwd: CDC says 20% of Covid cases get long covid (!!)
Date: Wednesday, June 1, 2022 1:34:09 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

----- Forwarded message -----

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Thu, May 26, 2022 at 3:47 AM
Subject: CDC says 20% of Covid cases get long covid (!!)
To: Loran Harding <loran.harding@stanfordalumni.org>

Tuesday, May 31, 2022

To all-

Dr. John Campbell for Thursday, May 26, 2022. He thinks the CDC is wrong saying 20% get long covid in the US. The rate is more like 2.6% in the UK. While remaining gentlemanly, Dr. Campbell here is saying that the CDC is full of beans. So, more bungling from the CDC, according to him, and we are paying for this. OH well, it gives CBS network TV news more to yell about in their spreading of hysteria. Campbell shows that in the UK one is diagnosed with long covid if symptoms persist for several months. In the US, it is days or weeks.

[US Long Covid 20% of cases - YouTube](#)

KCBS says that both UCSF and Stanford are accepting volunteers for a study of long covid. "Recover" is the acronym for the study. If I had long covid, I would volunteer for one of those, Stanford in my case.

L. William Harding
Fresno, Ca.

From: [Allan Seid](#)
To: [Channing House Bulletin Board](#); [CHOpinion CHOpinion](#)
Subject: Fwd: Low-Income Asian Americans and Pacific Islanders
Date: Tuesday, May 31, 2022 10:24:23 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

From: **Dirk Bennett** , Allan Seid
Date: Tue. May 31, 2022
Subject: Low-Income Asian Americans and Pacific Islanders
Source: Center for Economic and Policy Research ([cepr.net](https://www.cepr.net))

<https://www.cepr.net/a-brief-look-at-low-income-asian-americans-and-pacific-islanders/>

From: [Aram James](#)
To: [Tannock, Julie](#); robert.parham@cityofpaloalto.org; [Enberg, Nicholas](#); [Figueroa, Eric](#); [Council, City](#); [chuck jagoda](#); [Human Relations Commission](#); [Winter Dellenbach](#); [Joe Simitian](#); [Greer Stone](#); [Jay Boyarsky](#); [Binder, Andrew](#); [Sean Allen](#); [james pitkin](#); [Jeff Rosen](#); [Sajid Khan](#); [Jonsen, Robert](#); [Shikada, Ed](#); [Alison Cormack](#); [Filseth, Eric \(Internal\)](#)
Subject: After 19 Kids Died in Massacre, Uvalde Police Chief Wrote Press Release Saying His Officers 'Responded Within Minutes' and Thankfully Didn't Die Themselves
Date: Tuesday, May 31, 2022 7:57:00 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.



NewsBreak

Used by over 45 million people

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After 19 Kids Died in Massacre, Uvalde Police Chief Wrote Press Release Saying His Officers 'Responded Within Minutes' and Thankfully Didn't Die Themselves

Law & Crime

The chief of the Uvalde, Texas, Police Department on Thursday issued a press release which expressed thanks that his "officers did not sustain any life threatening injuries" during the massacre killings of 19 students and two adults at an elementary school this week. Chief Daniel Rodriguez's statement noted...



[Click to read the full story](#)

Sent from my iPhone

From: [Margaret Heath](#)
To: [Council, City](#)
Subject: Council meeting June 1, 2022 Action Item #1
Date: Tuesday, May 31, 2022 5:46:13 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Mayor and City Council Members:

Staff's re-write of the "Objective Standards" report goes beyond your instructions to update those Context Based Design Standards sections of the code impacted by the new state laws.

Further, prior to presenting this report to you, Staff allowed the Planning Commission minimal time to review this rewritten lengthy and dense document. Staff even refused to provide the commission members with any side by side comparisons of the original text and proposed changes leaving commission members unable to adequately examine the many changes they were being asked to approve. Which, to all intents and purposes, by-passed careful scrutiny, particularly concerning since it appears Staff have used this situation as a pretext to slip in extensive and unnecessary changes.

Please ONLY approve the changes required by the new state laws.

If you decide to also consider additional changes to the Context Based Design Standards that are not required at this time, please instruct staff to first submit their Staff Report to the Planning Commission. Fortunately, some of our dedicated Planning Commission members have both the depth of knowledge and willingness to take the time to do the due diligence expected of them as commission members.

Sincerely,

Margaret Heath
College Terrace

From: [Aram James](#)
To: [Tannock, Julie](#); [Enberg, Nicholas](#); [Figueroa, Eric](#); robert.parham@cityofpaloalto.org; [Jonsen, Robert](#); [Human Relations Commission](#); [chuck jagoda](#); [Sean Allen](#); [Sajid Khan](#); [Jethroe Moore](#); [Jeff Rosen](#); [Joe Simitian](#); [Raj](#); [Winter Dellenbach](#); [Council, City](#); [Shikada, Ed](#); [Greer Stone](#); [Binder, Andrew](#); [Dennis Upton](#); [dennis burns](#)
Subject: This Week's Issue: The L.A. County Sheriff's Deputy-Gang Crisis
Date: Tuesday, May 31, 2022 5:15:40 PM

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Image may contain: Text, and Alphabet



An image of a member of the L.A. County Sheriff's department



Letter from Los Angeles

The L.A. County Sheriff's Deputy-Gang Crisis

Whistle-blowers say that a group called the Banditos functions as a shadow government within local law enforcement. The sheriff says there is no such gang in his department.

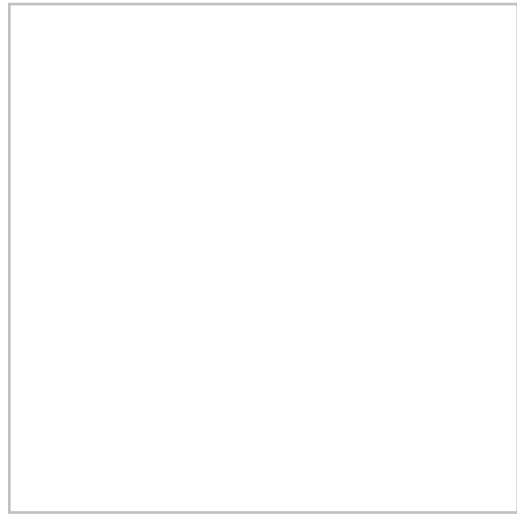
By Dana Goodyear

Cover Story

“Uvalde, May 24, 2022”

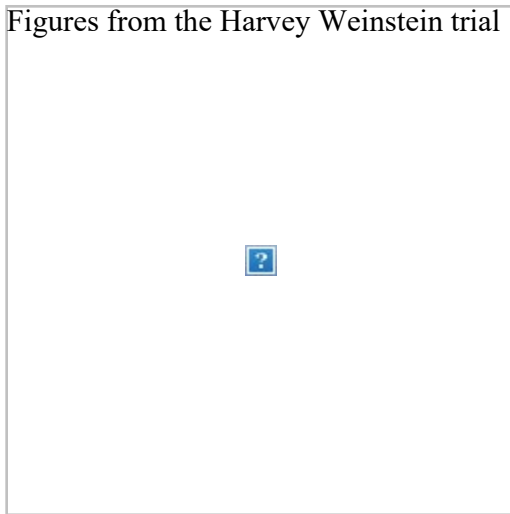
For the cover of this week's issue, the artist Eric Drooker reflects on gun violence and the American way of life.

By Françoise Mouly



Reporting and Commentary

Figures from the Harvey Weinstein trial

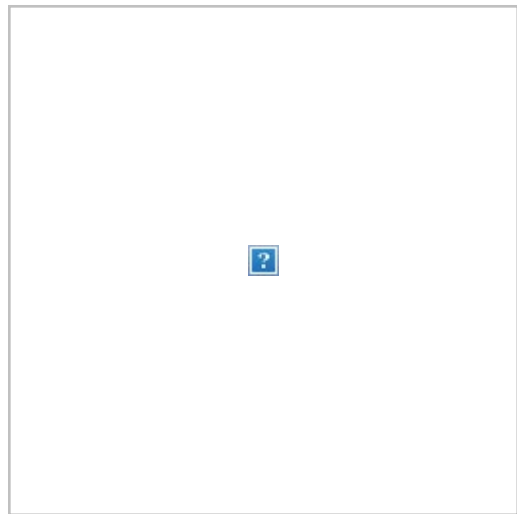


Annals of Justice

Harvey Weinstein's Last Campaign

How the Hollywood producer lost control of the story during his criminal trial in New York.

By Ken Auletta



Onward and Upward with the Arts

Angel Olsen Sees Your Pain

On her new album, “Big Time,” the musician transfigures harrowing grief—and an unexpected new love—into songs of survival.

By Amanda Petrusich



Dept. of Transportation

When Shipping Containers Sink in the Drink

We've supersized our capacity to ship stuff across the seas. As our global supply chains grow, what can we gather from the junk that washes up on shore?

By Kathryn Schulz



Comment

The Atrocity of American Gun Culture

Pro-gun officials say they don't want to politicize tragedy. But the circumstances that allow for the mass murder of children are political.

By Jelani Cobb

The Critics



Books

The Revelations of Thom



Musical Events

Malcolm X and Hamlet Seize

Gunn's Letters

The late poet's letters are a primer not only on literature but on the man himself.

By Hilton Als

the Opera Stage

Anthony Davis's "X" makes a momentous return, at Detroit Opera, while Brett Dean's "Hamlet" arrives at the Met.

By Alex Ross

Portrait of Barbara Pym.



Books

When Barbara Pym Couldn't Get Published

The English novelist was coming into her prime when publishers decided that she was outdated. But some of her contemporaries knew better.

By Thomas Mallon

The Theatre

Daddy Issues in a Pair of Plays

James Ijames's "Fat Ham" and Édouard Louis's "Who Killed My Father" both feature queer, questioning, father-haunted protagonists.

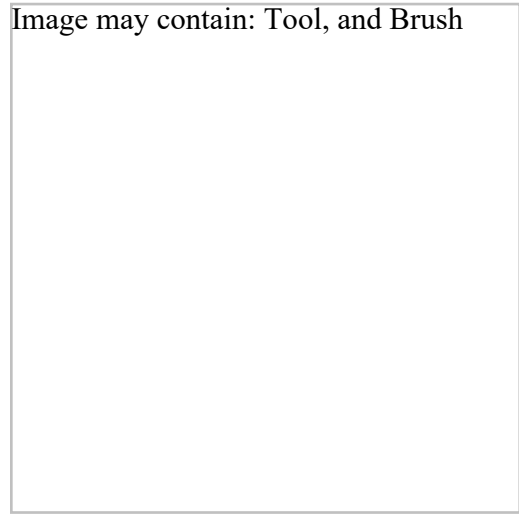
By Vinson Cunningham

Newsletters

Sign up for *The New Yorker's* Fiction newsletter

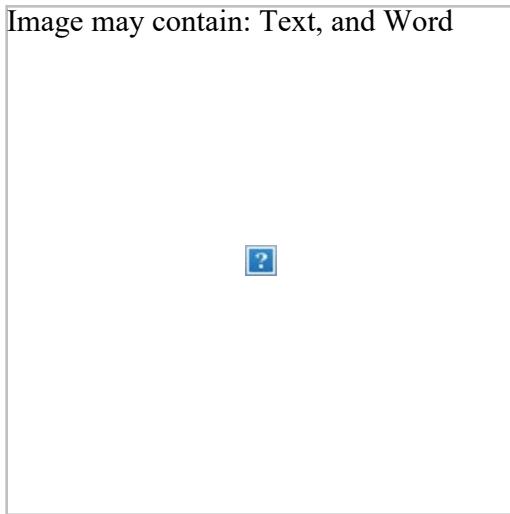
Dive into the world of literature with our weekly fiction newsletter.

Image may contain: Tool, and Brush



Humor and Puzzles

Image may contain: Text, and Word

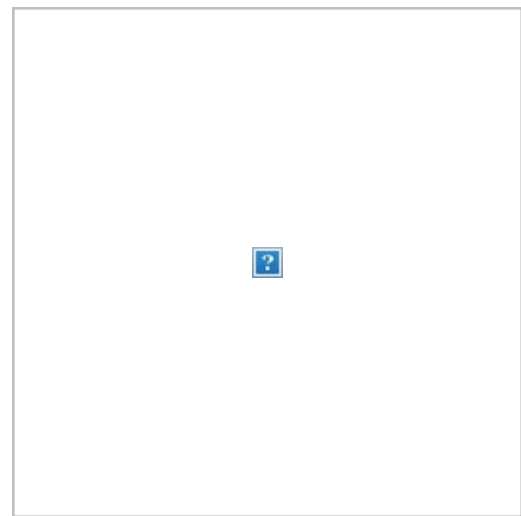


Shouts & Murmurs

Maybe I Shouldn't Have Ditched That Bullshit Detector

How else will I be able to tell if those
people who say that IKEA is round,
rather than flat, are right?

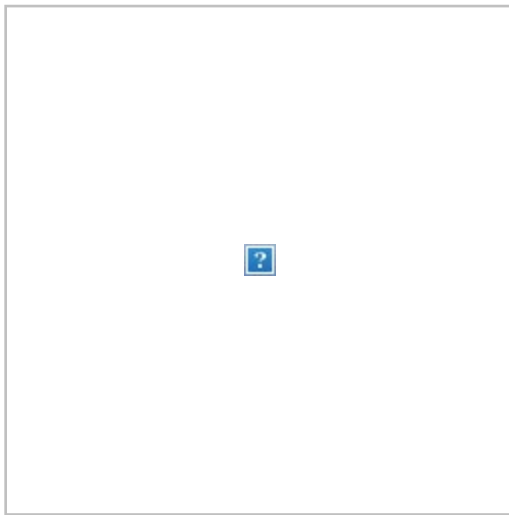
By Ian Frazier



Cartoons from the Issue

Cartoons from the Issue

Funny drawings from this week's
magazine.

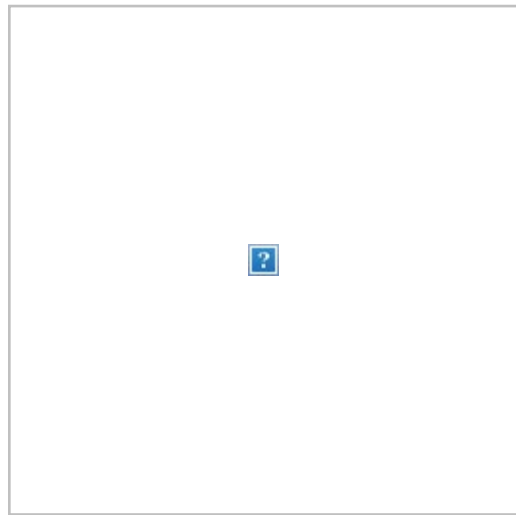


Crossword

A Moderately Challenging Puzzle

People reading manuals, usually: five letters.

By Anna Shechtman



Name Drop

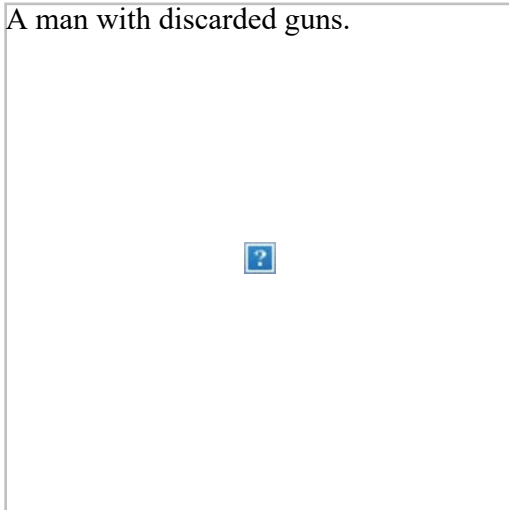
Play Today's Quiz

Can you guess the notable person in six clues or fewer?

By Liz Maynes-Aminzade

More from The New Yorker

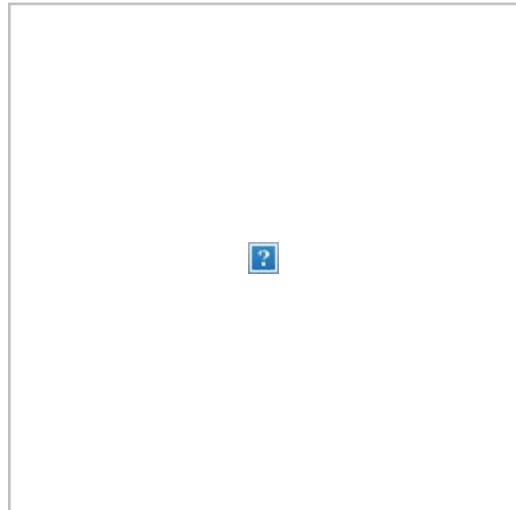
A man with discarded guns.



Our Columnists

How to Prevent Gun Massacres? Look Around the World

Australia, Britain, Canada, and other



Cultural Comment

The Johnny Depp–Amber Heard Trial Is Not as Complicated as You May Think

countries have enacted reforms that turned mass shootings into rare, aberrational events rather than everyday occurrences.

By John Cassidy

The entirety of the case rests on twelve words.

By Jessica Winter



Illustration of stacked coffee mugs and a person reading a book.



Thanks for reading.

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From: [Aram James](#)
To: [Linda Jolley](#)
Cc: [Council, City](#); [Rebecca Eisenberg](#); [Chuck Jagoda](#)
Subject: Re: help for homeless that will solve many problems
Date: Tuesday, May 31, 2022 3:10:09 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Love it! aram

Sent from my iPhone

> On May 31, 2022, at 2:44 PM, Linda Jolley <lindajolley9@yahoo.com> wrote:
>
> <https://mynews4.com/news/local/new-modular-housing-units-to-give-some-reno-homeless-people-sense-of-stability>
>
> Council Members -
>
> Please check out the above link which shows that they have found the Mother Lode in Reno.
>
> The solution they have found should work better than Palo Alto's "affordable housing." And
> better than Palo Alto's practice of harassing people who live in vehicles because Palo Alto's
> minimum wage can't even buy them a small sleeping room.
>
> Reno's solution should nip many social problems in the bud. Crime, poverty, and poor health
> are nasty bedfellows that could often be stopped by having a bed. And the beds need policing.
>
> Considering the excesses of wealth and brains in this city, you would think that we could become
> pace-setters in finding workable solutions for the desperate, as opposed to punishment or
> banishment.
>
> Linda Jolley
> 3790 El Camino Real #167
> Palo Alto, CA 94306
> 650-630-3021

From: [Armand Mahinfallah](#)
To: [Council, City](#)
Subject: Keep Ramona Street Closed to City Traffic
Date: Tuesday, May 31, 2022 2:46:04 PM

Some people who received this message don't often get email from amahinfallah@stanford.edu.
[Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Please keep Ramona Street closed to city traffic! Thank you!

From: [Linda Jolley](#)
To: [Council, City](#)
Cc: [AramJames](#); [Rebecca Eisenberg](#); [Chuck Jagoda](#)
Subject: help for homeless that will solve many problems
Date: Tuesday, May 31, 2022 2:44:25 PM

[Some people who received this message don't often get email from lindajolley9@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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<https://mynews4.com/news/local/new-modular-housing-units-to-give-some-reno-homeless-people-sense-of-stability>

Council Members -

Please check out the above link which shows that they have found the Mother Lode in Reno.

The solution they have found should work better than Palo Alto's "affordable housing." And better than Palo Alto's practice of harassing people who live in vehicles because Palo Alto's minimum wage can't even buy them a small sleeping room.

Reno's solution should nip many social problems in the bud. Crime, poverty, and poor health are nasty bedfellows that could often be stopped by having a bed. And the beds need policing.

Considering the excesses of wealth and brains in this city, you would think that we could become pace-setters in finding workable solutions for the desperate, as opposed to punishment or banishment.

Linda Jolley
3790 El Camino Real #167
Palo Alto, CA 94306
650-630-3021

From: [Krista McDermott](#)
To: [Council, City](#)
Subject: Fwd: Housing
Date: Tuesday, May 31, 2022 2:34:15 PM

Some people who received this message don't often get email from krista_ann@icloud.com. [Learn why this is important](#)

Sent from my iPhone

Begin forwarded message:

From: Krista McDermott <krista_ann@icloud.com>
Date: May 5, 2022 at 1:41:39 PM PDT
To: city.council@cityofpaloalto.org
Subject: Fwd: Housing

This town has become unlivable. everyday I bike to work I pass multiple new demolition sites and see more and more empty investment McMansions going up. I'm a teacher, and it's impossible to build community with my families because no families can afford to stay here because you keep giving permits to flip houses to venture capitalists who build this crap that is wasting our precious resources to build houses no one lives in. You are the ones making the choice to destroy what is left of this community. Instead of centering the building of smaller affordable housing, you have actively made the housing crisis worse by choosing profit over community. Who is going to do the work of community for you when all of us who hold it together leave? Everyone I know who is a teacher hates it here now because of what you have chosen to allow our city to become. I want the children in my care to survive and thrive and have a planet to live on. Everyday the waste and greed I see makes my day teaching more difficult because I know what a disproportionate amount of resources are being stolen from their future and that every empty McMansions is an insult to them and a future that will cause them great pain. What is the point of me nurturing them? What is the point of having top schools when college won't even exist for them. It's shocking to me the amount of hypocrisy coming from a city that used to care about our shared planet and continues to pretend to care. You cannot continue to approach development this way if you care about the community you are in charge of protecting. It is fundamentally incompatible with your own stated goals. Im writing this because despite growing up here and wanting to get out, I came back because it was a nice community to grow up in and I care about protecting what remnants are left. But I can't help build community here under these conditions. You can't throw money at everything. It's time to stop applying outdated business theory to run a community. My family(all teachers) doesn't want to leave, but every day feel less at home or interested in staying. Why should we fight for a place that doesn't care about us? My mom was born here and thought she would spend her whole life in a community she helped nourish her entire life but it is looking less realistic every

day as we watch our neighborhood disintegrate into an empty McMansion nightmare. I'm just so sad that this continues to get worse and worse with no end but community and planetary collapse insight. I thought the town I grew up in that helped teach me to care for the planet and others was better than this, but I guess I was wrong. You need to take responsibility for what you have let greed do to this town before you lose us all.

Krista McDermott

Sent from my iPhone

Begin forwarded message:

From: "Luong, Christine" <Christine.Luong@cityofpaloalto.org>
Date: April 29, 2022 at 3:08:13 PM PDT
To: Krista McDermott <krista_ann@icloud.com>
Subject: RE: Housing

We appreciate your passion for the environment and encourage you to write a letter to the Mayor and City Council regarding your concerns.

Best,
Christine

From: Krista McDermott <krista_ann@icloud.com>
Sent: Thursday, April 28, 2022 12:51 PM
To: Luong, Christine <Christine.Luong@CityofPaloAlto.org>
Subject: Re: Housing

You don't often get email from krista_ann@icloud.com. [Learn why this is important](#)

Every 3rd house in South Palo Alto is being demolished and a McMansion built on top without sustainable practices. How is that working towards any of these goals? This is total hypocrisy from the city. You can do something about it if you actually cared about the fact that we have 3 years left to halve our carbon budget. It is a lie to say you are working towards a green city. It's also not a place to live in anymore either, and as a teacher the constant noise and pollution from these awful projects is greatly affecting my classroom every day. Do better.

<https://restoreoregon.org/2021/04/12/understanding-the-carbon-cost-of-demolition/>

Sent from my iPhone

On Sep 28, 2021, at 5:08 PM, Luong, Christine
<Christine.Luong@cityofpaloalto.org> wrote:

Dear Krista,

Thank you for your message. Your concerns are being discussed and addressed in the update to the Housing Element of the City's Comprehensive Plan. In terms of the S/CAP, our focus is on overall conservation and efficiency related to consumption of natural resources, as well as studying land use and how that effects vehicle miles travelled and increased resource consumption.

Best,
Christine

-----Original Message-----

From: Krista McDermott <krista_ann@icloud.com>

Sent: Tuesday, September 28, 2021 2:25 PM

To: Luong, Christine <Christine.Luong@CityofPaloAlto.org>

Subject: Housing

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Hi. I'm looking over your sustainability goals and noticed that development is not a factor and I'm curious how the city plans on reaching its goals as it continues to allow the demolition of smaller houses and the building of giant single family homes. The building of these often unlivable McMansions has nothing to do with sustainability. Nothing. In fact this kind of development has more carbon output than you will cut with the goals you have stated. If the city actually does want to reach its carbon goals, its going to have to pump the brakes on this type of development. As a teacher, I care about the world my children have to survive in, and this place with all its money can't even make some basic choices to help because they are so obsessed with making more money. It's disgusting, and hypocritical to call itself green. We need to act like the house is on fire because it is. Or stop pretending to be fighting it.

Sent from my iPhone

From: [Krista McDermott](#)
To: [Council, City](#)
Subject: Re: Housing
Date: Tuesday, May 31, 2022 2:32:51 PM

Some people who received this message don't often get email from krista_ann@icloud.com. [Learn why this is important](#)

I did. After a month I have received not one word of follow up from either department... it is clear to me that this city is not actually serious about sustainability, just really likes to greenwash. The contestant demolition of buildings and trees and new build homes with cement landscaping method is too profitable for them even though it is likely the majority of our cities current carbon footprint. If we don't address this, we are not actually serious about sustainability.

Sent from my iPhone

On May 5, 2022, at 1:41 PM, Krista McDermott <krista_ann@icloud.com> wrote:

This town has become unlivable. everyday I bike to work I pass multiple new demolition sites and see more and more empty investment McMansions going up. I'm a teacher, and it's impossible to build community with my families because no families can afford to stay here because you keep giving permits to flip houses to venture capitalists who build this crap that is wasting our precious resources to build houses no one lives in. You are the ones making the choice to destroy what is left of this community. Instead of centering the building of smaller affordable housing, you have actively made the housing crisis worse by choosing profit over community. Who is going to do the work of community for you when all of us who hold it together leave? Everyone I know who is a teacher hates it here now because of what you have chosen to allow our city to become. I want the children in my care to survive and thrive and have a planet to live on. Everyday the waste and greed I see makes my day teaching more difficult because I know what a disproportionate amount of resources are being stolen from their future and that every empty McMansions is an insult to them and a future that will cause them great pain. What is the point of me nurturing them? What is the point of having top schools when college won't even exist for them. It's shocking to me the amount of hypocrisy coming from a city that used to care about our shared planet and continues to pretend to care. You cannot continue to approach development this way if you care about the community you are in charge of protecting. It is fundamentally incompatible with your own stated goals. Im writing this because despite growing up here and wanting to get out, I came back because it was a nice community to grow up in and I care about protecting what remnants are left. But I can't help build community here under these conditions. You can't throw money at everything. It's time to stop applying outdated business theory to run a community. My family(all teachers) doesn't want to leave, but every day feel less at home or interested in staying. Why should we fight for a place that doesn't care about us? My mom was born here and thought she would spend her whole life in

From: [Tom Shannon](#)
To: [Council, City](#)
Subject: Castilleja's Expansion and Redevelopment Application
Date: Monday, June 6, 2022 8:22:52 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

To: Mayor Burt and City Council Members

From: Tom Shannon, 33 year resident directly across the street from Castilleja's Kellogg entrance

For your deliberations tonight on Castilleja's Expansion and Redevelopment Application:

Approve a reasonable enrollment increase to 450 students:

Castilleja's enrollment request for 540 students (a 30% increase) is a huge overreach that highlights the school's desire to max every variable - Enrollment, Underground Garage, Zoning Variances, FAR Exceptions. I request the City Council approve an enrollment of 450 students - a more reasonable increase.

Add a CUP condition that requires CUP amendments for future enrollment increases beyond 450 students. This would hold Castilleja accountable for its conduct and ensure CUP compliance going forward. With the school's future compliance, trust could be reestablished among all parties - the neighbors, the city and the school.

Prohibit students from driving and parking on surrounding residential streets:

Castilleja currently has no limitations prohibiting students from driving to campus and parking all day on the surrounding residential streets. Castilleja has represented that all future enrollment increases will be composed of high school students. This will generate more traffic and on-street parking issues with juniors and seniors driving solo to school and parking on the surrounding residential streets south of the campus thus avoiding all traffic counting devices which renders the TDM and traffic counts unreliable. Please consider a CUP condition that prohibits students from driving to campus and parking all day on residential streets. They can arrive and be dropped off via a shuttle bus program from remote satellite parking lots.

Establish Park & Ride Shuttles:

As other neighbors have suggested, please consider a CUP condition that establishes a park and ride shuttle system from remote satellite parking lots. Reducing and/or eliminating traffic and parking impacts on surrounding neighborhood streets would improve relations with the school.

Thanks for your time and efforts with Castilleja's complicated redevelopment and CUP application.

From: [Carla Befera](#)
To: [Council, City](#)
Subject: What is a trip?
Date: Sunday, June 5, 2022 11:54:49 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Councilmembers –

As you head into final deliberations about how Castilleja can increase enrollment tied to a promise of “no net new trips,” we note there was considerable discussion in the last meeting over what constitutes “a car trip” and how it would be counted under Castilleja’s proposed TDM measures.

As was discussed:

- Public street counts won’t be included, only used “informally,” according to city staff.
- Neighbors watch every day as Castilleja students park in the surrounding neighborhood. These trips will NOT be counted by the school’s driveway counters, or included in TDM measurements. Nor will parents who drop kids off down the block.
- There is also a question of how many counters – staff seemed to be saying there will be two driveway counters, yet the school will have at least four ingress/egress points (Bryant garage, Bryant driveway, Kellogg driveway, Emerson driveway) – not including service vehicles entering on the circle.

All this shows how impossible it will be to track actual counts of students arriving at the school.

The obvious solution: NO direct access by cars. **All ingress/egress via park and ride shuttles.** (With a possible bike/walk entrance for pre-authorized students who can prove they live locally, and are not just parking a block away and walking in.)

How could this be done? There are many successful examples - I vividly recall driving to a public museum located in a quiet R-1 neighborhood in Honolulu. There was absolutely no ingress or egress available to the public or staff, only one locked gate which could only be entered by a shuttle bus. Frustrating as it was for us, the museum calmly (and rightly) pointed out that we had disregarded their directions, and instructed us to drive 30 minutes back to the park-and-ride starting point, and get on a shuttle. The no-driving policy was inviolable. And it explained how this world-famed museum, which hosted hourly tours as well as large private events, could operate in a tranquil residential area without impacting the neighbors. I returned from the trip with visions of how Castilleja could achieve its objective – increased growth – while helping neighbors achieve their dreams of a tranquil residential neighborhood.

Surely a park and ride solution would be much less costly for the school than digging an underground garage? And the entire city of Palo Alto would benefit by fewer cars commuting into town.

Please consider a pivot for this plan, cutting down traffic for all, benefiting the environment, and eliminating the need to an underground parking structure.

Many thanks to you all for your extensive work on this challenging issue.

- Carla Befera

From: [Carla Befera](#)
To: [Council, City](#)
Subject: RE: Incorrect information re: Embarcadero traffic study/Castilleja
Date: Sunday, June 5, 2022 11:54:07 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Correction to the email below – see page 11 on the document referenced.

- Carla Befera

From: Carla Befera <carlab@cb-pr.com>
Sent: Sunday, June 05, 2022 11:47 PM
To: 'city.council@cityofpaloalto.org' <city.council@cityofpaloalto.org>
Subject: Incorrect information re: Embarcadero traffic study/Castilleja

Dear City Council members:

At the last public meeting regarding Castilleja School, Mayor Pat Burt specifically asked if a traffic study had been conducted for Embarcadero EGRESS only from the proposed parking structure. City staff asked school representatives, who came back with the answer “Yes, both ingress and egress on Embarcadero were studied.”

This is not true. I was among those present when the report was presented. Please see the school’s narrative (attached, see page 21 – also can be found on [this link](#).)

On page 11, you will find **Item VII Embarcadero Access Study** summarizing the report conducted by Fehr & Peers. The alternatives studied were:

1. Embarcadero Access with widening of the south side of Embarcadero for an added entry lane into the garage
2. Embarcadero Access with 3/lanes - reducing the road to accommodate an entry lane into the garage, no widening
3. Emerson/Bryant Access with 3/lanes – driveways on Bryant and Emerson, adds a left turn at Bryant and a bike lane, no widening
- 3b) Same as 3 but added left-turn from Embarcadero onto Emerson
4. Bryant Street access/Emerson Egress. (No driveway on Embarcadero.)
- 4b) Same as 4 but with yield controlled right-turn from Emerson

NONE of these studied a garage that enters on Bryant, for example, and exits onto Embarcadero. At the time I recall we specifically asked what impacts for alternative configurations would be, and were told “we didn’t study those options.”

(Note the conclusions and summaries in this report were provided by Castilleja, as was the hyperbole about “extensive counts,” “extensive experience,” etc. Also note the trip distribution assumptions are based on 2012 student information, now entirely outdated, but indicate that 95% of school traffic accessed Castilleja from Embarcadero.)

Many thanks for reviewing this.

Carla Befera

Castilleja School Conditional Use Permit and Master Plan Narrative June, 2016

I. Application Overview Castilleja School, an all-girls, 6th-12th grade independent school bounded by Embarcadero Road, Bryant Street, Kellogg Avenue, and Emerson Street in Palo Alto, seeks approval for a new Conditional Use Permit and Master Plan to allow for the continued education of young women at our current location. Having spent the last three years in conversation with our neighbors, Castilleja School is submitting a Conditional Use Permit and Master Plan application that addresses both the potential impacts to the neighborhood and our long-term needs for campus modification and enrollment growth. An example of our approach includes a traffic reduction enforcement program which imposes serious and meaningful penalties if Castilleja does not perform as predicted. While Castilleja clearly understands that issues and concerns may arise during the City and public review, we have endeavored to provide a substantial and complete proposal that demonstrates our commitment to our neighbors and the City as a whole.

As this application will set forth, Castilleja specifically seeks to: i) Increase enrollment from 438¹ to 540 students, adding no more than 27 students per year; and ii) Mitigate traffic impacts – through robust Transportation Demand Management – to maintain conditions equivalent to those experienced by neighbors since Castilleja implemented our TDM program in 2013; and iii) Obtain approval of a phased new Master Plan, with Phase 1 to include ARB approval of an underground parking garage.

¹ See City of Palo Alto letters dated Feb. 28, 2014 and November 5, 2015 (Tab B, “City of Palo Alto Letters”), which outline an enrollment limit construct allowing Castilleja to maintain current enrollment at 438 students, until such time as sufficient analysis is conducted for a formal CUP and Master Plan application.

II. Executive Summary: A New CUP Enrollment Cap with Accountability Measures and Master Plan Implications As articulated in Section V (“The Case for Increased Enrollment”), there is a convincing need for increased enrollment, some of which is tied to certain elements of the proposed Master Plan discussed in Section IV (“Master Plan”), (i.e. the underground parking garage, lowered pool, and below grade loading dock), and which are linked to programmatic impact reductions and monitoring mechanisms. **In order to support and accommodate the proposed growth while reducing the school’s impact on its neighbors, the school’s proposal includes the following commitments, monitoring mechanisms, and consequences:**

Commitments- *In order for Castilleja to grow to 540 students, the school will make the following commitments:*

Figure 1 Castilleja School Enrollment Commitments

Master Plan Features	Enrollment Cap
Build underground parking garage Reroute drop-off and pick-up through garage	490
Lower pool below grade Complete bike way station on Bryant Street Bicycle Boulevard	520
Lower Circle below grade Relocate deliveries and waste pick-ups further from street and below grade Reduce number of food service deliveries by 10% Implement sustainability plan	540

In addition to the above, Castilleja will:

- (1) Maintain peak trips at ≤ 440
- (2) Add students gradually – no more than 27 per year
- (3) Establish hours of school operations and limit number of special events (see **Tab C**, “Summary of Proposed Hours of Operations”)

Monitoring Measures and Consequences-

- (1) Submit to annual audits of the school’s enrollment by independent firm. A fine of \$500 per school day will be levied if the school is in violation of enrollment cap
- (2) Submit to bi-annual peak trip audits by independent firm
 - a. 1st peak trip count above 440 – add additional TDM measure
 - b. 2nd consecutive peak trip count above 440 – add more intensive TDM measure
 - c. 3rd consecutive peak trip count above 440 – reduce enrollment by 5 students in next admission cycle

Special Events- Castilleja recognizes that it is not only our daily operations that contribute to area impacts but also special events on evenings and weekends. As a point of reference, **Tab D** contains Castilleja’s sample list of Special Events (events with > 50 outside guests) for a typical year, with estimated number of outside guests and timeframe.

To reduce impacts, Castilleja proposes the following limitations on events and activities, in general, and Special Events specifically:

1. No school events on Sundays
2. Athletic competitions limited to weekdays and completed by 8 pm
3. Limit number of Special Events (events with > 50 guests) to 90 events per school year and require parking on Spieker Field as needed
5. No events to be held on campus which do not directly relate to Castilleja.

III. Castilleja School Background

A. *School History, Mission, and Purpose* Founded in 1907 in Palo Alto by Mary Lockey, Castilleja is the only non-sectarian all-girls middle and high school in Northern California. After Lockey graduated from Stanford University in 1902, she was encouraged by Stanford's first president, David Starr Jordan, to start a school that would offer girls a comprehensive college preparatory education. Mary Lockey identified a set of core values, the 5 Cs (conscience, character, courtesy, charity, and courage), and created an educational program based around those values. For nearly 110 years, Castilleja has been committed to academic excellence for girls using those same values.

Today, Castilleja is at the forefront of 21st century education, incorporating local and global experiential learning, technology, and leadership opportunities into our curriculum. Castilleja students are inspired, challenged, and prepared, not only for college, but also for a lifetime of learning, leading, and doing. *The Wall Street Journal* identified Castilleja as one of the world's top fifty schools for our success in preparing students to enter top American universities. In 2015, *Niche* rankings recognized Castilleja as the best private school for academics in the United States.

While sensitive to the changing character of the City of Palo Alto, Castilleja is faced with growing demand for all-girls education. At our current size, Castilleja is unable to meet that demand and each year must turn away nearly 300 talented candidates. Constrained by our enrollment cap, Castilleja's enrollment has not kept pace with the growing number of school-aged children in our community. As of 2016, Castilleja had grown by just 46 girls or 12% since 2000. At the same time, the enrollment in Palo Alto Middle and High schools increased by 30%.

Castilleja's CUP and Master Plan will allow Castilleja to better fulfill its mission – to educate motivated young women to become confident thinkers and compassionate leaders with a sense of purpose to effect change in the world. Enhanced facilities, combined with a robust TDM program, will accommodate more students and allow Castilleja to continue to deliver our nationally-recognized educational program while honoring our place in Palo Alto history and reducing our impact on our neighborhood and the environment.

B. *Evolution of Campus and CUP History* Castilleja, founded in Palo Alto at 1121 Bryant in 1907, was established as a school to offer young women a comprehensive education, at a time when educating young women was rare. Shortly thereafter, in 1910, Castilleja relocated to its current location at 1310 Bryant Street. At that time, neither Palo Alto's zoning code, nor many of the homes which currently define the neighborhood, were

in existence. Much like the surrounding neighborhood, over the years, Castilleja has evolved.

Castilleja was first required to obtain a Use Permit in 1960 (60-UP-3) to permit the construction of dormitories needed for boarding school students. Between 1960 and 1996, several additional Use Permits were issued, including those for a Fine Arts Building (74-UP-4); Chapel Rehabilitation and Additions (79-UP-25); Parking Areas (91-UP-53); and a Softball Field with associated parking (92-UP-40). In 1995, Castilleja sought a Use Permit (95-UP-47) to convert the dormitory building into a library, classrooms, offices, and other uses, as well as to permit 385 students to enroll at the school by the year 1999. In addition, the 1995 Use Permit required Castilleja to seek an amendment in 1999, if it sought to increase the student population beyond 385. In 1999 (99-UP-48), a use permit was sought and approved to remodel the Administration Building and impose TDM requirements, followed by a use permit in 2000 (00-CUP-23) permitting a student population of 415 (see [Tab E](#) for 99-UP-48 and 00-CUP-23).

During the 2011-2012 academic school year, Castilleja's analysis of the 2010-2011 enrollment data revealed that the student population exceeded the 2000 Use Permit enrollment limitation of 415 students. At that time, Castilleja informed the City that our enrollment exceeded the 2000 enrollment limit and commissioned a traffic analysis in April, 2012 to prepare for a new CUP application.

At the City's request, Castilleja provided the City with a Compliance Report (See Binder 2) and supporting documentation, which analyzed, item-by-item, the school's compliance with each condition of the 2000 Use Permit. The Compliance Report revealed that, in addition to the enrollment violation, five (5) other conditions associated with the 2000 Use Permit were only partially complied with.² As a consequence of the over-enrollment, the City (i) levied a monetary fine against Castilleja in the amount of \$385,000 and subsequently reduced it to \$265,000 (to align with the number of instructional days during which the School had violated the maximum enrollment); (ii) required Castilleja to mitigate traffic impacts (going forward) to a level equivalent to or less than those at an enrollment of 385 in 2000; (iii) set forth a construct for a phased enrollment decline; and (iv) required that Castilleja apply for a new Conditional Use Permit in 2015-2016.

To meet the City's mandate, from 2013 through present Castilleja has successfully mitigated traffic impacts through robust Transportation Demand Management, in compliance with the City requirement. Consistent with discussions with the City, Castilleja has also reduced our enrollment to 438 and is holding at this level while the school pursues this application for a new Use Permit to gradually increase enrollment to 540 students, based on specific milestones.

² A 2013 audit of all Conditions of Approval showed partial conformance with Five (5) Conditions of Approval and compliance with all remaining Conditions of Approval. The Five (5) partially conforming Conditions of Approval included Condition 5.0 (incorporating the TDM program into Board Policy); 5.7 (twice daily parking monitoring); 5.11 (annual review of TDM program); 5.22 (notice to Zoning Administrator of bi-annual neighbor meetings); and 5.28. (hire traffic monitors for events with 50-100 attendees). A description of each Condition of Approval, the partial conformance by Castilleja, and Castilleja's commitment to rectify those deficiencies were included in the August 15, 2013 Compliance Report and the October 25, 2013 Memorandum to the City from Nanci Kauffman, Head of School. Both items were provided to the City of Palo Alto in 2013, and are included with this Application. A conformance report for the 2015-2016 academic year shows complete conformance.

IV. The Master Plan

A. Project Summary Castilleja School plans to replace four current buildings that have outlived their useful life with one energy-efficient building in generally the same location. The gymnasium, chapel theatre, and administration buildings would be retained and substantially unaltered, given these structures were built or remodeled within the last decade.

Significant among the improvements proposed in the Master Plan (see **Tab F**) is the construction of an underground parking garage to house 130 spaces below the playing field (Spieker Field on Figure 2 below). The playing field would be replaced in generally the same location over the underground garage and used for event parking as needed. The underground garage and the 40 surface spaces within the campus yield a total of 170 on-site spaces, resulting in a 133% increase in off-street parking.

Castilleja has worked extensively with its neighbors to develop a Master Plan that balances numerous and often-competing objectives. While no solutions are perfect, the Master Plan concentrates site access near Embarcadero to lessen the impact on neighborhood streets. Service delivery facilities are relocated below grade and away from the perimeter of campus to lessen neighborhood disruption. The Circle (the school's center of campus) and the pool are also proposed below grade to reduce noise in the surrounding neighborhood. Most drop-offs and pick-ups will occur in the underground garage via a one-way traffic pattern starting at Bryant just off Embarcadero and exiting on Emerson (see **Tab G**). Cars would only be allowed to turn right entering and exiting the campus, keeping much of Castilleja-related traffic out of the neighborhood. The following figure illustrates the proposed Master Plan and drop-off/pick-up traffic flow:

Figure 2



2.1

B. Project Description The following table summarizes the project details compared to existing conditions:

Figure 3

Project Detail	Master Plan Proposed	Current Campus
Above Grade S.F.	105,700 sf.	105,700 sf.
Basement Level S.F.	69,000 sf.	42,300 sf.
Total Square Footage	174,700 sf.	148,000 sf.
Floor Area Ratio	0.37	0.37
Maximum Building Height ³	34'6"	34'6"
Minimum Setbacks		
Emerson	71'6"	15'6"
Kellogg	16'0"	25'2"
Bryant	38'5"	17'9"
Embarcadero	108'6"	108'6"
On-Site Parking Spaces	170 spaces	73 spaces
Underground Spaces	130 spaces	0 spaces
Surface Spaces	40 spaces	73 spaces
Site Coverage	21%	22%
Open Space	99,480 sf.	93,298 sf.

C. Neighborhood Compatibility and Design Enhancement Exception Castilleja's Master Plan is committed to an architectural style and massing that is compatible with our neighborhood. Castilleja, located in an R-1 single-family zone district, has attempted to comply with all R-1 development standards. The R-1 building height standard, however, when applied to academic structures would create long stretches of monotonous roof forms. Castilleja's Master Plan proposes a Design Enhancement Exception which would allow for variation in roof forms typical of our neighborhood, producing a more visually interesting and compatible street view. At no point would the height of the new building exceed the maximum height of existing campus buildings.

D. Sustainability Program Castilleja's Master Plan attempts to set aggressive goals which will demand an on-going commitment to achieve Castilleja's sustainability mission. Charting a leadership path in the building sector does not simply entail incorporating a list of discrete design features; it requires a fundamental departure from business-as-usual.

Building Castilleja's Master Plan will necessitate engaging our design and construction team in an integrated design and delivery process that is characterized by an exceptional degree of interdisciplinary collaboration - from the very earliest stage of design, all the way through construction and start of operations.

Castilleja's sustainable campus is expected to produce benefits, over a long span of time, to numerous constituents: the students, employees, neighbors, the Palo Alto community as

³ Maximum Building Height defined per City of Palo Alto's Municipal Code Definition 18.04.67

a whole and - given the global reach of Castilleja's alumnae - others far beyond the bounds of Silicon Valley.

The details of our proposed sustainability plan that would be implemented as part of Master Plan construction are contained in the attached report titled: Master Plan Sustainability Road Map (see **Tab H**). Highlights include:

- 1) Achieving LEED Platinum once Master Plan is completed;
- 2) Extensive use of photovoltaic panels;
- 3) Net zero energy usage: the new building's annual energy demand will be met with clean, renewable energy sources;
- 4) Reduction by 10% of food service deliveries by implementing additional sustainable practices in food preparation and storage;
- 5) Furtherance of a TDM program that caps peak hour trips at 440;
- 6) Providing 100 bicycle parking spaces on site and building a public bicycle way station on the Bryant Street Bicycle Boulevard.

E. Project Benefits With the exception of the gymnasium and administration buildings, most of Castilleja's campus buildings are over 50 years old. Having outlived their useful lives, the buildings are not energy-efficient and do not meet 21st century pedagogical needs. The Master Plan and CUP, as proposed, would fulfill Castilleja's long term goals, obviating the need for further significant changes to either enrollment or campus configuration for decades to come. The following illustrates the benefits resulting from the implementation of the Master Plan:

1. Provides Infrastructure to Sustain Castilleja's Pedagogical Mission: Buildings will be designed to integrate state-of-the-art technology and teaching practices, as well as to be flexible to adapt to unanticipated changes.
2. Better Compatibility with Neighborhood: Proposed new buildings will incorporate architecture more compatible with the adjacent neighborhoods.
3. Sustainability and Energy Efficiency: The Master Plan will adopt aggressive sustainability goals, such as building to LEED Platinum specifications, and will commit to net zero energy consumption for our new building.
4. Expanded Landscaping: Perimeter landscaping will be enhanced with a significant number of additional drought-tolerant specimen-sized trees and shrubs to further enhance neighborhood compatibility and promote sustainability (see **Tab I**, "Arborist Reports").
5. Increased Parking: The Master Plan will expand capacity to contain nearly all employee, student, and visitor parking on-site.

6. Reduced Service Delivery: Through a combination of increased food storage capacity and installation of a loading dock, the new Master Plan will significantly reduce the number of deliveries to campus.

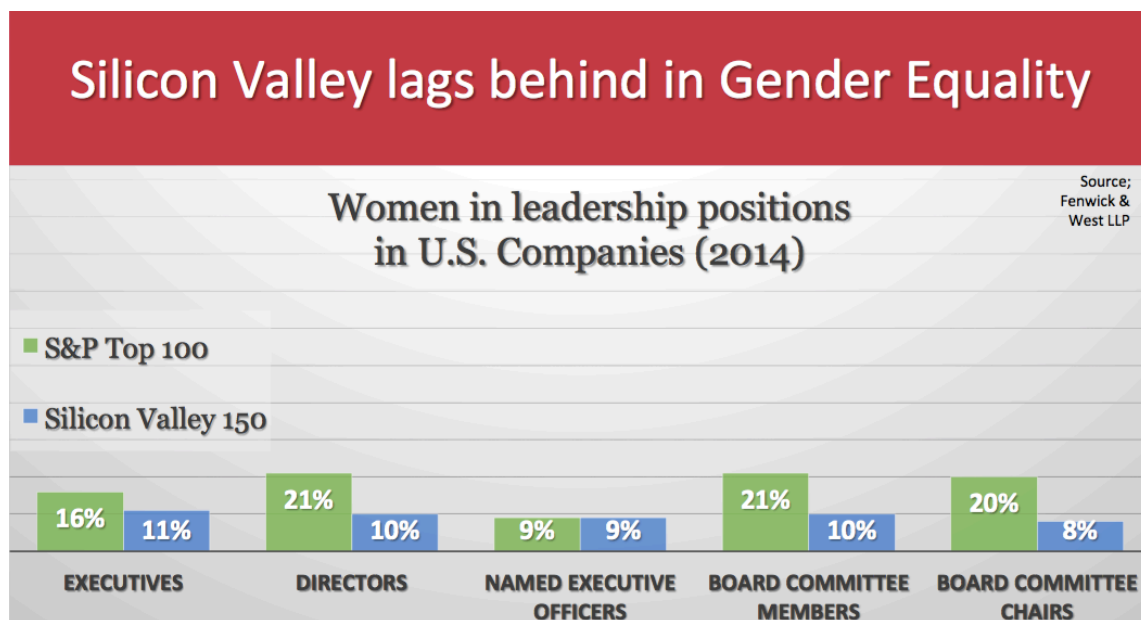
7. Transportation Demand Management (TDM): Castilleja will maintain vehicle trip conditions experienced since the school's TDM program was deployed and will not expand enrollment unless results can be verified. TDM measures currently in place and anticipated in the Master Plan are discussed in greater detail below in Section VI.

8. Certainty: The Master Plan provides for all current and anticipated pedagogical needs for decades.

V. The Case for Increased Enrollment

A. The Demand Quantified Economic gender inequality, both nationally and in Silicon Valley, is well documented. In 2014, women accounted for only 16% of executive positions in S&P top 100 companies. Astonishingly, that number is even lower in Silicon Valley, where only 11% of executive positions were held by women. When women account for over 50% of the total population, it is clear that more educational resources are needed to help ensure that women are equally represented in leadership and technological roles in our culture. Just as Castilleja has contributed to transforming gender balance on college campuses (from 15% of women attending college at the time of the school's founding to 100% of Castilleja graduates today), Castilleja is educating young women to assume leadership positions in greater numbers.

Figure 4



B. Educational Demand Increasing Demand for both private and public education in our community has steadily increased over the last several decades. Since 2000, Palo Alto Unified School District enrollment has increased 30% and Castilleja's student applications have increased 37%, while Castilleja has grown our student population by just 12%. Clearly the demand for quality education in our region will continue to grow and access to educational opportunities will need to grow as well.

C. Phased Enrollment Plan Castilleja commits to grow gradually over multiple years, adding no more than 27 students in any given year. Moreover, Castilleja would not increase enrollment unless traffic impacts remain at levels achieved under the existing TDM program and the proposed Master Plan milestones (see Figure 1) are met.

Figure 5



In order to verify Castilleja's TDM performance and enrollment, a variety of metrics and protocols will be implemented to ensure compliance with the CUP. While not a complete list, Castilleja agrees to the following measures:

1. Construction of underground parking garage before enrollment increases begin; and
2. Annual audits of enrollment by independent 3rd party firm; and
3. Bi-annual traffic and parking counts by independent 3rd party firm; and
4. Specific limit to number of special events.

Castilleja proposes a TDM enforcement program that focuses on dramatically increasing the intensity of TDM program measures, to drive vehicle trips down to predicted levels. The summary of Castilleja's suggested enforcement program creates tiers of increased TDM measures, including additional shuttles, increased remote parking lots, and enrollment reductions; the program is discussed in greater detail below.

VI. Transportation Demand Management (TDM) Program

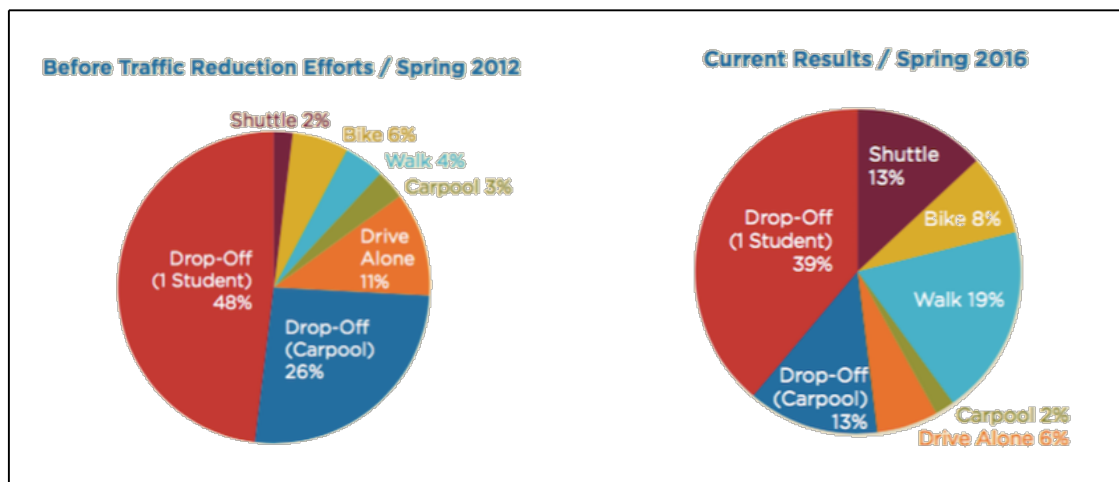
A. Traffic reduction measures in place In the Fall of 2012, Castilleja began its aggressive implementation of TDM measures to reduce vehicle trips associated with drop-off/pick-up, employees, visitors, special events, and service deliveries. In the Spring of 2012, with a 433 enrollment, 1.18 vehicle trips per student was measured by traffic engineers Fehr & Peers and reported to the City of Palo Alto by transportation demand management consultants Nelson Nygaard. By the Fall of 2015, with a 438 enrollment, 0.91 peak trips per student (398 peak trips) was generated and verified by Fehr & Peers. These results were maintained in a subsequent count in the Spring of 2016, demonstrating that existing TDM measures are working, and that additional measures will offset potential additional trips related to enrollment increases (see **Tab J** for past TDM results and **Tab K** for new TDM Plan).

Existing TDM measures are listed below:

1. Two bus routes
2. Shuttle service between Castilleja and Caltrain Station
3. Remote employee parking within walking distance of school
4. Event parking on Spieker Field
5. Mandatory employee TDM participation
6. Reduction in food service deliveries

Vehicle trip reductions were achieved by modifying commute behaviors, which resulted in a significant mode shift away from single passenger vehicle drop-off and pick-up. The following pie charts show the decrease in drive-alone behaviors and the increase in bicycle, pedestrian, and transit usage since 2012.

Figure 6

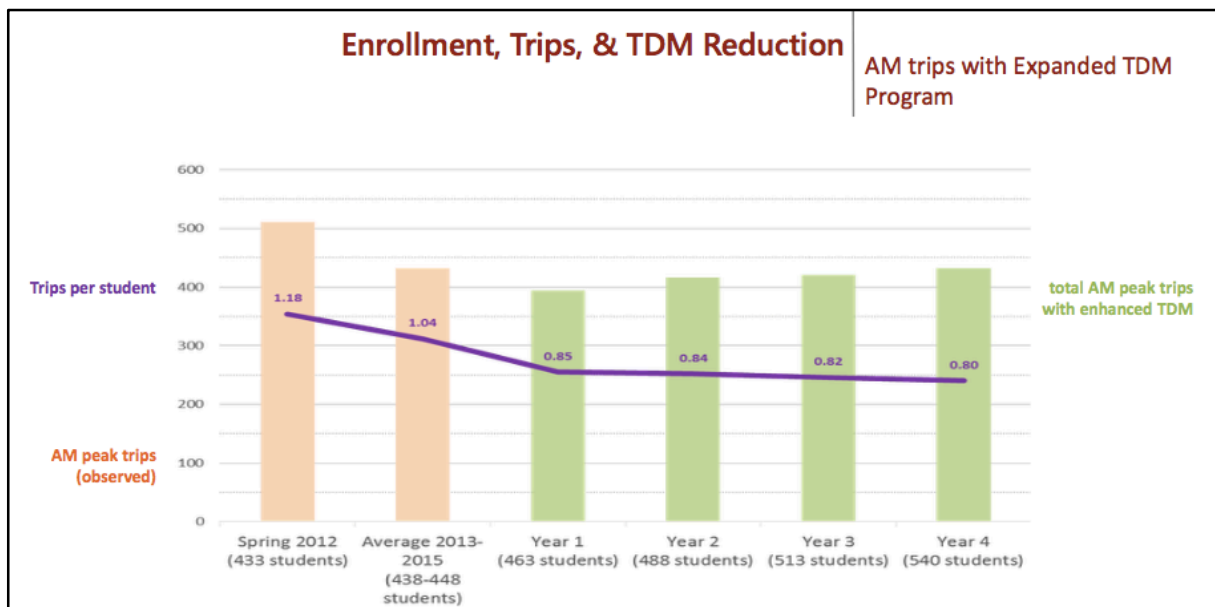


B. Future traffic reduction measures In order to maintain peak trips below 440, Castilleja is prepared to implement one or more of the following additional TDM measures:

1. Add bus route(s)
2. Implement afternoon bus service
3. Establish second remote parking location with shuttle service to school
4. Expand carpooling through better ride matching
5. Further reduce truck deliveries

C. Anticipated Trip Reduction Performance Castilleja will generate less traffic at its expanded 540 enrollment than was generated in 2012 with a 433 enrollment. This is achieved by significantly reducing trips per student. As discussed above, 1.18 trips per student was verified in 2012 and was reduced to 0.91 per student in 2015. Expressed in terms of total trips, Castilleja generated 511 peak-hour trips in 2102 at a trip rate of 1.18; Castilleja is expected to generate 440 or fewer peak-hour trips at a trip rate of 0.81 with an enrollment of 540. The following figure indicates historical and forecasted declines in peak hour trips per student.

Figure 7



VII. Embarcadero Access Study

In October 2015, the City of Palo Alto requested Castilleja School perform a traffic study analyzing the feasibility of access to the campus from Embarcadero Road before submitting its Conditional Use Permit application. The purpose of this section is to summarize the findings of this study. The complete report can be found behind [Tab L](#).

Castilleja engaged Fehr & Peers, a traffic engineering firm with extensive experience working in Palo Alto, to conduct the study. In consultation with the City's transportation staff, Fehr & Peers developed the following alternatives for purposes of this study:

Alternative 1. Embarcadero Access w/Widening. This alternative provides driveway access from Embarcadero Road with drop offs occurring within an underground parking structure. Embarcadero Road maintains four travel lanes (2 w/b and 2 e/b). A left-turn lane is added to access the underground parking garage. This alternative requires widening on the south side of Embarcadero Road between Emerson and Bryant.

Alternative 2. Embarcadero Access w/3 lane Embarcadero. This alternative provides driveway access from Embarcadero Road, with drop-offs occurring within an underground parking structure. Embarcadero Road is reduced to 3 travel lanes (2 w/b and 1 e/b) and adds a left-turn lane from Embarcadero (w/b) to access the underground garage driveway. No widening of Embarcadero Road is required.

Alternative 3. Emerson/Bryant Access w/3 lane Embarcadero. This alternative provides access to the underground parking structure from driveways on Emerson and Bryant just off Embarcadero, with drop-offs occurring within the underground garage. Embarcadero is reduced to 3 travel lanes (2 w/b and 1 e/b). The e/b lane would be sufficient to add proposed bicycle lane on Embarcadero. Westbound traffic would turn left onto Bryant to enter the campus.

Alternative 3b. Emerson/Bryant w/3 lane Embarcadero. This alternative maintains the same configuration as Alternative 3 above with the exception of the addition of a left-turn from Embarcadero (w/b) onto Emerson.

Alternative 4a. Bryant Street Access/Emerson Egress w/4 lane Embarcadero (no widening). This alternative has no driveway on Embarcadero; all access is via Bryant Street, as close to Embarcadero as safety permits. All traffic exits via Emerson Street and is forced to turn right only at Embarcadero. All drop-offs and pick-ups occur in the underground garage. This alternative maintains two Embarcadero w/b through-lanes, two e/b through-lanes, and left-turn lanes at Bryant Street. This configuration would accommodate a planned e/b bicycle lane on Embarcadero between Town & Country Shopping Center and Emerson Street.

Alternative 4b. This alternative is the same as 4a but assumes a yield-controlled right-turn onto Embarcadero from n/b Emerson Street. This alternative shows that a stop sign would control the right turn movement.

Assumptions

1. Trip generation assumptions used for this study are based on the extensive driveway vehicle counts monitored by Fehr & Peers over the past several years. Fehr & Peers has extensive experience monitoring traffic patterns at Castilleja, allowing them to provide the most accurate data available.

2. Fehr & Peers also utilized the City of Palo Alto Comprehensive Plan Traffic Model Update, prepared by the City's contractor Hexagon Consultants, to predict growth in background traffic growth. The Hexagon study predicts a 29% to 32% increase by 2030; Fehr & Peers' Traffic Model Update used 31% to calculate background traffic growth.

3. A trip cap of 440 total trips during any peak hour was used to reflect the measured and verified Transportation Demand traffic reductions made by Castilleja. Enrollment of 540 students was used to reflect the enrollment increase requested in this CUP application.

4. Fehr & Peers prepared a trip distribution for school traffic based on student zip code and city of residence in 2012. Using this distribution pattern, revised trip distributions were prepared for each alternative, which shows 95% of school traffic accessing Castilleja from Embarcadero Road.

Findings In summary, the analysis concludes that the 31% projected background traffic growth will cause queuing spillback resulting in Embarcadero Road delays with or without any Castilleja increase in enrollment. Figure 8 provides a comparison of the performance of the alternatives.

Figure 8

Intersection	Existing		Alt 1		Alt 2		Alt 3a		Alt 3b		Alt 4a		Alt 4b	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Bryant & Embarcadero														
Westbound Left-turn to Bryant	✓	✗	--	--	--	--	✗✗	✗✗	✗✗	✗	✗	✓	✗	✓
Eastbound Left-turn to Bryant	✓	✓	✗	✗	✗	✗	✗	✗✗	✗	✗✗	✗	✗	✗	✗
Eastbound Through Traffic	✓	✓	✗	✗	✗✗	✗✗	✗	✗✗	✗	✗✗	✓	✓	✓	✓
Northbound Right-turn	✓	✓	✓	✓	✓	✓	✗	✗	✗	✗	✓	✓	✓	✓
Embarcadero Entrance														
Westbound Left-turn - inbound	--	--	✗	✗✗	✗	✗✗	--	--	--	--	--	--	--	--
Northbound Right-turn - outbound	--	--	✓	✗	✗✗	✗✗	--	--	--	--	--	--	--	--
Emerson & Embarcadero														
Westbound Left-turn to Emerson	--	--	--	--	--	--	--	--	✓	✓	--	--	--	--
Northbound Right-turn	✓	✓	✓	✓	✓	✓	✓	✗	✓	✗	✓	✓	✗	✗✗
✓ minimal queuing / spillback ✗ moderate queuing / spillback ✗✗ long queues / spillback														

As a result of the Embarcadero access study, Castilleja modified our Master Plan to reflect Alternative 4b).

VIII. Parking

A. Underground Parking Construction of underground parking garage before enrollment increases begin. The 130-space underground parking garage and 40 surface parking spaces, yielding 170 on-site capacity, will enable Castilleja to self-park.

B. Surface Parking Additional on-site parking will limit the need for significant street parking on Castilleja frontage of neighborhood streets.

C. Residential Permit Parking (RPP) To the extent that the City pursues RPP in our neighborhood, Castilleja would support implementation of the program. An RPP program would likely eliminate long-term non-residential street parking during the week, similar to the RPP program instituted in the Downtown area.

IX. Outreach and Neighborhood Involvement

A. Neighborhood Input Construct Over the past 3 years, Castilleja has engaged in a myriad of communication and outreach activities regarding the CUP and Master Plan to disseminate information to and solicit input from the immediate and greater neighborhood. This outreach has included the following activities: eight (8) large neighborhood meetings, nine (9) neighbor focus groups, and seventeen (17) small neighborhood task-force meetings facilitated by licensed facilitator Geoff Ball of Geoff Ball & Associates; a dedicated neighborhood web portal (www.castilleja.org/neighborhood); and direct mail and email communications. Via the portal, we will continue to provide the neighborhood, community groups, and interested parties with future dates of public hearings and a link to the project documents when made available. In addition, we will engage with any interested associations who seek to learn about our endeavor and/or seek to provide feedback.

B. Master Plan Input With the assistance of Geoff Ball, a licensed facilitator, we have engaged in a neighborhood dialogue which involved the exhaustive study of all campus access points, distribution of traffic, and the placement of service and other noise generating activities. See [Tab M](#) for a summary of neighbor input as well as Master Plan and operational solutions aimed to address their concerns.

X. Summary

- Castilleja can modernize its facilities while improving neighborhood conditions
- Phased enrollment growth will occur only:
 - as Master Plan milestones are met, including completion of an underground parking garage; and
 - as long as trip counts remain below 440 as verified by 3rd parties
- Overwhelming admissions demand can be better accommodated, giving more girls and young women access to quality education
- Enforcement and monitoring will be built into Castilleja's program so enrollment will not increase unless performance is verified
- All feasible Master Plan alternatives have been exhaustively studied and trade-offs have been evaluated.

From: [Carla Befera](#)
To: [Council, City](#)
Subject: Incorrect information re: Embarcadero traffic study/Castilleja
Date: Sunday, June 5, 2022 11:47:24 PM
Attachments: [Castilleja's CUP Proposal draft June 2016.pdf](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear City Council members:

At the last public meeting regarding Castilleja School, Mayor Pat Burt specifically asked if a traffic study had been conducted for Embarcadero EGRESS only from the proposed parking structure. City staff asked school representatives, who came back with the answer “Yes, both ingress and egress on Embarcadero were studied.”

This is not true. I was among those present when the report was presented. Please see the school’s narrative (attached, see page 21 – also can be found on [this link](#).)

On page 11, you will find **Item VII Embarcadero Access Study** summarizing the report conducted by Fehr & Peers. The alternatives studied were:

1. Embarcadero Access with widening of the south side of Embarcadero for an added entry lane into the garage
2. Embarcadero Access with 3/lanes - reducing the road to accommodate an entry lane into the garage, no widening
3. Emerson/Bryant Access with 3/lanes – driveways on Bryant and Emerson, adds a left turn at Bryant and a bike lane, no widening
- 3b) Same as 3 but added left-turn from Embarcadero onto Emerson
4. Bryant Street access/Emerson Egress. (No driveway on Embarcadero.)
- 4b) Same as 4 but with yield controlled right-turn from Emerson

NONE of these studied a garage that enters on Bryant, for example, and exits onto Embarcadero. At the time I recall we specifically asked what impacts for alternative configurations would be, and were told “we didn’t study those options.”

(Note the conclusions and summaries in this report were provided by Castilleja, as was the hyperbole about “extensive counts,” “extensive experience,” etc. Also note the trip distribution assumptions are based on 2012 student information, now entirely outdated, but indicate that 95% of school traffic accessed Castilleja from Embarcadero.)

Many thanks for reviewing this.

Carla Befera

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June 5, 2022

City Council
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250 Hamilton, 5th Floor
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Re: Castilleja School EIR – City Council Hearing – June 6, 2022

Dear Council Members:

After the last hearing about the conditional use permit conditions, we obtained a transcription of the hearing, but only the part limited to your comments. It is attached here and while it is not a professional-quality, edited transcription, it does indicate many of your comments. I have highlighted sections of the transcript that either I focused on, cited, or if a council person asked a question, I did not see a staff response. Also attached is my letter from the last hearing on this matter.

We agree that the important TDM should be brought back to the City Council for a hearing and decision about its adequacy before it is adopted and compliance required in a use permit and the mitigation and monitoring report plan.

A. Enrollment

Vested Rights Discussion. Pages 9-10. In answer to our point about the difficulty in reducing enrollment based on use permit noncompliance, someone from the city disagreed and said it would be “no problem.”

Page 12 – Staff then admitted that there are problems with scaling back students after a violation of the use permit:

Those are remedies that exist. I will acknowledge scaling back students is requires, I believe, it's three consecutive violations of the of the TDM plan. And alternatively, if there were some other mechanism of the in the planning commission or were needed to go through the planning commission. **It does take some time to go through a hearing process. So I just want to acknowledge that that's not an immediate effort. But**

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It also doesn't have to be, you know, 44 (*sic*) students per year for ten years.

That is the problem with using use permit violations to scale back enrollment instead of starting at a lower number of students to begin with. The city has discretion to pick an enrollment number and the judge will not disturb that discretion if that number is challenged in court.

On the other hand, If there is a violation of the use permit and the city tries to scale back enrollment, it must provide due process hearing, and an appeal process unless the school agrees that there was a violation and that the city can order it to scale back the enrollment. If the school does not agree, it is required to exhaust its remedies at the city level but then can appeal to the court – which can take years. It also throws the expense of attorney fees onto the city unless the school agrees to indemnify the city regardless of whether the court agrees or not with the city's decision.

Page 21 – A council member asked if there was a way to leave the enrollment at 540 and review the CUP periodically every year or two years before increasing the number. Staff equivocated. The answer is no – once the use permit is granted the enrollment would be dictated by that permit, not a review down the road.

Therefore, it would be better to start at the 450 number off-campus, or after they get back to the new campus), stay at 450 for a few cycles, and then leave it to the school to apply for an increase in enrollment. The fear that the neighbors will cause a six-year delay is unwarranted given that there already is a completed EIR and will be a new use permit, the two items that took up much of the time. The use permit violations also added to the period of time.

Pages 7-8, 15-16, 35 – Male Speaker: “Yeah. I think that's what we're saying is that beyond 450, you cannot increase until you have the three reports. So I think the applicant had indicated that this was an area where they thought there was an opportunity for some improvement in the language. There was a letter I think on Friday from the applicant making that assertion. I think it's true. We could be clear in D, that enrollment beyond four fifty would commence after the three consecutive reports.”

Alison Cormack: Okay. So, B is not contingent on D?

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Male Speaker: B is contingent upon the canceled action, right? They can go up to 450 upon approval, the CUP. They may not do that for the next academic year because they already sent letters out.”

It is unclear why the school would be going up to 450 before construction. Staff seems to be saying that the “Project” can be redefined to limit it only to enrollment increases. The whole idea was that it needed more students because the construction would enlarge the school.

This entire enrollment process is overly complicated and worrisome. For example, there is a restoration process after removal of students, following use permit noncompliance. Why? If the enrollment was reduced, why would the city be involved in increasing it again without an application for a modified use permit?

Further, the three consecutive violations opens the door for gaming the system – if the school violates twice and then does not violate once, that starts the system over again. Wait, what? All it has to do is make sure it does not violate three times in a row so it can avoid the condition altogether by just violating twice, but not three times. That makes no sense.

A related question is whether the school ever agreed to these violation conditions on the record? Its attorney indicated some degree of agreement but not the owner of the property! If anything, the school seems to resent any effort to hold it accountable for future malfeasance, despite a history of use permit violations, including over-enrollment.

B. TDM

Pages 4-5 – Staff indicated that the TDM would go into effect “beyond the 450.” The TDM should become effective at the current enrollment level. There is no stated reason for why it would start after 450, given that the enrollment now is 422 and the traffic impacts need to be addressed at that level, not just 450 and above.

Pages 10 – 11 – Council member Stone brought up the issue of students driving to school and staff responded that if there were violations of the use permit, then it would be possible to restrict student driving. We disagree. Students driving to and from school should be completely removed from the transportation methods. Castilleja is a commuter school mostly requiring freeway driving to get there and removing cars from freeways is key to reducing GHGs. Kids love to drive anywhere – even to the mailbox if you let them

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and one of the easiest ways to reduce Single Occupancy Vehicle (SOV) trips is to require that they use shuttles and busses, instead. Many high schools have banned student driving altogether due to insufficient onsite parking spaces, student safety, and addressing climate change.

Pages 25-26 (Discussion between Mayor Burt and Ms. Kaufman regarding students driving.) If there are no bus services, the school should assist a parent in arranging a carpool or hire a van or SUV to carpool students, which has been done for years and avoids SOVs on the roads. Another option is to use kiss-and-ride where the parent takes the student into an area served by the school's shuttle services such as near Highway 101 and 280. These options should be included as a use permit condition, and not left as a choice. They reduce traffic into the neighborhood but also into Palo Alto.

Page 1, 39-40 Regarding the TDM oversight committee, the agenda needs to be agreed upon by both neighbors and the school, minutes taken, reviewed by all for corrections, and then posted on the school's website.

TDM compliance should be performed by an outside engineering company with a report to the city at least three times per year. The expense for the monitoring should be borne by the school and the engineer's reports made available to the neighborhood upon request.

Pages 1-3, 14-15, 34-35 – It became apparent that the driveway monitors do not pick up all of the ingress and egress traffic during drop-off and pick-up times. It will not pick up kids dropped off a couple of blocks away. The monitors apparently would pick up all traffic on the streets, not just Castilleja's traffic. "It may not make, you know, it may not be determinative, but it would be helpful to know how the background trip increase or decrease or static is staying relative to enrollment increases."

The purpose of monitoring counters is to record the number of vehicles entering or leaving a school campus, not all traffic that travels around the neighborhood. The use of monitoring equipment is to determine whether the school is staying within the allowable number of trips during drop-off and the allowable number of trips during pick-up. If students are not using transit busses, and the parents are constantly driving to and from the school, that fact will show up in the monitoring results.

Given that the monitoring equipment is not going to show TDM compliance, it is also not the appropriate tool for this particular school. That is not uncommon – many

schools do not have specific ingress and egress points. Instead, your council should switch to the less complicated and more effective requirement for bus ridership, with the school paying the costs (not a voluntary, encouragement plan directed to parents). That is the Archer School system – it requires a certain high percentage of students, like 85% arriving and leaving by shuttle service, walking or biking, with periodic counting of the number of students getting off and on the busses.

An independent traffic engineer requests counting from a company that does that work (there is usually one or two available throughout the Bay Area.) The audit shows the number of enrolled students and the unannounced counting shows the percentage actually using the bus, walking or biking. The CUP condition requires that the school enforce the percentage of bus ridership through contracts with the parents. The school is also required to have monitors on the street to stop parents from dropping off or picking up anywhere outside the assigned zone(s) for that use.

Council member Dubois understood the need for simplification and independent verification: “But for me, I think we need to dig into some of the details and look at how we can simplify some of the enforcement conditions and do [it] in a way that could be, like, independently verified. So that’s kind of where I am.” That is where auditing enrollment and using an independent traffic engineer become necessary.

C. Construction

Page 22 – There was discussion regarding the 34-month versus 21-month construction period. Mr. Lait:

The 21-month construction period has Castilleja finding an alternative campus while construction is underway. And so we would need to know for environmental purposes where that site is going to be. So that we could understand what impacts that may have. We’ve asked that question of the applicant this was discussed at the architecture review board. There is no site that’s been identified at this time. I don’t know if there’s been continued work in that regard. But at this point, we don’t have enough data to be able to acquire that.

The issue of whether Castilleja will move out during the construction period or stay where it is has been ongoing for many years and appears to have no solution. This issue is also tied together with when enrollment would start increasing. The picture is that

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there are modules on the campus, increasing numbers of teens on the campus, and heavy construction all occurring at the same time on this 6-acre lot. Your council should not increase the enrollment at all until this issue is resolved. Also, there should be a condition limiting the time of construction – 34 months is almost 3 years of imposition, excess noise and traffic, and other disturbances for the neighbors to live with.

D. Repaving

Page 9 – Mr. Lait:

So it would depend on the condition of the streets and the damage caused during the course of construction just for the construction piece of it and Public Works has a formula for how they determine when repaving may be required. But as a part of the environmental impact report, or conditions of approval? No. It's not a requirement for repaving the streets except as needed by actually, as I say that.

See Recommended Condition: 26. (pg. 269 staff report): PAVEMENT: Applicant will be required to resurface (grind and overlay) the full street width (curb to curb) on all four project frontages (Embarcadero, Bryant, Emerson, Kellogg). **The extents of resurfacing may be increased or decreased based on the condition of the road following construction.**

It is extremely unlikely that after 21 or 34 months of construction equipment going over the neighborhood roads that they would not need repaving. The issue is not just some kind of repaving, it also involves how many inches of asphalt should be applied. Many city Public Works departments skimp on the number of inches of new asphalt due to budgetary constraints. That does not apply here where a profitable business is expanding its buildout and uses. The condition should require that the school pay to repave the surrounding streets up to the maximum depth and width, as opposed to the "as was" condition or what the Public Works department would use on city streets given its budget constraints. After so much disruption to their lives from construction, the neighbors deserve good streets for travel. They are not making a penny out of Castilleja's income growth project.

Thank you for considering our comments.

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Sincerely,

Leila H. Moncharsh

Leila H. Moncharsh, J.D., M.U.P.

LHM:lm

Attachments

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May 22, 2022

City Council
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Re: Castilleja School EIR – City Council Hearing – May 23, 2022

Dear Council Members:

This letter discusses the proposed CUP conditions. I last visited a set of conditions for this project a very long time ago and prepared an extensive response to them then. My client, PNQL, tells me that this last week is the only time they have had an opportunity to see the conditions staff is proposing to your Council for adoption. That does not allow for input by the community and your Council should increase the time allowed to review and comment on these important conditions.

When I last visited the proposed conditions, they were very poorly drafted and I was pleased to see that *some* of the problems have been resolved. However, I now see that particularly the TDM and penalties sections are problematic because they contain vague language, are extremely cumbersome, and very likely unenforceable. Overall, your Council should consider shortening a lot of the text by including specific directions to the school of what is expected of it. The penalties sections likewise should be simple and straightforward as to what will happen if the school violates its legal obligations and not try to include things like “restoration” of enrollment, which is complicated and should be handled at the front end by not allowing vesting of the entire 540 students in the first place.

A relentless problem with these proposed conditions is a misunderstanding regarding what today’s private school administrators and parents will, and will not, do. Currently, and into the foreseeable future, parents are not willing to put their children on busses and shuttles because of the pandemic. One large private school explained to me that they “have a problem with bus-avoidance.” Their busses are coming and leaving the school with less than 10 students riding each one. Therefore, incentive programs and voluntary compliance with bus and shuttle ridership does not work and the City needs to use mandatory, not voluntary conditions to avoid negative traffic impacts on the greater community.

Private school administrators are charged with educating children for which the school charges an immense amount of money. The administrators are charged with making the school financially successful. They generally do not self-report violations of use permits, self-correct their own systems to help make things better for residential neighbors, or require parents to do things that may cost the school business. A set of city-imposed, well-written conditions go far in

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giving administrators the ability to point out to parents that it is not they, but the city which is requiring the things parents really do not want to do for whatever reasons.

Below are my specific comments:

Enrollment

No. 4 - Replace Condition #4 on Packet Page 245 to read as follows (the PTC version, as appears on Packet Page 170, with my suggested changes in blue):

*The School may enroll a maximum of 450 students. Following completion of the project and final occupancy approval of all structures, the School **will remain at 450 students until “no net new trips” has been established and reported by an independent traffic consultant. When ADT at 1,198 has been proven, the School may request an amendment to the CUP to increase student enrollment. Any student enrollment amendment shall require a public hearing before the Planning and transportation Commission in accordance with applicable provisions of PQMC 18.77.060.***

No. 5 – the selection of the auditor needs to be with the approval of the planning director or the City Council could require specific qualifications for the auditor. Otherwise, the door is wide open for “collusion” between the school and their own selected auditor. It can be unintended collusion motivated just by the fact that the auditor knows the school is paying his or her fees and they do not want to lose the income by displeasing the school.

Events No. 6, i. There needs to be a sentence that states: “Any change in the calendar must be posted at least 30 days in advance of the event. If the notice is not posted 30 days in advance, the event must not occur.” It is too easy for a staff person to forget about the calendar and then start adding entries at the last minute or not at all. The posted calendar can quickly become a non-priority and then meaningless.

Operations-Related

No. 9. The sentence reading “The School is prohibited from renting or loaning the campus to another summer school program, organization or group provider” is very narrow. Does the City Council intend to let the school rent the campus to commercial companies, a governmental program, etc.? Does the Council intend that the school can rent out the campus during the school year, just not the summer? For example, could Castilleja rent out the campus to another school that is not covered by the use permit and then move elsewhere? If not, the condition needs to be changed to prohibit renting or loaning the campus, or any part of it, other than as stated in the CUP (I am thinking PAUSD.)

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No. 10 – Deliveries and bus pickups and drop offs shall be accomplished. . . at “designated” pickup/drop off areas. I suggest adding where to look in the documents for the “designated” places. Otherwise, there could be future disagreements about what areas were “designated.”

No. 11 – Removal of the “temporary campus” – I assume that this means the modules but what does “shall commence” removal of them mean? Once the City gives the school the occupancy permit, it really has no control over when, and if, those modules, or some portion of them ever are removed. The Council should have the certificate of occupancy dependent on actually removing all of them. These modules have a way of becoming permanent fixtures on school campuses. Besides being unattractive, they provide reasons for why even more students should be admitted, “We have the extra classrooms and should be allowed more students to fill them. The City already has already allowed us to have them here when we got the certificate of occupancy and that was ten years ago!”

No. 14 – Lighting. It is unclear what is meant by: “This does not preclude lighting for safety, landscaping and pathways approved by the City.” Does that mean approved on the final building plans? What does “for safety” mean? Most cities require that any lighting for landscaping, safety, and paths means lights placed low to the ground with caps or shades to prevent the lights from intruding beyond the immediate illumination area. The term “for safety” needs to be defined, such as precluding lights on polls over a certain height or not located in a vicinity where the light can reach the surrounding housing.

No. 15 - HVAC ventilation for the gym should not be audible beyond the school’s property line. There are adequate buffering systems on the market today to prevent sound from reaching beyond property lines. They are not complicated or particularly expensive to install. The neighbors should not be hearing the systems at all, not just during the day instead of at night.

Community Engagement

No. 16 c. the term “independent auditor” needs to be spelled out in Enrollment No. 5 – see comment above.

No. 18 - Neighborhood meetings – there should be a requirement that the school provide an agenda to the neighbors within 10 days of each meeting and incorporate items requested by the neighbors. Also, the school should provide a copy of the summary of topics to the neighbors. Either “neighbors” should be defined, e.g., how many feet from the school or the condition should reference PNQL. Another oft used method is to have a committee with an even number of neighbors and school representatives to attend the meetings. There are other methods as well to avoid meetings that are controlled completely by the school and that effectively prevent discussion of neighborhood issues. I noticed that the proposed conditions to include this type of

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information for the TDM Oversight Committee but not here. Why not include the same rules for both?

No. 19 – The contract between the school and the parents should include a provision that the parents have read the transportation and parking handbook and the parents agree to comply with it. Also, it should include a provision that failure to comply with the transportation and driving rules is grounds to cancel the contract.

Transportation Demand Management Plan

Overall, this section leaves way too much discretion to the school in determining what it feels like doing about single-occupancy vehicle (SOV) uses. No private school is going to weigh the feelings of parents and their willingness to pay enormous sums for tuition against the problems associated with SOV uses, and then come out in favor of forcing parents to give up using their SOVs. It is too easy for parents to find another private school with looser requirements. Just trying give the school all of that flexibility, that then adds up to pleasing parents also is causing vagueness problems throughout the section, as shown below.

No. 22 – a. and c. contradict each other. d. adds more confusion because it does not define “reporting period.” One provides for average daily trips not exceeding 1198 trips and the other focuses on AM peak trips not exceeding 383 trips. As I have mentioned before, specific metrics are far more enforceable than averages because there are ways to work around the averages, e.g., just closing the school for a day will impact the average.

Unless the City Council is confident that all of the vehicles will go over the counters and that the averaging system cannot be “gamed,” it is much clearer to follow the Archer School approach of requiring that a certain, hopefully high, percentage of students must arrive and leave by bus, a specified number of students may arrive by vehicles, and the rest must walk or bike. There should also be a prohibition on students driving to school. Kids will drive to the mailbox if you let them – they love to drive. And parents love to let them as it frees them up from the responsibility of timely putting their teens onto busses. However, traffic and climate change conditions really do militate against this practice. Everyone, no matter their income level, has a responsibility to cut down the amount of SOVs on the roadways.

h-i. includes *offers* of shuttles and busses. In a pandemic world, offers are not sufficient to reduce use of SOVs. As to special events there is no reason not to require use of shuttles. Wineries are now doing that with no problem. Ridge Vineyard in the Santa Cruz mountains routinely has wine and food events. They require guests to park at outlying parking lots and then ride a shuttle to and from the lots. There is no other way to get there and back! A simple solution – the school follows it and tells invitees that they cannot park at or near the school and the only way to come and go is by shuttle unless they have a handicap placard.

j. This requires the school to “routinely monitor and reassess drop-off and pick-up assignments. . . . What does that mean? Again, there needs to be independent monitoring by a traffic engineering company. A private school depends heavily on letting parents do as they please to avoid them taking their children elsewhere. We submitted sample CUPs and TDMs with a provision for independent traffic monitoring.

23. - 25. These also require self-reporting. The list in 24 is fine, but it needs to be done by an independent, licensed traffic engineer. The visits should occur on a particular schedule and without prior notice to the school. For example, in the beginning the traffic engineer should arrive at the school unannounced at least once a month during the first school year, and twice during the summer program if it lasts all summer. He or she would fill out a table with the items in 24. The number of times the engineer visits should be reduced over time, depending on compliance. A matrix of check marks, spaces for specific information, and a place for comments should be in the form for the inspection reports.

25. a. viii. The penalties for noncompliance by parents should be specified in this CUP.

x. The condition needs to have the school enforcing use of the ID tags, not just providing them to parents. The conditions should not allow student drivers, especially given the nature of the site.

xii. This section again relies totally on cooperation by parents, something that is especially not in evidence during the pandemic. A better approach, besides using specific metrics and not averages and having specific requirements around the topic of non-SOV usage would be to require each parent to provide a “transportation plan” that will be binding on the parent and included in the school’s contract with the parent.

xiii. A condition that has the school “experimenting” is too vague to provide any enforceability. What does “experimenting” even mean and how will compliance be measured?

xv. Suffers from the same vagueness as xiii. How can the City measure compliance with this: “Castilleja will continue to review its event calendaring process

xvi. There are multiple mentions of traffic monitors in the CUP conditions. Who are they? Students, staff, adults? How many are required to be at what sites?

xvii. Again, this condition has the school “reviewing” something. The City and community would be much better served with specifics in these conditions. The vagueness, parent-voluntary compliance, and unenforceability problems are evident throughout this section.

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xxi. Another good example of the problems – this section has the school developing a “comprehensive incentive program” . . . for using non-SOV transportation. That should be spelled out – what is the city requiring should be included in the “comprehensive incentive program”?

26. This section leaves open the possibility of the City requiring more information on traffic issues, to be funded by the school. Unless the school agrees on the record to this very open-ended condition, it is not enforceable.

34. a. Why would the City wait for two years before doing something about violation of conditions?! This entire section is unnecessarily cumbersome, and for the most part very hard to enforce due to the legal vesting of the 540 students. It would be better to go up to the prior sections on penalties and just say that one of the penalties would be reduction of enrollment to correct violations of the use permit. Leave out restoration of enrollment because it is too speculative to figure out without any facts of the violations.

a. i. Again – self-reporting and self-correction: the school finds out that it has been violating its number of cars coming to the school, and then on its own, it determines additional TDM measures. That does not make sense is unrealistic.

a.iii. This section is unenforceable – it has a reduction in enrollment of 5 students or whatever number the planning director decides on. It demonstrates a lack of understanding of the legal term “vesting.” The City is vesting the school with 540 students and it cannot sort of take back that enrollment without due process, normally including a hearing and the right to appeal the decision. This section is a good example of why it is better not to vest the school with 540 students from outset.

Thank you for considering our comments.

Very truly yours,

Leila H. Moncharsh

Leila H. Moncharsh, J.D., M.U.P.
Veneruso & Moncharsh

LHM:lm

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Emailed To:

Honorable Mayor Pat Burt
Honorable Vice Mayor Lydia Kou
Honorable Council Members Alison Cormack, Tom DuBois, Eric Filseth, Greer Stone, and Greg Tanaka

Palo Alto City Attorney Molly Stump
Deputy City Attorney Albert Yang
City Manager Ed Shikada

cc: Clients

[01:10:00]

Greer Stone: Thank you Mr. Mayor. First on the SID of the green building, and I applaud the African effort to make it a green building. I guess one concern I have the construction process is going to involve significant GHG emissions just through concrete pouring, potential degradation to the water table. The staff have any idea maybe how many years it might take for the benefits of the green building to offset the environmental degradation of the construction.

Male Speaker: So we do not have that analysis. I will note that for construction in Palo Alto, we do not have a baseline of data for cement or excavation. I mean, we know about truck trips and can project or estimate vehicle missions. I do not know as I don't, I believe the applicant said they are working toward a their final design, but we do not have that exact number for you.

Greer Stone: And [indiscernible] [01:11:08] then sync with you, Mister Laid, who will decide who gets appointed to the TDM committee?

Male Speaker: The way the condition is drafted, I believe it is set with the director of planning and development services.

Greer Stone: Okay. And do you have thoughts beyond and it's pretty limited. It's pretty big as far as, I guess, direction to you to how that would be structured. I mean, would parents from the school be potential community representatives on that? Or will you require that type of direction tonight?

Male Speaker: If the council wants to provide more clarity for the oversight committee, we certainly welcome that. I think the idea is we've heard a lot from the residents in the area. I think we have an understanding of the different viewpoints and perspectives. The idea would be to have Castilleja represented with two members and then we would have two members of the community who may not be aligned with positions on the applicant application at this moment to also be a balance to that committee.

Greer Stone: Thank you. And on the idea of trips, how are we defining trips in that in that TDM? What does it mean for it right trip?

Male Speaker: Sure. I'll take a first run at this. And if we need more, I'll ask Sylvia Starlock to join me. But a trip for the purposes of the AM, the average AM peak or for the average daily trip if you're talking about, if you're concerned about commuter or drop off and pick up. That would be two trips, each trip to the school and away from at the school and away from the school would be another trip. So one round trip pickup drop off is two trips.

Greer Stone: And does it have to be, does the drop off of pickup have to be on the physical school campus to be considered a trip or the student gets dropped off two blocks away. Is that considered a trip? And how is that going to be measured?

Male Speaker: Yeah thank you for that question. So the way the conditions have been set up, there will be monitors permanent marker monitors on at all of the driveway entrances and exits. So that's where we would capture those trips. If a student has dropped off a couple of blocks away, it would not trigger those markers and it would not count. So, no, that would not be documented the way that this is set up.

Greer Stone: Okay. And then I saw in the in the staff report that even if those were counted, it would not be included within the within that TDM report that would be presented to staff. Can you explain why that's the case?

Male Speaker: Yes. I think you're referring to the once each reporting cycle. There's three reporting cycles in a in a given academic year that are where we would place markers on or I forget what the technical term is, but those strips across the public right of way to monitor the traffic trips on those particular streets. But because we cannot determine whether those trips are specifically related to Castilleja or some other residents or some other pass through traffic, we won't be able to assign that to Castilleja, but what our intent with that provision is to be able to monitor background traffic and see if there's an escalation that also corresponds perhaps with enrollment increases. So that would give us, you know, some information. It may not make, you know, it may not be determinative, but it would be helpful to know how the background trip increase or decrease or static is staying relative to enrollment increases.

Male Speaker: Okay. So that information could be used in determinations of future enrollment increases. It's just I think it's informative to the process. I don't know that echo so far is to say so are we getting a bit of an echo, I think, that it would be used to make decisions. But, again, it could be informative to that process.

Greer Stone: Okay. Thank you. Same amount of time. I'm interested in coming back to this idea.

Pat Burt: Okay. I just have a couple of questions on we have a requirement for public art. Under the current proposal, would the public art be publicly accessible? So your aim might be able to help further with this. I believe this did go to our public art commission and there's a concept for placing the art at the corner of Embarcadero and Brian, does it? And so that would be publicly accessible in terms of visually accessible, but we don't have the final plans on how that would come together, but it would not be interior to the campus as the current plan.

Male Speaker: That's the full public art. Is that project? So still to be determined, but the if there's a physical location as opposed to paying the fee, that's where the conversation has been moving toward.

Pat Burt: Good. And as a follow-up to Council member Stone's questions about kind of satellite drop off zones, which we've heard or have existed for some time. If we monitor a net change as a result of the increase in enrollment, that would take as a baseline, I presume, whatever existing drop off is already occurring?

Male Speaker: Are you referring to the marker, the two counters in the public right of way during the reporting period?

Pat Burt: No, I'm talking about in the satellite areas that I think you thought you'd can't be able to capture.

Male Speaker: So if there we would not be able to can't capture a student being dropped off a couple of blocks away and then walking to the campus. That would not get attributed to the two counters at the driveways. So that is an issue that we've tried to reconcile from the out set up this process. What we do have in response to that, and, you know, it's not it's not great, but

it's it's what we have, unless there's a better idea out there. You know, we would get we have money that the applicant is going to have to deposit with the city for proactive enforcement of this conditional use point, which is something that is also different from our other CUPs, in part because we expect that it's going to take a fair amount of resource to monitor this COP. If we get complaints, of students walking to that distance, you know, from cars to the school, we will be able to monitor that. And if we observe that violation as well, I think it's been clear in the administrative record, the council's interest to have the trips arriving and park either on-site or on the perimeter of the public streets adjacent to the school. And so if we're seeing that there's students that are arriving not because of walking or biking or some of these other modes of transportation, but actual drop off, that's an area where we want to have a conversation with the school to mitigate that issue.

Male Speaker: Okay. And on the TDM monitor, who would select the monitor? And when we say monitoring, what we're referring to is the applicant is putting the two counters in. The data is being transmitted to the city on a daily basis. They submit reports to us at a regular schedule. And the city would review that data that the applicant submits. So this is our office of transportation and coordination with planning and development services.

Pat Burt: Oh, so not a third party doing that it would be essentially city staff along with the committee.

Male Speaker: Yeah, it'll be that's correct with data that's provided through these monitored. But again, the data is transmitted daily to the city.

Pat Burt: Okay, great. Thank you. And I think that seems to conclude our technical questions from, council member Dubois and colleagues, if you if you have lights, you intended, hit, please put them up sooner.

Tom Dubois: Go ahead. Yep. And I think council member just don't say he had more. So on packet page 189, it refers to the final EIR, and it said there was a, you know, a significant condition that involved, I think, level of service and delays. But then secret changed, I think, after that report. But city council is that we still want to use that as one of our local conditions and so my question's really, what was the LOS issue? I didn't see it described in any detail.

Female Speaker: Yes. The LOS otherwise known as Level of Service Sammy French. Under Sequa City could not use LOS as a metric to determine an environmental impact caused by the project. Instead, the tire metric was the one used and the project was revised. The project alternative for dispersed circulation reduced garage alternative to distribute the drop offs so that the tire impact identified in the draft DIR would not occur. So that's where the tire -- metric still want to I mean...

Tom Dubois: The city council said we can't use it for Sequo, but we still want to use it as a local condition. So I'm asking what was what was the issue?

Female Speaker: The issue was there was an impacted intersection at Kingsley and Alma and the volume from Kingsley was too low too low to warrant a traffic signal for the whole intersection. And the city staff could not definitively determine if a signal would be desired at this intersection. And given the great separation conversation staff could not change the project, charge the project, sorry, for a signal when a signal might not be what's ultimately needed at that location.

Tom Dubois: So was the impact, like, it would how long would the cube get, you could back up?

Female Speaker: Cumulative impact in the future cumulative scenario that could occur.

Tom Dubois: Would Kingsley back up to the middle field? They're like, what was the back? What was up on much of an impact was it?

Female Speaker: Yeah, I'll have to I'll have to rely on the transportation step, but it's Kingsley and Alma is the location.

Tom Dubois: Okay. Kingsley is on the other side of Embarcadero.

Female Speaker: It's on the south side of Embarcadero, please.

Tom Dubois: Yeah. At that location.

Female Speaker: It's an odd intersection -- where there's already an existing bad level of service.

Tom Dubois: Okay. And then I just wanted to get clear on the enrollment numbers. So what is the school currently at and what are they supposed to be at? And how and when would staff propose that they would go to 450?

Female Speaker: The current, the current it's 422 currently students and the 450 was what the council had recommended as an initial start and then the 25 students. Right?

Tom Dubois: I guess what I'm asking, but so they're supposed to be less than 422 right now. Right?

Female Speaker: Yeah. We're fifteen is what the...

Tom Dubois: I guess So I guess we didn't really talk about when they would go from 415 to 450, would it be immediately upon approval?

Male Speaker: Yes. So, yes, as we understand the council direction from last March is that the starting place was 450, which was different incidentally from the staff recommendation where I think we were saying it started at 426, and then it would gradually go up based on construction phasing. So the Council's Motion said, start at 450 and come back with a strategy that increase it from 450 to 540.

Tom Dubois: Okay. So really what we're saying is we would approve an immediate increase when we approve the project from 415 to 450.

Male Speaker: As currently drafted outside of any TDM or anything?

Tom Dubois: Well, you would -- TDM would be beyond the 450.

Male Speaker: So you would so the you have a draft of the TDM plan in your packet as well as a bunch of conditions that would get approved along with the enrollment increase as well. All of these things will work together.

Tom Dubois: Great. Okay. And then just have a few seconds left. If we could look at packet page 222, which is the only change, I guess. In section one, there's a change. It says carports and garages and then it adds and below parking facilities except as excluded in subsection, whatever. So outside of the exceptions, are we now saying that underground garages are allowed in R one as long as you count the square footage.

Male Speaker: No. There there's another section in the code that addresses below grade garages single family and there's no change to that. I don't think it's being changed by this ordinance and therefore you don't see it the ordinance, but we can take a look and find out with that code section.

Tom Dubois: Yeah, it almost seems to be implying it. Right? If but because adding it in there,.

Male Speaker: Well, this is so just to be clear, this is a well, yes, understand what you're saying. This is dealing with gross floor area with the subset under low density residential. We could we could say non-residential below grade parking facilities. If, you know, we can take a look at that and see if that addresses the issue.

Tom Dubois: I guess are there situations, I guess it would be non-residential use in an R1 where you would include it in gross floor area?

Male Speaker: I don't so below grade parking?

Tom Dubois: Yeah. I guess I guess we are talking about other situations where Again, it could be a non-residential use in an R1, but say a one acre lot. Would they if they did underground parking that was so, you know, you'd have to -- GFA. Right?

Male Speaker: Yeah. I think I understand your question. You'd have to follow the -- that subsection A65D III and that sets forth the criteria in which you would qualify for.

Tom Dubois: For the exclusion.

Male Speaker: For the exclusion of gross floor. Right?

Tom Dubois: So this case, we're going to be excluded would be what I just said, like, a nonresidential use in an R1 on a smaller lot that was not historic or whatever.

Male Speaker: Would count towards growth floor area.

Male Speaker: Right. Okay. Thanks. Let me take a look over.

Pat Burt: Sorry. So before proceeding further, I just want to let the public know that we have big crowd here. We have an uptick in COVID that's going on. We have opened up community meeting room, which is right off the side of the lobby of the sliding doors, so it has big open sliding doors as well. And so that's often an overflow area for council meetings. So members of the public would like to either watch the whole meeting there or stay out there until it starts

getting close to your you being called to speak. You're welcome to use that, and it's just a lower occupancy space. So counts remember to not.

Male Speaker: I have a few questions for stuff. So in terms of noise, I know for traffic, there's remedies in case this violation of traffic. But can you talk a bit about what about noise?

Male Speaker: Well, so I'll maybe be general and then we can get more specific if you.

Male Speaker: I guess it's more specifically because I know [indiscernible] [01:28:14] is kind of like a 24x7 type of monitoring. Right? But what about noise in terms of that kind of monitoring? Is that...

Male Speaker: I'm sorry.

Male Speaker: What about that in terms of that kind of monitoring? In terms of noise real time noise monitoring.

Male Speaker: Yes. So if I understood you correctly, you want to know how do we monitor the real time noise on a daily basis.

Male Speaker: Yeah. I know I know on traffic we're doing that. No. But I know I realize on traffic we're doing that, but I'm learning about in terms of noise.

Male Speaker: Okay. So, again, we have I know we have a condition and I have to check with staff on. Okay. So we do have some noise mitigation measures. Amy, if you've got that handy, you can take a look at that. One of the things that we've identified that if there are noise complaints and noise issues, I believe there's a condition that allows for the implementation of noise monitors to track that data. And so what I'd have to double check-in the conditions is that is that something that gets incorporated at the city's request or that's something that gets incorporated from the outset and is actively monitored during the course of construction. The council may have an interest in how that condition plays out.

Male Speaker: Okay. So this is for during construction and during the operation?\

Male Speaker: Yes. Well, for construction for sure. And then there's other conditions that address the other sort of day to day activities at the school and prohibitions about certain noise making devices with exceptions for, you know, safety drills and things like that.

Male Speaker: Yes. But there's not similar like, with traffic if there's a violation that there's some sort of remedy. For the for the noise, it's more it's reported and then it fell with at that time. There's not the same not the same kind of set up as with traffic then. So there are the way the conditions are written, and I'd have to find out which is the exact condition. If we receive complaints about noise, we would engage, you know, we would do our own, you know, sort of investigation understand what was going on. We would engage the school. We would share with them. This is a complaint that we've received, and we'd work to problem solve the issue. If there's not, you know, an ability to seek resolution or obtain resolution, between the parties, the complainant, the city, and the school. There are conditions in the COP that would enable that discussion to take place at the planning and transportation commission to talk about whether there might be a need for additional conditions to help mitigate that problem. So that's a safeguard that exists whether it's traffic or noise or events or any of the conditions that are

incorporated in there. There is that opportunity for community and commission feedback. And of course, that would come back to the city council on your consent calendar with the opportunity to pull it up a public hearing on the matter if you wanted to. But I would think that we would be able to achieve resolution before that. Okay. Great. Thank you. Okay. And thank you. And mister Rensch tells me that is condition number twelve of the CP.

Male Speaker: And council members, Tony, did you have a follow-up?

Male Speaker: No. I mean, not a direct follow-up. I have more questions, but I can wait until after the public speaks. Thank you.

Male Speaker: Alright. So at this time, we're going to start the public comment period. And we have how many speakers so far signed up?

Female Speaker: We have 54 four speakers and four of those are groups. So fifty individuals and four groups.

[01:32:00]

[04:06:06]

Pat Burt: Thank you. All right, as we return to our discussion we're faced with how to organize this complicated discussion. And I think one of the first things we can do is have one go round of questions. And then begin to have discussion based upon some of the major categories. And I think we'll want to try to figure out how to group them. I'll just, you know, rattled off some of the different aspects the garage, the enrollment, public benefits, the TDM program, events, the construction impacts. And then some legal questions as well. And I'm that may not be a comprehensive list, but just for folks to start thinking about maybe how we say any suggestions on how we should frame the discussion, I think, going through a round of questions on each of those is going to be the best way that seems a bit tedious. But as we go through one round of questions, maybe think about how we should organize the balance of our discussion. Mister Scatter. Mister Meyer, if it is helpful, staff would be prepared to organize your discussion around your prior motion from March of last year since I believe it addresses most, if not all of the issues you mentioned.

Male Speaker: Well, when you framed it really that way in the staff report on pages what was it, seven through their twenty or so. So, yeah, maybe that's the best way to do it. But before we go into those, discussions, let's have one go round of questions and council member Cormack.

Pat Burt: Thank you, Mary Bert.

Alison Cormack: All right. My first question is on packet page 246 and I want to be sure that and this is for anyone who doesn't have the packet, page 20 of the record of land use action. I want to be sure I understand the interaction between B and D because it's not super clear to me. So B says, upon approval of the COP, the school may begin the process to enroll 450 students. D says no enrollment increase may occur unless the school is a achieved three consecutive reporting periods, which is an entire calendar year. Is that right?

Male Speaker: Yes.

Alison Cormack: So how to B and D interact? What like, do we assume that it's going to take them a year to enroll? The additional 28 students and also then during that year, they'll have to do the three reports.

Male Speaker: Okay. So just to [indiscernible] [04:09:57] first. So you're on packet page 246 okay. And so there's a couple of things here. One is, are you asking when do they.

Alison Cormack: I'm asking which comes first or are they simultaneous?

Male Speaker: So the first thing, if approved, this evening, they would be allowed to go up to four hundred and fifty students or they can begin to start ramping up to 450. The issue here is they've already sent letters out for the next academic year.

Alison Cormack: Right. And that's and A says that they won't go beyond that. I'm just trying to understand the timing with where we are.

Male Speaker: Okay. And then so raise it so raise it for that, they would need three consecutive reports. And so we would need yeah. We I we don't have the reports for the next year yet, right.

Alison Cormack: Right.

Male Speaker: So we don't we haven't collected that data. So until they can they won't be able to increase until we have three consecutive reports in the preceding years.

Alison Cormack: So maybe we should be a little we collectively should be a little bit more clear and that B, they can begin the process that they can actually enroll the 450, the plus 28 until D is completed.

Male Speaker: Yeah. I think that's what we're saying is that beyond 450, you cannot increase until you have the three reports So I think the applicant had indicated that this was an area where they thought there was an opportunity for some improvement in the language. There was a letter I think on Friday from the applicant making that assertion. I think it's true. We could be clear in D, that enrollment beyond four fifty would commence after the three consecutive reports.

Alison Cormack: Okay. So, B is not contingent on D?

Male Speaker: B is contingent upon the canceled action, right? They can go up to 450 upon approval, the CUP. They may not do that for the next academic year because they already sent letters out.

Alison Cormack: Got it. And so then D is for any subsequent increases.

Male Speaker: Beyond 450.

Alison Cormack: Okay. And there were a lot of numbers thrown around 25, 27 whatever. Is it 25 after the 450, the increment. Okay. That's question one. My next question is we received an email on May 20th from Janet Phillips, and it included the fair and peers TDM analysis. I think it was produced by the applicant. On page four of that, in the little categories, they

described the fact that there would be shuttles and they included the city and Barksdale shutdown, which has not been operating for a couple years. So I realized I probably can't respond at this moment, but I'd be interested in understanding how relevant or it would be to the conclusions of that study that they included the city's shuttle, which is not functioning. I think they listed their own shuttles as well, but So small thing that it's a data point.

Male Speaker: No. I appreciate that and that's something that we have asked the applicant to remove from the TDM plan, and so that's a refinement that we would step going forward.

Alison Cormack: Okay. Great, already done, excellent okay 12 seconds. Next question is, we had a fair number of questions during public comment. I just want to get the answers out there. Someone asked about paving the roads, is that right the applicant will have to repay the four roads surrounding?

Male Speaker: So it would depend on the condition of the streets and the damage caused during the course of construction just for the construction piece of it and public Works has a formula for how they determine when repaving may be required. But as a part of the environmental impact report, or conditions of approval? No. It's not a requirement for repaving the streets except as needed by actually, as I say that.

Alison Cormack: I'm not sure because when I read this, I thought we were actually already requiring the applicant to repay my far space.

Male Speaker: I'm saying that, I'm thinking maybe we do have that condition in there. Okay. So we'll take a look at that.

Alison Cormack: I didn't write that down, but that's what I recall. So let's just double check that and then.

Male Speaker: Oh, capital page two sixty nine. Okay. So Amy's telling me, Pat, page 269 condition number 26 requires the repaving.

Alison Cormack: Yeah. All four of the perimeter roads have to be repaved. And then the one last thing on that there was a question from a member of the public about the additional increase in staff and I believe it's listed as an additional 10 staff on packet page 220.

Male Speaker: An additional what and staff?

Alison Cormack: Ten staff. Yeah. They cite 122 current staff employees and then ten to come. Anyway, if I'm wrong, staff can just let us know. And I realize them over time in the next if other counts members don't ask this, next questions would be around understanding the construction plan. And then also I want to talk at some point about the two ordinance proposals, the six acres, and the two acres, the two parcels, and the sixteen parcels. Thank you.

Male Speaker: Council member stone.

Male Speaker: Thank you, mister mayor. For the city attorney's office, kind of question around the idea of vested rights, and then maybe you can talk about any complexities or unintended consequences that may arise if, let's say, if we approve the path to 540, and then the city needs to roll that number back because of violations of the TDM or any other condition. Are there

are there just legal complexities with our ability to then do that without I mean, does that then mean that the applicant's going to have particular guaranteed due process rights of appeals and hearings that might come complicate things?

Alison Cormack: All right. So there was some, I think, a little bit confused dialogue in some of the pre submission materials that you got from various parties. What vests is what you provide for in your CUP with all of the conditions and exceptions and processes that you lay out there. So, no, we don't foresee a problem enforcing what's in the COP.

Green Stone: Perfect. Thank you. I think for the our planning director. With demolition and replacement of above ground GFA, will development fees be collected on all the replaced GFA?

Pat Burt: It's based on net new square footage.

Male Speaker: Okay. Sorry?

Green Stone: No. So given that the GFA was formerly erroneously calculated to be much lower, than it actually is, how will the net GFA increase be calculated? What will it be?

Male Speaker: Well, so I think it's just using similar comparisons before when the when the portions, you know, the volumetric space is something that added to the total gross floor area when we did the laser counting of the building. That provision didn't always exist at the time that other portions of the building were constructed. And it may not have counted because it may not have been applicable at that time. But if we're I whatever we do, I think we just need to be consistent in looking at what's existing. Do we count volume metric space as it exists today that maybe wasn't counted before. And are we counting it, you know, today to determine if there's net new square footage. The one area where we did talk about a possibility of net increase was in the – and it was flagged in the staff report about the garage itself. And so that that's an area where impact fees are not counted as a part of the proposal that's before you, but the council could have that conversation to decide otherwise.

Green Stone: Okay. Thank you. And then our motion last year oh, yeah. Last year directed staff in part a, double little I, said 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. I couldn't find anything really on point in the in the packet. Did staff more PTC explore that idea and why is it not included?

Male Speaker: Yes. Thank you. It's partially there, I guess, in the context of remedies that could be imposed if the applicant were not able to meet its average ADT, excuse me, it's average AMP and average daily trips. We cite that as an example in the staff report that should there be repeated violations of the TDM, that the city could impose a requirement for say no juniors driving to campus. No seniors, I mean, these are things that are available in our toolbox, for enforcement if they're not meeting those standards. The motion was presented to the to the commission, and I think there was a lot of debate about, you know, how to address this in the end, you see that there were some refinements, some harmonizing of the conditions, the most significant change was really shifting that perspective of who gets to determine what the what the remedies are to improve the TDM, you know, violations that should they occur, and that shifted from the applicant to the staff in this most recent version.

Green Stone: Okay. So if we get down the road, we let's say, hypothetically, counsel was to go with alternative E on the garage, its fewer spaces. We heard some concerns about that from public speakers tonight. That would be a potential and ten years down the road, we find there was a need for increased parking. You're saying that provides then staff the ability to go back and say, alright, well, juniors can't park on campus or students can't park on campus to be able to free up those that maybe we guess, dearth in parking. Yeah, yeah. I would frame it as a violation of the average AMP and violations of ADT. If we observe that, we have that documented, that's the instance in which we could impose and if there are consecutive violations, then we could impose these standards.

If there are problems observed in the neighborhood or issues regarding the school and how it's compatible with the neighborhood, Nothing precludes the opportunity for the city to have a conversation. With the school, potentially have a hearing before the Planning and Transportation Commission and, you know, identify, you know, what remedies might exist for any observable violation or clear challenge that we're having to address. Okay. And one final question since I'm running out of time, kind of related. I think one of the areas where counsel McCormack was interested. I did share some beat because the concerns of unintended consequences by the PTC regarding the proposed ordinance staff's initial proposed draft ordinance found that it would only apply to two properties within the city. Does staff know how many properties the revised ordinance would likely apply to citywide?

Male Speaker: So when you say revised, the alternative ones, from the commission. I think we looked at that. I want to say off the top of my head and we'll get you a finer number around fifteen is what I would say.

Male Speaker: Okay. Great. Thank you.

Male Speaker: Because that one's based off of six eight six acres, I believe, or two acres.

Pat Burt: Okay. I don't see other lights. I'll go ahead and ask a couple questions.

Male Speaker: Oh, I'm sorry, Mira. I see that vice mayor who has her hand up.

Male Speaker: Oh, great. Vice mayor who. So I wasn't looking at the screen there.

Female Speaker: Thank you, mister Leidien. Thank you, mayor. Wanted to ask, so is Castileo's enrollment in compliance at this time?

Male Speaker: It exceeds the enrollment cap for the current CUP for the site. Current CUP requires allows up to four fifteen and the current is 422.

Female Speaker: Current is 422. And in the years when it had exceeded, how has the city required them to roll it back?

Male Speaker: Yes. There was an agreement with the former city manager to have the enrollment scale back four to six students per academic year. And since that agreement, Kaceli has been proceeding on that schedule, I think, on average of four students per year.

Female Speaker: How long ago was that?

Male Speaker: 213 I think it was...

Male Speaker: Okay. Miss French is saying –

Female Speaker: Where is it positive?

Male Speaker: Right around 2013. No. But, yes, give or take a, you know.

Female Speaker: Thank you. So ever since 013 and we're at 2022 and they haven't reached their CUP allowance yet. So it's not as easy as we would want to think that it is as to enforcing the CUP. as early I mentioned right?

Male Speaker: So I think there this there was a the city has the ability to the four conditional use permits. The municipal code sets forth a revocation proceeding in which the city could have a hearing and talk about how conditions might be modified or possibly revoke the COP. In this particular instance, the city manager at the time you know, came up with this solution to have a steady reduction in enrollment. And as the as the chief administrator for the city, that's the process that we followed. What this condition, conditional use from it sets forth very clearly is a process by which expectations are clear the penalties for violation of certain metrics related in particular to traffic, have immediate consequences in terms of adjusting TDM measures So that's all in place and then the ability to, again, schedule hearings before the commission. Those are remedies that exist. I will acknowledge scaling back students is requires, I believe, it's three consecutive violations of the of the TDM plan

And alternatively, if there were some other mechanism of the in the planning commission or were needed to go through the planning commission. It does take some time to go through a hearing process. So I just want to acknowledge that that's not an immediate effort. But It also doesn't have to be, you know, 44 students per year for ten years.

Female Speaker: Right. It's not as easy to scale back as the I guess it's the point that I'm getting to. So I wanted to ask, with the due date appraisal report that came out with the correct square footages that we found that has exceeded what is allowable. Did the EIR consider and analyze those square footages? Was that part of the analysis for the EIR?

Male Speaker: So a couple of quick points on that. A lot of the change in the four area had to do with volume metrics space in the way that we calculate it today. It is true that there were some other square footages that were more than were reported on the plans but the biggest change had to do with the volumetric square footage, which isn't occupiable space in the sense of more people being in that square footage, it's volume space, tall ceilings, and things like that. So for my intensity, standpoint, it really doesn't have a bearing on how that space is used. That said, we do have, as a part of the environmental documents, we have an en route sheet that talks about the changes in square footage.

Female Speaker: Right, I understand that it is, but it is space that is part of our code in order how to calculate it. And so I I think that that does have a bearing and I and I'm not quite sure that we all kind got the chance to look at the correct numbers because there were so many numbers that was thrown at us as well as the board and commission. It's hard to it was really hard to kind determine, but with this correct square footage that is shown, we now know what

the act the actual number is. I am sorry, I don't see the time, so let me know if I'm getting there and I should wait for the second round.

Male Speaker: Yeah. You're around five, but if you have another question, feel free.

Female Speaker: No. I have a few. Thank you. I'll just wait. Thank you.

Male Speaker: What's a member of the voice? So I've been looking at your b finding two e, which that enhances living conditions and adjacent residential areas. And one thing that struck me is the current plan. Has the garage exit on Emerson, and they moved the swing pool now closer as well. And I believe when we when we counsel last saw this, one of the questions that was asked was if we use the dispersed traffic plan? Was there a possibility of exiting onto Market Arrow rather than onto Emerson? Was there any investigation of that option?

Male Speaker: So thank you for that question. My recollection is that there were a lot of comments and questions that were raised a year ago. And as far as the actionable pieces that staff went forward with. It was the Council motion and the Embarcadero exit was not one of the items that was enumerated by the council, and it was not something that we had studied based on that. Excuse me, it was not something that the staff picked up and continued to evaluate after.

Male Speaker: I think we looked at entry and exit from a barcode, but not just the exit.

Male Speaker: So, again, we didn't take on any additional work that was not explicitly provided by the council on this motion.

Male Speaker: And on the blueprints, it looks like the ramp doesn't really align with Melville. So has there been any thought to when you come out of that garage, should it be, like, a right turn only, or are there any concerns the staff have that flow?

Female Speaker: The draft AR had the right turns out of that driveway and that became a tire index problem. And so this is when the dispersed circulation reduced garage alternative came in to address you know, dispersed drop offs throughout three different places, not just through the garage and not just turning right towards Embarcadero.

Male Speaker: So we saw the three drop offs, but you're saying that the right even with the three drop offs, the right turn another garage is still a problem.

Female Speaker: Yes. It's not a right turn only. It's always.

Male Speaker: Right. So we're going to disperse out of the garage.

Female Speaker: Yes.

Male Speaker: Okay. And then a little bit on construction impacts. So how much anticipated space is needed for construction parking and has that been identified?

Female Speaker: The logistics plan is a condition of approval from Public Works and they that that's part of what's looked at when the logistics plan comes in whereas the construction parking, it's specifically cited in that condition. I can tell you what condition it is normally.

Tom Dubois: So that's kind of raises another question. So typically when the projects come to us, we've seen the conditions of approval. Today, we have the conditions of approval for the CUP. But are there -- we don't actually have the actual project conditions of approval?

Female Speaker: Yes. The record of Landy's section, the draft record of Landy's section has conditions of approval for the conditional use permit, as well as for the architectural review component, which is the physical that application. That that is the condition I'm referring to, the logistics plan from the public works department.

Tom Dubois: Additional are you saying that there already is a condition for the parking for construction?

Female Speaker: It's a logistics plan requirement that is typically submitted with the building permit, that's it. That's the time where those come in.

Tom Dubois: So we haven't seen it yet.

Female Speaker: Yeah and that's typical that we would see it with the building permit that exactly lays out where the construction parking is.

Tom Dubois: Okay. Yeah. I just I guess, if we're talking about, would we when would we start measuring the TDM, would that be after phase four's completed?

Female Speaker: The monitoring reports on TDM would begin immediately. We would expect to see monitoring reports.

Tom Dubois: So that we're going to be in construction. The garage won't exist, and we're going to put in the counters immediately.

Male Speaker: Well, so there will be counters that are installed to add the location where the driveways are. We also are interested in separating out the construction traffic from the AM peak and ADT average daily trips. And so we're going to want to know where that driveway entrance is. And that will be separated from the calculation of ADT and AMPIC.

Tom Dubois: But during construction, there will this construction traffic it's traffic, right, so would we include it in the counts?

Male Speaker: Well, so this this net new trips is based on the school's performance. And Amy, you're going to have to help me with, you know, a little bit of this. But it's based on conditions that exist today. And now we're talking about expanding, you know, enrollment and still capping that that threshold of AMP and ADT. Yes, construction trips will increase and create more temporary traffic in this area, not to the level of a significant environmental impact. There will be some increase in truck traffic, though, for sure. But it's not what the AM peak and ADT is intended to regulate, which is strictly related to the academic piece.

Tom Dubois: Amount of time here, I appreciate all the effort staff put into the TDM. It's pages and pages. I think it's going to be probably a big topic for discussion here. It's very complicated, so it'll be interesting to see how we can help improve it potentially.

Female Speaker: I want to respond to seventy nine for the logistics plan.

Male Speaker: Okay.

Female Speaker: On packet page 266.

Male Speaker: Thank you.

Pat Burt: Okay. I'll ask a couple of questions. One, the issue was raised on conditions for a variance. And there staff report, I think, had cited point number one, but the actual language in the variance code adds 1A and 1B. And that's that the personal circumstances let's see special circumstances that are expressly excluded from consideration. Personal circumstances, the property owner and any changes in the size or shape of the subject property made by the property owner or its predecessors in interest while the property was subject to the same zoning designation. So back in two thousand and I was trying to remember, the planning commission discussion on this when I was on the planning commission and and supported this change where we closed off Melville and allowed the, I think, five additional properties get folded in. My recollection is that that was really intended to be able to expand what was a pretty constrained acreage and not focused on principally a near term only a modest enrollment expansion. And long term, as I was cited, it was put in a record that it was not the intention to have a future yet enrollment increase as a result of those additional properties.

So what's the staff interpretation of particularly 1b on the variance findings and how that expansion of the acreage of the site comes into play on this?

Male Speaker: Super good. I can like, history. Yeah. Thank you. Albert, yeah, assistance to the attorney. So changes in the shaper size of the project -- sorry, of the property by the property owner are excluded from consideration as reasons for granting a variance. And we're not staff believe it's possible to see the proposed variance findings for approval as not relying on any changes to the shape or size of the property. It's not as if, for example, you know, this property was turn into a flaglot or something, and that's why it needs a variance. It's it doesn't need a variance because of a change. In the shaper side of the property, it needs a variance because it's had, you know, a certain amount of square footage for historical use and maintenance of that use requires variance. So how does maintenance of the use require a big expansion and enrollment?

Male Speaker: It doesn't. And but the variance is not for enrollment. It is for square foot maintaining the square footage that is on.

Male Speaker: Just the square footage.

Male Speaker: Right. And then one of the other things that was kind of getting discussed on this, the timing of the enrollment increase I see that basically the staff interpreted the motion from last March as implying that the enrollment increase would start before the construction. Is that correct?

Male Speaker: What we in the council what we interpreted is the council motion is you get to start at four fifty and there was a direction to explore. Right? But the question is the four fifty starts to win. So yeah. We interpreted that as upon approval. As I believe the see, yeah, allow an enrollment increase starting at 450. So we interpreted that as if approved, they start at 450.

Male Speaker: Yes, as I read the motion and I was trying to recall it, it's it's not clear in that regard. It doesn't state one way or the other on it. And as council member of the voice was bringing up, we have this all other dilemma of the construction impacts. So we're talking about potentially enrollment increase, not starting once the construction has really remodeled the campus, but preceding that. And then throughout in a construction period where we would have both a disruption on the campus, but a higher enrollment, and a lot of construction traffic at all at the same time.

Male Speaker: Understood and you may recall the original staff recommendation was to have the starting enrollment be, I think it was 426 and then after a phased tied to the construction scheduled, do I remember this correctly. Once the garage was constructed, then the enrollment would increase, that was the original staff recommendation. So, yes, if, okay. And Amy's telling me up to four ninety after the crush.

Male Speaker: Okay. Thanks. And then, you know, we had a period where we had violations over essentially a decade on enrollment. We've had and that was under a prior administration at the school. Going forward, say, ten years from now after we've we're maybe up to five forty. And we might have a different administration at that time who may have less allegiance toward following the rules again. If we find that we have violations, the current proposal is five, a maximum of five students per year decline in the enrollment as a result of conditional use permit violations, not just the TDM. Is that correct?

Male Speaker: So if there's a violation of the TDM and specifically AM peak and average daily trips, three consecutive violations in a row, at least five students, not the existing students, but the incoming class would be reduced by at least five students.

Male Speaker: It says at least?

Male Speaker: Yes.

Male Speaker: Okay. And then there's a whole process for how that can get restored. But any violation of the CUP, it doesn't necessarily trigger a reduction in student enrollment. However, if we have a problem and there is a hearing before the Planning and Transportation Commission and that comes to the city council on consent. It may be that if the problems are associated with the number of students that are there, that could be an outcome of that process.

Male Speaker: Okay. Thanks. And I had noticed I'm running long too. All right, who would like to go next? You can I know Vice Mayor Koo had, I think, some follow ups.

Female Speaker: Yes. Thank you. I wanted to go back may I?

Male Speaker: Sorry, sorry [indiscernible] [04:44:20] I had my mic on and I appreciate it.

Female Speaker: Thank you. I wanted to ask, so, you know, with the do you have appraisal numbers that came that was brought that came out and brought forward. I was wondering why was Planning and Transportation Commission, why could they not revisit the variance within new numbers?

Male Speaker: Thank you, [indiscernible] [04:44:50] Mary. I believe you're referring to the gross floor area analysis that we had our environmental consultant prepared. And I would say that's not consistent with my recollection. I believe when we went back after we did some data, we went, before we had gone back to the Planning and Transportation Commission, we had gone to the architectural review board, and in that staff report. We had a pretty extensive analysis of the council, you know, what happened leading up to the council meeting, the action staff took since then the results of the study. We laid it all out in the staff report. And for the planning and transportation commission, we flagged that as one of the issues that the city council was interested in. We explained that it was presented to the Architecture Review Board. We provided a link I believe that the planning the Planning and Transportation Commission focused on other areas. They weren't concluded from having that conversation, but I also think that we had addressed that issue when we had presented it to the Architecture Review Board.

Alison Cormack: Okay. I would have thought this this would also be important for the PTC to know about since they were looking into the text language as well as the variants and the CUP, etcetera. But I wanted to also find out, you know, in terms of their Castellayas allowable g gross floor area. If calculated based on what code says, it would be at 81,000 one thousand. And they've already exceeded it based on this report on this analysis. So why is and they're proposing to demolish but rebuilt. And them saying it's smaller, but it's exceeding what is allowable and according to code 18.70.00, if it's a non-conforming building, then once demolished, it should be rebuilt conforming. Why is it that we're not there's nothing in this report, staff report to propose that.

Male Speaker: Well, thank you, Vice mayor, that is the reason for the variance.

Female Speaker: Okay.

Male Speaker: So we identified for the city council last year and that if you and previously you know through the process that your reading of that code section is consistent with staff's reading. And if you remove existing non-conforming floor area. It cannot be replaced unless it receives approval from with the variance. And so that's why the variance application is is a part of the application.

Female Speaker: Okay. So okay. So good to know that the variance is in place and that we would be using the variance and its findings to determine this. How am I doing on time?

Male Speaker: Go ahead. Yes. Got it.

Female Speaker: Then I went out to find out how many entrance and exit points around the school.

Female Speaker: All right. Sorry. Are you can I ask are you asking about driveway entrances and exits?

Female Speaker: All of it into the garage into the, you know, driveway on Kellogg, Ryan Emerson. How many are there?

Female Speaker: Well, driveway curb cuts go they're reduced from existing to the new plan. I don't have a number Candy. I'm sure I can call on help for that. There are currently two on

Bryant that's staying that way. There are currently two on, you know, a circular drive on Kellogg, and they are reducing the curb cuts over there on Emerson. Believe one curve cut is being reduced.

Female Speaker: And so what about the garage?

Female Speaker: Well, the garage is the entrance is from a an exist oh, somebody is...

Female Speaker: Would that make it three on Brian?

Female Speaker: Sorry. I thought somebody was I'm looking for a slide to show this graphically.

Male Speaker: So Mary, we'll pull that that information together. We just need to pull the site plan on the on the plans so we can get back to you on that.

Female Speaker: Okay. Then there was also, so does Castilleja have entrance exams and interviews before accepting students?

Male Speaker: That's going to be a question you need to ask the applicant.

Female Speaker: Right. Okay. May I may or may I ask the applicant?

Male Speaker: Yes, you may.

Female Speaker: Thank you.

Male Speaker: You'll need to come to the mic.

Female Speaker: Alright. [indiscernible] [04:50:17].

Male Speaker: I'm sorry. First, the applicant doesn't get to debate the relevance to the question. Second, can you repeat the question?

Female Speaker: Yes. Does Castellaya have entrance exams and interviews before accepting students?

Kaufman: We don't have entrance exams. However, we do follow if all the independent schools are in the same cycle of application interview and issuing of acceptances. Yes.

Female Speaker: Thank you. Thank you, Miss Kaufman. Right. So I think there was a lot of comparisons to our public schools. And I think our public schools, I know, public schools have to accept all students and it's not based on interviews. So I would want to make sure that we distinguish that. And am I out of time?

Male Speaker: Yes, sure. For the moment. Starting over. I mean, we're not a strict clock.

Female Speaker: Okay. And may I have other questions? I have a couple count counts for McCormack.

Female Speaker: Thank you, Mary Burton. I know we're sort of still asking questions, but when we get to making decisions, maybe we can start with the findings. To support the structure that I think that the staff is suggesting that that might help us as we go through this. Okay. So before I get to the two ordinance options, some public speakers alluded to the cost of the daily monitoring. Does staff have any information about what the cost of that is?

Male Speaker: I'm going to see if our chief transportation official has some insight into the costs or help someone else on our on our staff. Do you want to put your nope.

Male Speaker: I'm so sorry I heard the question about costs, but I didn't know.

Female Speaker: I'm just we had a number of public speakers allude to the fact that one of the requirements is costly, which is having the daily monitoring. right, the installation of the things that are going to track the cars that come in and send that information to you and your staff. Do you have any idea what the cost is of that hardware or the process ballpark?

Male Speaker: Actually, I do not know what the cost is of that offhand. I'm checking to see if one of my senior engineers has a significant detail.

Female Speaker: Great. No problem thanks. And then now back to the two ordinances. So let me just be sure I understand the differences between them. The first would require option E for the garage would apply to only two parcels in the city, each of which are six acres and have a historic resource, right. And that's the narrowly crafted one that's staffed it. Correct. Okay. And then the alternative, we could select any of the options of the garage, including the hybrid, which we will call E-arbu whatever is we're going to call it, would apply to 16 parcels of two acres each, and there's no requirement that there'd be a historic resource.

Male Speaker: Correct.

Female Speaker: Okay. Can you just help us with the implications of that? Would we be essentially saying, you know, we think it's a good idea when there's a large space to put some parking underground. We'd be just sort of saying that that makes sense for parcels that are this large?

Male Speaker: Yeah, I think the...

Female Speaker: With the COP, right, sorry I left that out, that there has to be a CUP that goes with that option as well, right?

Male Speaker: That's correct. And there are findings associated with that. And I'll note that the commission you know, this notion didn't get a lot of traction.

Female Speaker: I understand.

Male Speaker: From the from the rest of the commission, but so we didn't have the, you know, all the benefit to get to the inner workings of it. But what this alternative does is it provides more of a context based analysis of a proposal for this type of a request instead of just arbitrarily setting some a series of standards. And okay.

Female Speaker: So if I summarize it in in non-planner terms, if there are large parcels in the residential area, we're willing to consider in context underground parking.

Male Speaker: For non-residential uses.

Female Speaker: For non-residential uses. Okay. And okay. Alright. So those would be churches, community centers, private schools.

Male Speaker: Private schools.

Female Speaker: And private schools yeah. I'm just looking for other categories. Okay.

Male Speaker: And that also speaks to the commission's concern that the draft that we presented was too narrowly crafted. So he wanted to walk in.

Alison Cormack: Okay. Well, I appreciate having the option. Thanks to staff for doing that.

Male Speaker: No. Apologies, counsel.

Alison Cormack: We're making Mister [indiscernible] [04:55:46] may go right ahead.

Male Speaker: I'm sorry. I just wanted to note that potentially the actual equipment for accounting could cost a few thousand dollars, although it really just depend what type of equipment they go with.

Alison Cormack: Okay. That's very helpful. Thank you. Thank everyone who worked on getting the changes made that that the council asked for. I think the project before us is responsive to the concerns that works best about trees, and design, and public art and a variety of other things, you know, that are we haven't talked about yet, but we certainly talked about a lot last time. And I see my time up. Thank you.

Male Speaker: Accounts member stone.

Male Speaker: I think it's mayor. A little bit on the PTC's recommendation of 450 and then having to come back for the amended CUP? I mean, can Seth talk a little bit about what you would anticipate? The timeline would be on something like that. I mean, I heard a lot of reasonable concerns by supporters of the school tonight regarding not wanting to go through this hell again and I completely understand that. But I would imagine that this would be a much shortened process. Do you have any thought on what that would look like in reality?

Male Speaker: I hope it'd be less than six years. So this is a brand new CUP. I mean, this is rain all kinds of components, you know, that the previous CUP doesn't adequately address, certainly with respect to events and so forth. So I do think it would be a quicker process. I think part of the concern is that when you're amending the CUP, I would think that what's the expectation in the community about what all is being amended And if it's every time the school is interested in an enrollment increase, are they going to have to defend the totality of the CUP and re litigate all of these different conditions because if you're opening up the CUP in theory, all of that stuff is open for renegotiation. And so, you know, that I'm speaking as if that's, you know, I'll let the applicant speak to what their concerns are from a staff perspective. It certainly

would we would anticipate it generating additional work in more process, and it probably won't be as clean as we think it might be just to look at enrollment.

Male Speaker: Is there a way to structure this current CUP where we would give a indicate an interest in that increase to five forty but still have that that ability to have that community dialogue every year or every two years. I can't I don't think that would be a CUP amendment. Have you have we done anything like that before? Are you are you aware of any other examples like that?

Male Speaker: Well, I don't think there's a lot of data locally on private schools and that kind of a system. It I don't you know, we could certainly spend some time thinking about that. I'm a little hesitant on the up the cuff to come up with, you know, a solution, but I can certainly think on that further. It doesn't strike me as impossible, but I just want to spend some time thinking about that.

Green Stone: I appreciate that. And then I kind of follow-up on an exchange you had with the mayor. So it would be regarding the TDM reports, it would be at a minimum five students reduction. If we had the three the three reports showing increase in in trips, but on the on the other side, if three reports showing no increase in strips, would that is that then up to twenty five? or is that an automatic 25?

Male Speaker: I believe the way the conditions are written, it would be 25. Okay.

Male Speaker: Okay. So no violation.

Male Speaker: Sorry. No violation.

Male Speaker: Okay. Yep. So, yeah, maybe that's an area. I mean, if we're if we're doing minimum of five, maybe on the other end, it would be up to 25 rather than the automatic trying to make trying to find a way to make that as fair as possible. And mister mayor of just a couple questions for the applicant. Is that okay? Great. Miss Kaufman, if I have just a few questions, if you don't mind. I'm curious how frequently does the school believe the pool loud speakers? How often is that used today? How frequently do you anticipate that being used in the future? The loud speaker of the pool. Yeah.

Female Speaker: I think that that tends to be the biggest use is a few times we host swim meats that have multiple schools. And then there's water polo, which is, I don't know, I think maybe we host four to six in the upper school and maybe two or three in the middle school.

Male Speaker: Okay. So it's not being used during practice this is just during meats.

Female Speaker: Oh oh, yeah definitely not.

Male Speaker: Great. And then kind of sticking on that that point, one thing I was I was surprised by I saw the list the events listed on this on your detailed event matrix. And I was surprised that athletics was only listed as five events total during the year, and I think all of them were pool related as being athletic events. Are there other I mean, are all the other athletic events under 50 participants? Is that why they're not listed there?

Female Speaker: Exactly because those swim meets are multiple schools. So they bring more visitors than a typical competition between Castilleja and any other school.

Male Speaker: Okay. Great. So the so the limit on events is not impacting those other sports.

Female Speaker: Not, not the smaller ones.

Male Speaker: Okay. And then one final question on the school, why does the school want to have the have the pool lowered rather than at grade, what what's the reasoning behind that?

Female Speaker: That was part of that was a noise reduction. Okay. Lowering it does improve the noise transmission as well as having it adjacent to the fitness and athletic center was also part of that plan.

Male Speaker: Okay, that makes sense. And I don't know if this is for you or maybe the back to planning director as far as have we studied that to ensure that that the lowering the pool, what by fifteen feet, will what the impacts on noise in the surrounding neighborhoods are going to be?

Female Speaker: The environmental review process included a noise report from a consultant, and that was factored in and written about in the draft DIR.

Male Speaker: Okay. I must have missed it. So then less than significant.

Female Speaker: It's an appendices? Yeah.

Male Speaker: Okay. Great. less than significant. And again, just in reference to an earlier question, we do have the ability to require active noise monitors, should we have a problem with noise in the neighborhood? Okay. Thank you. Thank you, Miss Copper.

Tom Dubois: Accounts of memory du bois. I want to go back to you again thinking about the construction period. So I guess, the proposal is a 34 month construction. Can the city if, if we can't make the findings for the 34 month construction period, can the city require the 21 month period.

Male Speaker: So we couldn't do that on the fly tonight. The 21 month construction period has Castilleja finding an alternative campus while construction is underway. And so we would need to know for environmental purposes where that site is going to be. So that we could understand what impacts that may have. We've asked that question of the applicant this was discussed at the at the architecture review board. There is no site that's been identified at this time. I don't know if there's been continued work in that regard. But at this point, we don't have enough data to be able to acquire that.

Tom Dubois: Okay. I mean, I think we're getting close on a lot of it. I don't think we've talked about the construction period that much, particularly if it's you know, 34 months long. So as we start to get into the discussion, I I would support, like, maybe using the motion to guide our discussion. I think there are so many different dimensions that some kind of structure will be good. And just a couple of high level thoughts before we start to go into some of the details. But a lot of comments have been made about, like, how long this review has been, but again, I think I think when you put it in context, the schools really asking for a lot. If this had been an

application to meet code the process would have been very short. And people may not want to hear it, but we've had this history of code violations of the school, and as I think several speakers touched on it, you know, I think we're really trying to figure out how do we have a process that build rebuilds trust. You know, there's been a lot of trust in the past, and I think we're trying to get back to a place where we feel like the school is actually following the CUP.

And so again, you know, they're still currently above the allowed enrollment. It took it took some time to get accurate measurement of the built space. So as for a nearly 60% increase over the SAR. And I understand that what there is larger at about a 138,000 square feet. But this new project would be 128,000. So I think probably at least what I'm struggling with and imagine the rest of the council is, if we approve these variances and changes, how do we get comfort about compliance? You know, some speakers mentioned positive things like saving the trees. The original project scraped a lot of trees and under accounts direction. We are now hopefully saving a lot of trees. And, you know, there are also some comments that Castile has been being treated unfairly. But in fact, I think they're asking for unique benefits that would know other school really enjoys. And we've been trying to jump through hoops to find a way to justify a garage, but not counted as square footage. And it's been a lot of kind of twisting of our ordinances to see if this project is possible. At this point though, I think we have narrowed the issues. I think, you know, we made our previous motion. We asked some of our boards and commissions to do some additional work and I think we are close to being able to approve. But for me, I think we need to dig into some of the details and look at how we can simplify some of the enforcement conditions and do in a way that could be, like, independently verified. So that's kind of where I am.

Pat Burt: Yeah. I have some questions, but I think I'd like to follow on just to counts member to voice in kind of a high level. We heard a lot of things tonight of perceptions on undue and special burdens on Castilleja here, but this is a proposal for an exceptionally dense school population in an R1 neighborhood. The other schools in our area are generally in the this proposal is kind of two to four times more dense than many of them, double what Pally and Gunnar. It's about Nueva School. It's more than four times as dense crystal springs more than four times. So this is a dense school population on a six acre parcel in an R1 neighborhood. And so that puts a context there. And I hope that everyone who is spoken tonight and supported the project rather than making these accusations that any concerns are based on nimbyism and otherwise recognize this is an exceptionally dense project. It's on a school site that had been provided allowances to expand the acreage number years ago under an agreement that it wasn't going to expand further. And so any additional expansion is not a right of the school. It is a discretionary approval of the city based on the arguments that are being made. That doesn't mean we won't approve it. But this whole argument that this is somehow persecution if an exceptionally dense school site is not approved to the degree that the applicants are asking is just isn't true.

I mean, when we had this come up in twenty thirteen, had a school, had made a thoughtful case that 448 students were what were needed to optimize the pedagogical conditions of the school. And now we have also for five forty. So those are big changes. And I just want folks to appreciate that context when we look at wanting to have very strict conditions on that level of an expansion. So I've got a couple questions. First, for I guess our staff, the attorney for the applicant had when I was asking about the remote parking issue and said that condition twenty two g and I think another one somehow addressed that. And I didn't get a chance to go back into those conditions and read that. And so I don't know if you have that available or I can give you a minute to do that, why I asked the applicant a question?

Male Speaker: Yes. And the yes, we could we'll look at that 22G.

Pat Burt: And okay great. So I have a couple of questions of the applicants. So first on the there was an issue on the whether an egress for the garage had been evaluated for embarked error road. And I want to make sure that we're distinguishing between what I thought was earlier early on in the process ingress and egress evaluated for Embarcadero versus Egress only.

Female Speaker: When we were ready to file our application. We were asked by the city manager at that time, Jim Keane, to hold up because neighbors would like for us to study an entrance on a Barcadero.

Male Speaker: That's Ingress.

Female Speaker: Yes. And we hadn't studied it because the traffic I forget what the position is.

Male Speaker: Yeah. But are you are you going to focus on the Egress part? I just want to talk.

Female Speaker: About I'm sorry. I thought you wanted to know if we step up.

Male Speaker: I want to know about Egress only. Okay.

Female Speaker: So I'm sorry, have I answered have I answered the question then or not? We studied it. We were required to study it before we filed our application.

Male Speaker: Is there something in the record about studying egress only?

Female Speaker: I don't know.

Male Speaker: I think your attorney is no, you can't speak from the audience yet after the podium.

Female Speaker: I have just sent a message to our to fair and peers Robert Echols who did the study to confirm whether it was Ingress, Egress, or just one of then I can let you know as soon as Egree responds. Okay. He said I said, did we look at Egress and Ingress off in Barquette or just Egress? he said, we actually, I can't understand his answer. Let me get him to clarify it, but I will let you know. But it was at the request the city before we.

Male Speaker: Well, my recollection is that there was an analysis of Ingress and Egress, and that was not feasible principally because of cars backing up in the Ingress, which makes perfect sense that you don't want cars backing up on Embarcadero. Egress only means the backup would be within the parking garage, and that's why I'm asking that.

Female Speaker: Sure. And I'll get you that answer. Can you see your pages?

Male Speaker: Alright. And then Miss Kaufman, I think I had a couple other quick questions for you. So I think you may have answered this a year ago, but I don't have it my record. So

the current proportion of your students that are from Palo Alto and East Palo Alto are numbers or proportion?

Male Speaker: What I said?

Female Speaker: About 25 to 27% are from Palo Alto. Not sure I know the percentage from East Palo Alto. Did you know that, Jill?

Male Speaker: So if you can.

Female Speaker: We do have I what I do know is we have one shuttle that goes east Palo Alto, and that shuttle probably carries more like to yeah.

Male Speaker: Middle East If you're able to get that answer this evening, I'd value that.

Female Speaker: Absolutely.

Male Speaker: And then In this whole TDM program, you still allow juniors and seniors to drive the school. Is that correct?

Female Speaker: Very few of the students drive to school at this point.

Male Speaker: Oh, that my question is.

Female Speaker: Yeah, there's no parking for them. So we don't necessarily monitor which individuals drive and don't drive. We just know that they have to carpool because they wouldn't have anywhere to park other than on the on our side of the street?

Male Speaker: Well, that's not necessarily the case. They could park in the neighborhood and walk to school, right?

Female Speaker: They could.

Male Speaker: And anecdotally, I believe that is maybe the case. So you were stating that they had no other choice, but that's not the case. Yeah. You're right. So -- Mhmm. -- is there a reason that as a condition of enrollment that they strictly are not allowed to drive whether they park on campus or not.

Female Speaker: Well, we have a number of students who travel from further than your typical, like local school. So some of them really would have no other way to get to school other than to carpool, but we do have a number who also...

Male Speaker: No. I'm checking out whether they're driving individually as teenagers.

Female Speaker: Typically, they do not drive individually. They cannot drive to our campus.

Male Speaker: Okay. So here's my question again.

Female Speaker: Mhmm. I'm sorry that I don't understand the question.

Male Speaker: Prohibit your students from themselves driving to Palo Alto to attend your school.

Female Speaker: You're asking me, is there a reason?

Male Speaker: Yeah.

Female Speaker: No, we would probably, in order to continue to meet our TDM requirements that may be a regulation that we have to do. As far as we know, we're monitored by number of trips, and so that's what we regulate. And if we have to this...

Male Speaker: This discussion tonight has been in part about a distinction between trips to your campus that are counted and whether we're really counting trips of students or their parents that are dropping them off nearby because we've heard that there are a number of kind of satellite locations where students are being dropped off or parking. And I think that's a significant part of the problem. We're going to hear a little bit more on this condition in 22G and what it entails. But I think it's important that we address that and that frankly a TDM program shouldn't be just counting the number of cars that drive onto the campus area.

Female Speaker: Mhmm. Okay. Okay. Thank you.

Male Speaker: Mister Wade, did you?... Did were you able to find out anything on that? Well, so...

Male Speaker: I have the condition twenty two g and I looked at the correspondence from the attorney, and I just need to hear your question again so I can respond to that.

Male Speaker: It's whether 22G or any of the other conditions address this issue of parking in the neighbourhood.

Male Speaker: Parking in the neighbourhood, yes. No. They don't. And the related piece to this is the Council's motion from January or March last year about the RPP and exploring whether a residential parking permit would be appropriate. And we've discussed that with PTC and their recommendation is not at this time, but let me explain a little bit more about that. We have an existing city process, codified process where the residents who might be interested in that would so you're familiar with the process. I don't need to -- Yeah. -- to tell you.

Male Speaker: So that could address parking in the neighborhood. But not not necessarily drop offs. Understood, yeah. Accounts member Phil Set.

Eric Filseth: Yeah. So we're sort of getting into that to that area that I sort of think is the most important that we're going to have to deal with here. Actually had one sort of tangential to this discussion question, the one staff, though. There were a number of the speakers commented on the plan encroaching into utility easements, one mill mill, mill, mill vault. I haven't seen a lot of that in the staff document. So I assume that's not actually a significant issue., is that right?

Male Speaker: Yeah. So our public works department has reviewed the plan and there's a condition that requires, I think, the easement gets adjusted in some ways, but it doesn't in any way impact our operations.

Eric Filseth: Okay. That's what I thought, but I wanted to make sure. So, you know, just sort of a high level on this is sort of sort of align myself with some of the account number to voice in Meyer's comments is. You know, the issue here is not whether Castilleja expansion is a good thing or not. But it is a dense destination school in the middle of an R1 neighborhood. And so the comparisons to Stanford and Pali and so forth, they're they're not necessarily apples to apples there. So the issue is here is not whether capacity expansion is good or not, but what constraints should there be to expansion in the middle of a low density residential neighborhood. And, you know, Castle A is not the first destination school to have to grapple with this and probably won't be the last either. So I think, you know, the issue points for me are first one first of all traffic in and out, including parking, and how do we monitor and enforce that one. The next one we haven't talked that much about is noise primarily from events.

A third one is aesthetics, which I think between ARB and Cassie, I think, you know, I feel pretty good that that we got a handle on that one. Trees and other environmental impacts also seems like we made a lot of progress there and that one we're probably there on. And then what council member Dubois brought up was the construction impact on the neighborhoods during that period. So for me, those are sort of the principal issues. And the main one I look forward to hearing further on the discussion is sort of the traffic and traffic in and out and parking. And on that, I'll just comment and turn it back over. But the RPP, has been – we've said the RPP is one solution to these issues and I think that's true. I think we should bear in mind that you know, RPPs are a pain. Okay. Right? They're sort of they're not something you want if you don't have to have. It's kinda like surgery or something like that, you know. And so I think we should at least make some effort to avoid getting into a situation where we got to start putting RPPs in neighborhoods. And if they're unavoidable, then they're unavoidable. But I think it's sort of not the first choice pass for setting up circumstances.

But yes, the other thing I would say is on the council member to Boyse's point about restoring trust and so forth. I think, you know, in the six years that this has been going on. Right? you know, there's been a lot of sort of tension, you know, between the school and the neighbors. And, you know, a lot of this a lot of this, unfortunately, it's been sort of people talking past each other, which we've all sort of been party to. And we sort of, you know, in counsel, we sort of said, gee, we really hope to the groups can work out something because if it comes to counsel and, you know, we're probably going to have to make some kind of compromised decision that nobody's nobody's completely happy with. Right? But, you know, here here's where here we are. What I would say is that, you know, some of the rhetoric, as the mayor pointed out, you know, has not been terribly helpful. So this notion that if you oppose our expansion, you must be opposed to women's education. But I think that that hasn't moved us forward. You know, to be honest, I think some of the rhetoric even recently from some of the attorneys involved has not been terribly productive in this direction.

And the ramifications of that is that, you know, if we don't develop trust and what it means, is there a bigger burden on enforcement and compliance and monitoring. Right? And so I think, you know, we did detect that pretty seriously. Okay. So that's my time here.

Male Speaker: Okay. Oh, Vice Merikou.

Vice Merikou: Thank you. So I appreciate all the comments that the mayor, council member, Dubois, and Filseth made. And I align myself with that. I do have a question. In our last motion, there was also the directive for maximum build out. And I see that in the staff report,

there's a little bit about it, but that it cannot that it would be unable to bind the actions of future councils. Can you kind of explain to me a little bit about that? What I mean, there's been counsel after counsel from previous that has made their decisions and what is wrong with us kind a setting intent, setting a number so that there's no misunderstanding or miss missing that the growth is supposed to be limited. like what the mayor had said, what was decided in two thousand and thirteen. Why is it that maximum build out is not something that we should be looking into.

Male Speaker: So I think I'd like to invite assistant city manager Albert Yang, if he's still on to expand. I don't know how much more we can add than was provided in the report. But let's see.

Albert Yang: Yeah. So I think as explained in the report, it's hard to really imagine what we could do in terms of the maximum build out. Because any action that the council takes to say, you know, this is it, it could be overturned, you know, if Castilleja applied for, you know, some change and the future city council agreed that they, you know, they wanted to approve that application.

Female Speaker: And that would be for the future counsel to decide at that point, you know, I mean, it could you I mean, it might it might be the right thing to do at that point, but also at the same time, you know, it's politics. Right? it's up to them to play the politics at that point. But for this counsel, we could take that we could take that next step in placing a maximum build out and that could be intent of what this council is trying to do. So I just want to confirm that you're not saying that we can't do it because you feel that we can't bind the future councils. We can still enact a maximum build out so that we can create the institutional knowledge. Should there not should be should there be a administration turnover or whatever?

Male Speaker: Sure, I think I would want to understand what is meant by an active maximum build out. But, you know, there are certainly you can certainly put a statement into the record of land use. Action about, you know, the this council's intention?

Female Speaker: Or well, we can also state a number, right, of what council fills could should be the maximum number of enrollment. Yeah. Which the future counsel could also overturn if they're so sneaky.

Male Speaker: Right.

Female Speaker: But I think that that would set expectancy for the schools the school itself as well as for the neighbors at least knowing what to expect in terms of how many what is the enrollment for for some time? Right.

Male Speaker: Right? Yeah. That's certainly an option. But, again, you know, I'd want to understand the specific proposal to think through the implications.

Female Speaker: Right that was at the last motion, and I was hoping that it would come back with some of the decisions on implications so that we can move forward on it. But, okay, thank you. I do want to say also that, you know, the general public had come and said that we should be working with facts and study, no rhetoric and raps, but facts through study has shown at this time the GFA is over, is exceeded by forty seven thousand square feet. Right. Fat is enrollment at this time is out of compliance. Fact is that TDM cannot be claimed to be robust and

accurately monitoring and reporting. The fact is also the CUP says no events on Sundays, yet on May fifteenth, there was an event at the school. I could go along with more. But, you know, again, you know, I think that what council member, Phil Sipp said, you know, at this time, you know, we do need to move forward and come to a solution or resolve this matter and let the healing process with this community start. So I think I want to say thank you. I'm sure I exceeded my time.

Male Speaker: Okay. Thanks. Council member, Tanaka.

Tanaka: So first of all, I just want to make him want to work on the system quite some time. Now I look at slide eleven and I look at the process. It's been six years, twenty one public meetings, hundred and five conditions of approval, lots and lots of public comment from everyone. And right now, it's 10:55 PM. And I think as a community, we want great education. Right? I think that's something that our community values. I certainly know that's why I moved to Palo Alto I think that's why a lot of people move here. And I think in general, the focus on just listening to my colleagues, I think most people here also support that. And so to get this moving, I like to propose make the motion for staff recommendation. So I don't know if the clear on the screen. And if there's a second, we could maybe get this moving, and then you guys can make amendments as you see that. Exactly. Okay. Thank you.

Female Speaker: But when the maker's ready, I'll have some amendments.

Male Speaker: May I speak to it?

Female Speaker: Yes. Okay. I think a lot has been said already. It's been an incredibly long process. I think the uncertainty is not just bad for the school, but also bad for the folks in the city. It's a nice amount of staff time and that's not an effort. a lot of angst, if he's caused a lot of vision. But I think, you know, we heard everyone say they want a great education here. I think that's just generally true. There's been a ton of litigations put in place to try to resolve any and all issues. I can't see it's perfect in maybe we spent another two years or three years on this, we'll get there. But, you know, I think at some point, we have to have we have to save pencils down and move forward. And so I think now is the time. And I'm hoping that we are able to, you know, tape what's here, which I think is overall pretty good. It's not the best. I think it's pretty good. And we could refine it a bit more, but hopefully you'd come to some sort of decision tonight if possible. But, hopefully, not too late tonight.

Male Speaker: Got you, ma'am. McCormick?

Female Speaker: Thank you, Mary Burke. And thank you to Council member Tanaka for getting us started. With respect to part a, I am able to make the findings beginning on page 228 and moving through happy to review those in detail. But, you know, I'll just say in terms of improving the school's functionality, in terms of building heights that meet the height limit. You know, the ARB did a really thorough job here. Not only in the beginning, but certainly as the improvements that we talked about earlier with the trees, etcetera. Unified and coherent design, the noise attenuation walls, the high aesthetic quality, and the fact that the project is stated to improve circulation for vehicle by school and pedestrian traffic and access to the project area. I won't go on into the plantings. We reviewed those, I think, the last time. I do want to see if the maker would be willing to select attachment C2 and B, which I think is less narrow and gives us the opportunity to make a context based decision in the future. Should a nonresidential opportunity be presented?

Male Speaker: I'm okay with that.

Female Speaker: Okay. So if the clerk could go with attachment C2 and B. I'd also like to add in Sorry, when I was reading things off, I was really referring to C. I should have done that, but my description was related to C and we reviewed the EIR in detail in the time before. I'd like to see if the maker would be willing to add in staff's alternate language with respect to events on page one seventy nine. This gets at the sort of the third page of events that the school was going to have to eliminate if they go to fifty events from seventy, and it restores the seventy.

Male Speaker: Sorry. Which program?

Female Speaker: Package page 179.

Male Speaker: Okay. And which program are you referring to?

Female Speaker: Okay. Hang on a second. Let me find it. It's the one that's indented. About two thirds of the way down, section twelve, direct staff to update the record of land use action to amend condition number six. To limit the maximum number events in a calendar year to seventy, with no more than thirty two of those events occurring after 6 p.m. I just found the 52 restrictive.

Male Speaker: Okay. I generally agree with you on this. And in fact, I would I would almost say that for me, I look at this project in terms of where the impacts, in terms of the impacts, in terms of parking, in terms of traffic, in terms of noise. And if the project can stay within that, you know, if you know if they had, let's say, eighty events, but they're super quiet. Maybe that's okay. Right? If there's no parking or traffic impacts, so I you know, but I again, I'm not I we're trying to get this over the line here. So but that's where I'm at. But I don't know whether.

Female Speaker: Sorry are you accepting this?

Male Speaker: I'll accept it. I'll just think about whether we should go over further better. I I'll take your thoughts on this.

Female Speaker: Okay. I think I spoke last year about the rhetoric, so I don't I will just align myself with comments that my colleagues made this evening on that.

Male Speaker: Thank you. Okay. Is it accepted? Can the second with the amendment refresh us on the implications of C2, I was going back and forth on it.

Female Speaker: Oh, yeah. Sure. So it's packet page 173 and 4, and this was where PTC, Atlanta, and please, director late. Correct me if I get this wrong. PTC was not happy with the limited text amendment that was described, which only applied to two parcels And I can't remember it was a church, is the other one that are six acres or more and have a historic resource. They felt that it was too narrowly drafted. And so staff's alternate C2 was not supported by the... so the PTC essentially did not make a recommendation on this topic. Is that correct? That's correct. So staff is giving us the option they provided, which was C1 And then the other another option, which is C2, which by the way, just to be confusing, is actually attachment D for those of you trying to fall long at home. Attachment D is actually C2. Okay.

And that would apply to 16 parcels in the city that are two acres or more. It does give us more flexibility with the garage option. Should our colleagues be interested in going with the ARBs hybrid. And it does require a context based decision with the CUP. It just is less narrow. So that that's the difference between them.

Male Speaker: Okay. Nope. Thank you. Alright. Accounts member of the voice. Yes. So I was leaning in much different directions. I don't think I'll be supporting the motion. I do think C1 is the way to go. I think the idea of more underground garages for non-residential use in low density residential seems like we'd be creating more and more of these controversies. And so I didn't I didn't really have a problem with having it applied to just two properties in the city. I really haven't talked about the events. I was leaning more towards 50 events, but I have a lot of concerns about the TDM process, which I think we need to flush out and also some specific conditions of approval. So I won't be supporting this the way it is.

Male Speaker: And you don't want to propose those as amendments?

Male Speaker: No. I really think I mean, based on the conversations I've heard, I think we should spend some time on the TDM and not try to even maybe even ask staff to work on that a bit more before we approve it.

Male Speaker: Well, I would like to just kind of related to that. See if there's a follow-up on first my question that I had of castlay on whether the Egress to Embarcadero only was evaluated specifically.

Male Speaker: You're welcome to come to Mike.

Female Speaker: Okay. Thank you. So the analysis was studied in twenty sixteen, both Egress and Ingress. The issue that was problematic was the city's traffic engineer did not think that an unsignalized entrance would work due to safety on Embarcadero for going in or coming out. And the traffic that was coming at high speeds down in Barcadero made it to difficult with sight distance and merging onto a [indiscernible] [05:39:29] it's just completely unfeasible per the study. The study is in the record, it was done in 2015 or 2016.

Male Speaker: Okay thank you. And then so I also want to have additional discussions on the TDM and other conditions of approval, including I'm really struggling with this issue of when the enrollment would go up in relation to the construction. And I'm having a hard time seeing why the enrollment should go up preceding construction. Not only we're going to have the construction period is going to be really difficult. And what big projects whether it's a grade separation or something like this, we tend to focus on the after construction impacts. And the construction impacts are really very significant. We're talking about three years of a massive disruption and the notion that we'd increase the enrollment before adding the construction trips and all the other construction impacts, which are probably greater than the construction trips, doesn't make good sense to me. So that's a second part of the conditions of approval that I'm still struggling with.

Male Speaker: All right, council member Stone.

Stone: Thank you, Miss Meyer. Yeah, man. I agree with concerns of the mayor and council member Dubois, I do want to of the TDM a little closer. One thought I've been I've been having, curious to hear what other colleagues think on the issue of the 450. It seems that the

community would be best served having the temporary campus moved off campus during that time. It shortens the construction. I think a little over a year and the health impacts on the students on the campus, not to mention the noise that they're going to be going through and an increased traffic and everything else, seems like a good incentive for us to try to move that temporary campus. I wonder if there's what if there's be an interest not only from us and but the applicant as well. If we were to try to incentivize a temporary off campus, campus during the construction by saying, if you do that, you get the 450 enrollment immediately. If not, you're capped at what you are now until after, after construction I think that provides them a nice incentive to locate off campus and can help mitigate some of those impacts. So that's a thought I've been having curious to hear my colleagues.

On the let's talk about the events a little bit. I mean, I think this is an area that I've been really wrestling with. I mean, as an educator myself, I think the importance of community building and events is critical. I was a student activities director at Pali last year. I mean, this is stuff that is really important to a campus. And so I was leaning towards increasing that but then I also did a deeper dive into that detailed event matrix. And if you look at it closely 29 of the 78 events listed by the applicant really seemed to be solely focused for parents, adults, other alumni, not for current students. And so if you really break it down, only about 49 events are for the students, them themselves. And so I think that's I know a lot of other schools require fundraising to be off campus. I think those are areas that we can look into a little more. I mean, I have I have no interest in limiting event actual true student events. But the PTC recommendation at fifty, at least according to the applicant's own detailed event matrix, doesn't seem to do that. I'd be curious to hear my colleague's thoughts. I know at the end of one of the PTC hearings, share at allowing brought up what I thought was an interesting idea. Apparently, it seemed like may have been too late for them to really do a deep dive into it. But an idea of creating a sub-committee could be possibly included into the TDM committee, but some sort of function where that committee can re-evaluate the events either annually or every other year to make sure that that is still working for the for the school.

That seemed to be a a compromise that seems to make sense because I do think setting the events right now in stone for and perpetuity does you know, I understand that concern from the school and one want to overly burden them on a too restrictive event limit. I think those are my thoughts right now. So I'm going to just look to my notes. And then, sorry, a question then, I guess, of the of the maker. So then this motion would include would include garage alternative E correct? Okay. Seeing an awning by the second or perfect, thank you. Yeah. I do think, again, back to the TDM. I think independent monitoring is going to be really important. I am concerned about really limiting that to what appears to be the Engres and Igres of the parking structure as well as maybe some of the side streets. I mean, I've this is anecdotal, but I have talked with Castellaya students in the in the past and asked about their their parking tendencies and one of them said, yeah, it's pretty common that students might park bone on the on the side on the streets in the neighborhood. I mean, I think we all know that that must happen. So that wasn't anything shocking, but just recognizing those realities and finding ways to be able to address that here is really important. I do applaud the applicant and staff, I think what is a lot of a lot of good here. I mean, undoubtedly this is a better project today than it was last March. I'm very glad to see the saving of trees and other mitigations. So I think we're we're getting close, but I don't think this motion gets us there.

Male Speaker: Okay. Accounts member, Phil Head.

Male Speaker: Does this motion include the staged increase when from 450 to 540 as we monitor TDM [indiscernible] [05:46:39]. Does that include it? That is correct.

Male Speaker: I think we ought to consider the PTC suggestion that it Casti comes back in a couple of years and we look that we see how things have gone and then consider the increase beyond 450. I think I think, you know, we're trying to do a more complex enforcement of this kind of stuff than we've done in the past. And I think there's you know, still a number of open questions and, you know, the mayor and council member of the voice have brought up a couple of these, you know, parking on the streets and stuff like that. I think there's enough questions about our ability to monitor and enforce that. But I wonder if we shouldn't walk before we run here.

Male Speaker: By Smare Coop?

Female Speaker: Okay. So I really have a big issue with exempting the yellow gray parking square footage. It's another giveaway and there's a lot that we've given away already, you know, the Melville portion that it's not part of the school. And potentially, you know, this increase in enrollment and in addition, the suggestion that the square footage the demolished square footage and then the replacement allowing it to be continued even though it's supposed to be conforming according to our code. So there's a lot of problems with this. And I do agree that we should look further into making our TDM have more teeth. And have some mandatory programs that we suggest, you know, one of them being what was suggested by some of the neighbors who had research and came back with Archer School in LA for girls. Where they do have a shuttle program and they meet up at some parking lot and pick up the students from there and bring them back, including the busing that goes to the train stations to return with the students. So I do think it needs more vetting. And This motion just doesn't do it, but just give the wave more. So I won't be supporting this.

Male Speaker: Also member Cormit?

Female Speaker: If the clerk could please just edit the top part of the motion, remove the part after, I guess, my name. Because the yeah. Great thank you.

Male Speaker: Yep. Let's go ahead and take a vote.

Female Speaker: Account number, Phil Sat?

Male Speaker: Reverting on the motion here?

Male Speaker: Correct?

Male Speaker: No.

Female Speaker: Council member Stone?

Stone: No.

Female Speaker: Council member Dubois?

Male Speaker: Right. Not yet.

Female Speaker: Council member Cormack?

Cormack: Yes.

Female Speaker: Council member Tanaka?

Male Speaker: Yes.

Female Speaker: Vice mayor Coop?

Female Speaker: No.

Female Speaker: Mayor Bert?

Male Speaker: No.

Female Speaker: Motion fails five to two.

Male Speaker: Okay. So we've had some counts members talk about additional considerations that they'd want to build in, counts member Dubois.

Dubois: Yeah. I guess I'll try to talk about the TDM with staff and really Maybe you guys can explain how you intended it to work. Again, I think you've heard some of the concerns tonight. I think if we were to say we wanted to consider kind of two blocks in all directions around the school, how would you think about setting up a monitoring, you know, TDM for that?

Male Speaker: You're talking about the student's parking or being dropped off in the neighborhood?

Male Speaker: Yep.

Male Speaker: I would like to I don't have an idea about that right now.

Male Speaker: Okay. I mean, you talked about I mean, we have counters at the drop offs at the school.

Male Speaker: Maybe we do traffic counts on other streets, but we just wouldn't know where those traffic counts are what they're originating from or where they're going. Yep.

Male Speaker: I mean, what about TDMs that that do reports on kind of boat share where we would ask maybe.

Male Speaker: How the students got to school and --

Male Speaker: Yep. -- we have that in that's embedded in the TDM plan that's before you. we ask for that kind of voucher analysis.

Male Speaker: So what how would that work?

Male Speaker: The applicant would report on how their students and faculty and employees are reporting or driving to and from school or getting to and from school, I should say.

Male Speaker: So there'd be a survey, would they have to hit like a certain percentage of respondents.

Tom Dubois: I don't know if there's a performance target, but it's tied to their trip productions. But again, as we've discussed this evening, it doesn't address the issue of folks parking or being dropped off in the neighborhood. And then the other piece, I think, that as I read through everything, and it's been talked about a little bit, and then tonight was just the timing of when do we go to 450? What happens during construction? I mean, it's even it's hard for me to imagine how you would accurately measure increases while construction was occurring. Again, could you kind of just talk through how what the time I guess, timeline you would envision, so, you know, so we approve this tonight or in a week or two. Go to 450, they start construction. They set up a temporary campus. We simultaneously start recording traffic. They would get three reports in a year. I think I forget somebody said it would take seven years to get to four fifty, but I think it'd probably help the whole counts. Maybe if you could kinda talk through that timing a little bit, like, what's the best case scenario?

Male Speaker: Yeah, I think you had seven years to get to 540. So again, just to remind the council, the staff recommendation was starting at 426 last year and then after construction of the garage is when enrollment would increase. So if we misunderstood the council's direction from last year, about starting at 450, you certainly have the ability to set that number presumably from 415 to whatever you think is appropriate, 415 being the current CUP and the authorized and student enrollment. So the way the way the condition is set up now and again, I'm hearing from council members that this may not be the direction that you want to proceed is that the again, this letters have already gone out. Students have been my understanding is that's going to be at somewhere around 418 students for the upcoming academic year or actually, I think that's what it would be if there's no action on this on the CUP, that continued sort of decrease. And then but if it's approved, they'd be able to presumably start increasing up to 450. So maybe this academic year that's coming forward, maybe, there's a few more students that they can bring in. But between now and whenever that is, they would be able to go up to 450. And then after they have, again, three consecutive reports, which I don't, you know, that would start when this gets approved, we would start the first reporting cycle would be this upcoming academic year is my guess unless, you know, there's been some data collected at this point. But once we have those three reports, then we would, you know, there would be the opportunity to increase up to 25.

Tom Dubois: So they want to likely start construction right away. Right? But again, what I'm trying to picture is what happens when construction starts. There's a temporary campus s on the field. I guess, there'd be a temporary drop off location that would also have a counter at it. Is that is that we envision the drop off?

Male Speaker: Were there a drop off activity we would we would have counters at those locations. And again, you know, this is within the council's discussion. If you did not want to see enrollment increase during the construction phase, that's within your authority.

Tom Dubois: Okay. Yeah. I was just really trying to understand if how you guys were envisioning it working as proposed.

Male Speaker: Yeah. And again, we were we were trying to respond to, again, our understanding of the motion, and again, it was if we got that wrong apologize to the...

Male Speaker: I think we weren't clear.

Tom Dubois: Yeah. So, again, I I don't know that I'm necessarily where council member Phil Smith is in terms of come back with the CUP, but at some level, I feel like it's just kind of what we name the process. But I do think there's some concept here of when does the timing start for growth beyond 450? And what are the conditions to trigger the next level? I mean, I do think the if we call it a CUP and the concerns of reopening the scope are valid, I think it is primarily around compliance with the TDM. I also have questions around compliance with whatever event process we decide on. And again, really, what is the enforcement mechanism? So for the TDM, while they're building up to enrollment, I think that makes sense. I guess the question is if there were violations of other conditions, would those also stop the enrollment in future years or what is the enforcement mechanism for those things? And then once the school does get to 540, I think council member vice mayor, who started talking about this a little bit. You know, if they do fail the TDM reports, will we actually decrease enrolment and, you know, I guess, we said at least five. But, again, that seems like it seems like it'd be much better to kind of finish construction, improve the TDMs are working and build up that track record as you get the 540, so that hopefully we don't never get in a situation where we're at 540 and we need to go back. But those are kind of the things I'm trying to think through right now.

Pat burt: I'll just follow on a couple of those, so first on the stages after 450. I think we want to make sure that we've got compliance before we allow the additional enrollment, but I think another CUP is a really cumbersome process to do that. And I think we can come up with some strong verifiable monitoring and contingencies without having to go and reopen a CUP process. I was thinking about this concept of a maximum build out, which is addressed also in the staff report and appreciating the limits on how legally binding it would be, but there's really two parts to that. There's the city taking that position and there's also Castilleja taking that position. And so I think that we could have as a condition as both parties agreeing that this is the maximum build out of the site. And even if that's not legally binding on either party it's a pretty strong political obligation for both parties. So I that's something I'd be interested in. Small issue is this one on whether all the public art would be on-site, and I saw that Castilleja was receptive to if half of that was in Luvs, and I think that's a good idea. Really because of the limited public value of the on-site public art to the public, I mean, they're really one of the arguments that a lot of people made is that this is an expansion and intensification of use. And there's not a great deal of public benefit for the public Palo Alto. Other arguments that this is to the benefit of girls getting this exceptional education, but that goes back to another question I've had, which is, couldn't we serve our community better and further our trip productions by Castilleja expanding modestly the proportion of their students who are from Palo Alto, any Palo Alto. And I brought this up a year ago, and we talked about it quite a bit. And maybe if I can get it, I don't know if Castilleja folks have had a chance to look at the proportion of students who are from East Palo Alto. That was a question I had earlier.

Female Speaker: Yes. It's 4 percent.

Pat Burt: Four percent okay. So you know, there's not a real shortage of families who in who reside in Palo Alto who would also like to send their students to Castilleja. And in doing so, we'd be able to reduce the trip impacts and have it be less little bit less of a destination school and more of a one that serves the community would still be predominantly a destination. So if

it moved up to 30 percent of the students from Palo Alto and 5 percent from east Palo Alto, that would move the dial, and that's what we're looking at doing in several different ways. I do. Some folks have talked about whether, you know, out of the events and parent events, whether all these have to be on-site. And I think that if we keep the limits of the fifty on-site, that doesn't prohibit Castilleja from having a bunch of other off-site events. And I think that's appropriate. That's up to Castilleja's discretion. But I do think really strongly that the trips to Palo Alto must be fundamental to the TDM program, not the trips to campus. And they're both matter. I mean, when they come to campus, it's a more concentrated impact on a fewer number of neighbors than if we disperse them to a number of blocks in the neighborhood, but they both have impacts. Part of what we're looking at. We didn't have a vehicle miles travel on this, but that's certainly part of the consideration is trips to Palo Alto and not just trips to the school site.

And I think that the school has some real mechanisms that they can help enforce this. Now how we can verify that's another question. So, Castleia can put as conditions on enrollment that students will under, you know, strict penalty commit that they will not drive to score that basically, to Palo Alto to go to school and have park in the neighborhood. And a violation of that, like other school rules that are strictly required. Students will obey that because they're not going to jeopardize their standing by violating that. And similarly, parents can be required to have written commitments that they won't be doing drop offs off-site. You can have whatever number of trips on-site that we put as a condition, but that there can't be an overflow beyond that that is off-site trips that are not counted and circumventing the intent of the entire TDM program, which is what those really are. If we're talking about a TDM program, we just can't have a circumstance where we create all these incentives to violate it. And that's that's what would happen if if folks can just park a block away like they often do now. I mean, I hear about this. the court at the end of Melville is one drop off area. heard about nurse others, and I don't know the number of students, but it makes perfect sense. that if there's no rules against it at the school and no prohibitions in the city, but there are constraints on dropping off on school site. People are just going to figure workarounds. And the only way that you don't have that is if you have rules that the school imposes, most of all, and administrators to prevent that's our convention.

So I'm going to be interested in having a prohibition of students driving to Palo Alto, not just the school site and a prohibition of parents dropping off outside of the school site other than agreed upon satellite locations. And they have one satellite location, I think, for maybe it's more for teachers. And that will drive the TDM program to really be what it's intended to be which is a trip reduction program and not a counting circumvention program. That's not what anybody honestly has been advocating. And I think anybody who would find this as objectionable has to they have to question the sincerity of the TDM program that they've been saying would be an answer. We need a TDM program that ends up being what we all claim it's intended to be. And there are a lot of other schools that, you know, have a lot of restrictions on getting to the school sites that are throughout the area. So this is an unprecedented I will say that this site again, when I look at the various private high schools in the area, I'm not aware of any that have this density and are located in an R1 neighborhood with this kind of density. This is an anomaly. And supporters of Castilleja should recognize. This is not the way all these other private schools are located in the impacts on communities. And so if we're going to allow this expansion, it needs to be with strict controls on the mitigations.

So those, let's see, Oh, and just this other thing on the staged enrollment, I I had forgotten that staff had originally proposed that the enrollment increase would be after the garage. And thank you for reminding us of that. So that's the same thing in principle that now we're getting back

to, which is the enrollment increase should follow certain of the construction. And now I like Council member Stone's proposal of we have no reason to restrict the enrollment if it's if there is a temporary campus, but we'd only have any control on that, I would think. in any event if that campus was in Palo Alto, if it was elsewhere they wouldn't have to ask permission from us, except that any enrollment that they increase there. And then once the construction's done, they transfer it to the new campus rebuilt campus, they wouldn't want to reduce their enrollment at that time. So they'd have to manage that themselves. So that's a framework for improvements that tightening the CUP, both the TDM and other aspects of it that unmatched in the motion. So it is late, but I don't know whether we're close to attempting to come together with a motion. Council member of Dubois, did you have a framework that you were radius adjuster.

Dubois: No. I don't. I mean, I was actually going to suggest continuing the meeting. But if I go ahead and make some more comments. I think you unless somebody else would like to. I think another thing we haven't so I guess thinking about the mode share report, I mean, one thing. If if there is a shuttle or a bus, could we get can we get a report of how many students are are taking those modes? I'm just trying to think of ways that we could verify that would be a little more rigorous. And then, you know, potentially even on Caltrain or train pass information. Questions? Well, yeah.

Male Speaker: I mean so, yeah, we can do that.

Dubois: I asked you last time about boat share. You said, well, we okay be a survey that we'd ask people. But yeah, I mean, I guess, we could look at, like, actual ridership levels. Right? Yep. We we could we could ask them to they probably excuse me.

Male Speaker: They probably have data already on they definitely have data on their chair. They probably have a sense for, you know, shuttle pickup and drop off. Certainly, we could continue to require that information you know, we talk a lot about enforcement. There there's I don't know of a way that we can independently verify that. You could also ask for, you know, try to you can you can set a performance standard of how much of the students you want to see brought in through shuttles. But again, it's self-reporting and tracking. Yep. And then I think the intention was that the details on the TDM program would come later. Right?

Male Speaker: I think you've got a lot of the details before you, I don't know. What we were going to put together was just any refinements to the motion or to the conditions. But I think for the most part, we've got most of that right.

Male Speaker: But then was Castellated to come back to you with a detail within six months, I believe with an yeah 60 days. Thank you. Yeah. I know six months, two months. It's a just a compilation of everything that's required be conditions of approval, mitigation monitoring programs, a couple of other different sources. So that would just be the compendium of requirements.

Tom Dubois: So I'm wondering, like, if council came up with kind of a short list of concerns, And then we moved on to the other elements to approve the project. Maybe that detailed TDM could come back so that we don't hold everything up over the TDM plan itself. So I'm suggesting maybe we get to a point where we approve everything. And then we also have an agreement that after the sixty days or even a longer period of time that the detailed TDM plan would come back to counsel to meet some of these other concerns we have.

Male Speaker: If that's the cancels direction, that is a path you could take.

Tom Dubois: Yep. I mean, it's interesting looking at some of the other schools, kind of their enforcement around their TDMs middle school, kind of similar, pretty big fall back enrollment. Sit in a way of a school that was 70% by train. I don't know if they give out how train passes. And then even Crystal Springs using Rideshare companies, with no parking on-site. The other the other topic, there were some letters from members of the public about satellite parking and how far away they are from the place. There's the one satellite parking that we talked about at first Presbyterian Church. Has there been any discussion about additional satellite parking sites.

Male Speaker: We've asked the applicant to identify other sites, but no sites have been identified at the at this time.

Tom Dubois: Okay. And then would you expect detail on, like, shuttle routes and things in that in that plan?

Male Speaker: In the TDM plan. Yep. So if there were satellite parking spaces.

Tom Dubois: Well, and I think they have some shuttles that they run today.

Male Speaker: To the Caltrain station. Yep we have that, but I don't know that we I don't know if we have the route specifically identified.

Tom Dubois: I'm just looking through my notes here real quick. And, John, how would you see this TDM committee actually working? Like, what would they do?

Male Speaker: So the way the condition is written is that reports would be produced, these monitoring reports would be reviewed if there's any violation of ADT or AMP. The committee would get together and make a recommendation, I think, within a specified period of time, to the director of planning development services and to the chief transportation official with recommendations on, do they is there a concern that this is a long term problem or you know, a one time blip and what recommendations to cure.

Tom Dubois: So I don't understand Castellaya presenting the data to the committee, but why would they also be on the committee? I mean, trying to make a determination on the...

Male Speaker: I think part of it is – so they're producing the reports. The city has a chance, you know, we'll be reviewing those reports. We're also getting the data, but they'll be preparing the reports, and we'll be reviewing it. But then if they're is violation, and then they're also determining what the penalty is.

Tom Dubois: Well, yeah, I think that's in part and parcel to their trying to solve the problem. I mean, they have a vested interest in in solving it, and they know what resources or opportunities. They may have some insight as to how to solve the form. Yeah. Again, I think it made sense for them to come, present it, and be part of the process to just trying to understand the difference between doing that and being on the committee itself. Yeah. So, you know, again, it's there's nothing set in stone. It's a it's a it was just something that we were trying to

be responsive to the council's notion, the planning commission, reviewed it, offered some refinements, and this is what we have.

Male Speaker: Yeah. So I don't know where my colleagues are, but you know, I I would suggest we continue this item.

Pat Burt: Yeah. I guess that the good news is that I think when the date that we rescheduled for, we're going to be real close to fresh minds being able to do this without spending hours on it. I think we're pretty close right now, but 12:15 at night is probably or, no, quarter to 12. That's probably not the best time to try to hammer out all the final details. But I think we're closer than I had thought we might get. So, yeah, I'd be game to continue it and we had looked at a couple dates. And if we're not talking about multiple hours, then we can probably squeeze it in.

Male Speaker: Yeah. So we would propose you selected date certain. I will tell you command accounts members that you're agendas are extremely impacted. And so the next available date would likely be June 6th, I believe June 6th. And remind me the other items on the agenda for that date.

Male Speaker: Your action items for the you ping at this point early to the suspension of the downtown business improvement district. The continued temporary ban on eligibility of parking in Loo and, I believe, what happened to the tree ordinance? It's on there. Okay. Tree ordinance is the primary one. There it is.

Pat Burt: Alright. Well, those first two seem pretty perfunctory. Do you agree?

Male Speaker: Yes.

Pat Burt: Yeah. Alright. Well, let's schedule it for June 6. I think was he looking for a motion for a continued to continue the public hearing to June 6th. So I will move that we continue the public hearing to June 6th. And there, just to maybe so the public hearings closed, you're continuing the meeting. So there would be no additional public hearings.

Male Speaker: No public comment at that time. Counseling McCormick.

Female Speaker: I'll be voting against this motion. You know, I think the account members had an opportunity to make amendments or tututions, and that didn't happen. So I'm ready to continue the process this evening.

Male Speaker: Okay. All right. So no further lights. Let's go ahead and vote.

Female Speaker: Vice mayor [indiscernible] [06:21:01].

Female Speaker: Yes.

Female Speaker: Account member, Tanaka?

Tanaka: Yes.

Female Speaker: Account member, Filsa?

Filsa: Yes.

Female Speaker: Council member Dubois?

Tom Dubois: Yes.

Female Speaker: Council member Stone?

Sotone: Yes.

Female Speaker: Council member Cormack?

Cormack: No.

Female Speaker: Mayor Burt?

Tom Burt: Yes.

Female Speaker: Motion carries 6 to 1.

Male Speaker: Okay. Great. So thank you all that was I think it's still a productive evening even if we haven't gotten the closure quite yet, it looks like we're close. All right.

Pat Burt: And so our final aspect is council member [indiscernible] [06:21:50] and updates. Do we have any? And I see none. So on that note, the bulk I'm sorry. Vice [indiscernible] [06:22:07]. I'm not picking looking at the screen properly.

Female Speaker: Yeah. It's hard, it's easy to. I saw a email that came in from a member of the public speaking about Bosquhar and the lawsuit. Could council member, Cormack, just give us a idea of what that's all about?

Alison Cormack: We were approving the budget, which includes an increase in the assessment of the rates that that is the member assessment, that doesn't affect the rates of the people who live in Palo Alto pay. So there will not be a change in the water rates for this year based on the action that we took. I think that, you know, we can double check with our utility staff, but that's BOSCO's position remains consistent. on the on the Bay Delta lawsuit. Thank you.

Pat Burt: Can I ask as our representative we've taken a position. Opposite that of BOSCO is that position continuing to be what you're representing at BOSCO?

Alison Cormack: The vote on this, I believe, was taken before I was the representative. I have not voted on the Bay Delta lawsuit in the time that I've been serving as our director for BOSCO.

Male Speaker: Okay. Thanks. All right and I see nothing else. So the meeting is adjourned.

From: [Andie Reed](#)
To: [Council, City](#); [Stump, Molly](#); [Yang, Albert](#)
Subject: Castilleja - PNQL Attorney Letter
Date: Sunday, June 5, 2022 8:51:40 PM
Attachments: [PNQL Attorney Letter, June 5, 2022.pdf](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Council,

Attached please find the letter from Leila Moncharsh, the attorney for PNQL, the neighborhood group opposing the scope of the expansion at Castilleja.

Thank you for your consideration.

Andie Reed

--

Andie Reed CPA
Palo Alto, CA 94301
530-401-3809

From: [Jeff Levinsky](#)
To: [Council_City](#)
Subject: Fixing the Castilleja Application
Date: Sunday, June 5, 2022 8:30:41 PM
Attachments: [Table3.png](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Councilmembers:

Here are two quick points for your discussion tomorrow night:

1) Pool Noise

In your May 23, 2022 meeting, you were told that the pool EIR study was factored in and assumed it was less than significant. But the actual pool EIR study found that the pool may violate the city’s Noise Ordinance. Here what that study reported (page 5 of the Salter report on March 14, 2017):

Table 3: Estimated future received noise levels at adjacent residential properties (Master Plan)

Receiver	Location	Main Circle Gathering (average)	Main Circle Gathering (loudest sounds)	Water Polo Game (average)	Water Polo Game (loudest sounds)
A	1215 Emerson St	42 dB	50 dB	42 dB	50 dB
B	1260 Emerson St	43 dB	51 dB	46 dB	54 dB
C	1300 Emerson St	57 dB	65 dB	47 dB	59 dB
D	1326 Emerson St	58 dB	66 dB	47 dB	55 dB
E	1360 Emerson St	44 dB	52 dB	41 dB	52 dB
F	230 Kellogg Ave	46 dB	54 dB	Under 40 dB	46 dB
G	256 Kellogg Ave	47 dB	55 dB	Under 40 dB	44 dB

	Expected to meet Municipal Code Criteria
	May exceed Municipal Code Criteria depending on daily traffic patterns and time of activity
	Exceeds Municipal Code Criteria at all daytime hours

Furthermore, page 6 of the study says, “Please note that Table 3 does not include contributions from amplified sound during pool events.” Given that the amplified sound (loudspeaker) is only effective if it is even louder than the other pool noise, the likelihood of noise violations is higher. Requiring ongoing monitoring therefore seem appropriate. The current proposal to only monitor after neighbors complain puts the onus on them, introduces delay, and could undercount violations. Note that Table 3 also predicts that main circle events will violate the city noise ordinance, further underscoring the need for ongoing monitoring.

2) What’s a “Trip”

As you know, the proposed CUP trip count ignores drop-offs at the curb in front of Castilleja and on nearby streets. It also ignores students and staff parking in front of Castilleja, on nearby streets, and at satellite locations. In other words, a huge number of trips to the school will not be counted under the CUP’s definition of “trips.” Please insist that all vehicle trips into Palo Alto be counted. That’s vital for both traffic and environmental impact reduction.

Thank you,

Jeff Levinsky

From: [Jeanne Fleming](#)
To: [Council, City](#)
Cc: [Clerk, City](#)
Subject: Castilleja is wrong
Date: Sunday, June 5, 2022 4:25:44 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Mayor Burt, Vice-Mayor Kou and Councilmembers Cormack, DuBois, Filseth, Stone and Tanaka,

Attached below is the PNQL Steering Committee's thoughtful, detailed letter of June 2nd urging you to reject Castilleja's unreasonable demands to be granted special concessions, concessions that come at the expense of the quality of life of the Palo Altans who live near the campus.

Like so many others in our town, I agree with PNQL: Castilleja is in the wrong here.

A side bar: Castilleja's ugly name-calling—labeling as “anti-women’s education” those who have objected to Head of School Nanci Kauffman’s and the Castilleja Board’s highhanded disregard for Palo Alto’s municipal code—has been disgraceful. Shame on them. And shame on them for enlisting alumnae to parrot this nonsense.

Sincerely,

Jeanne Fleming

Jeanne Fleming, PhD
JFleming@Metricus.net
 650-325-5151

----- Forwarded message -----

From: **PNQL-Now** <info@pnqlnow.org>
Date: Thu, Jun 2, 2022 at 7:50 AM
Subject: Castilleja Expansion: Neighbors' Perspective
To: <city.council@cityofpaloalto.org>



18.76.010 CUP

(c) Findings: "Neither the director, nor the city council..., shall grant a conditional use permit unless it is found that the granting of the application will:
(1) Not be detrimental or injurious to property ... in the vicinity...and

... to the public health, safety, general welfare, or convenience...

Dear City Council:

After 6 years of an application process led by city staff, Castilleja's expansion plan has come a long way in getting around significant issues and potentially being granted the following concessions:

1. underground garage that doesn't increase parking spaces on campus; whose square footage doesn't count towards GFA per special PAMC ordinance,
2. new construction GFA significantly out of line compared to anything else in the city, and
3. intensifying private commuter school density by increased students/staff/parents in a small R-1 neighborhood

Please ensure that the following items are studied before agreeing to these. (as pointed out by Mr. DuBois: "...if this had been an application that met code the process would have been very short")

1. Underground garage:

a. At the May 23 city council meeting, Mayor Burt brought up the possibility of a garage egress into Embarcadero. Please require staff to provide the actual study, if one was done, as stated by the school's attorney. There doesn't seem to be one posted to the school's page on the city's website. If there isn't a study, please have the traffic department study it now (don't let it drop).

b. Once a garage is in place, how do event attendees get access to parking during events? Currently hundreds of cars enter the field via the student parking lot and park on the field for their medium and large events.

c. Scheme E has the best chance of saving Tree #89 (see below)

d. City needs to get impact fees on the square footage not originally counted on buildings not properly reported even though they were built after volumetrics came into place, which was 1993. Here's 26,000SF:

i. In 2006, Gym was reported at 13,451SF when it was actually 33,514SF

ii. In 1998, Arts Bldg was reported at 5,868SF when it was actually 12,360SF

e. In all 21 boards and commission meetings, and the school's required meetings with the neighbors, where we asked specifically to talk to them, the garage architects, ARCHIRENDER, have never shown up to answer questions. Not helpful; how long is the ramp exiting the garage, how far from the gates are the bells and flashes, when does it level out so peds/bikes can see cars?



TREE 89

2. Construction:

- a. have Castilleja post a substantial bond to cover construction violations of noise, parking, parking and obstruction to our homes.
- b. for safety and health reasons, and speeding up the process, require students move during construction (**Mr. Stone: "the community would be best served if students move to a temporary campus off site"**).

3. Enrollment: Please include in your council **MOTION:**

- a. If school stays on site during construction, continue reducing enrollment to get to current max of 415 and hold, as there will be no way to measure traffic (**Mr. DuBois: "construction traffic, it's traffic, right...?"**).
- b. If classes are off-site during construction, OK to increase to 450 and bring 450 students back to campus when construction is completed. Allow no increases for a few years until impacts have been measured (stay at 450). As noted by Vice Mayor Kou and Ms. Moncharsh, putting a larger number in the CUP invites abuse, as it is one thing to put off increases until metrics are met and quite another to reduce students after the fact. The school has shown it doesn't comply.
- c. Any additional increases beyond 450 go through a CUP amendment process; put the **risk of staying within constraints on the school, not the neighbors**. Regarding CUP amendment for each enrollment increase: **Mr. Filseth "... consider PTC suggestion Casti comes back ... we should walk before we run."**
- d. Keep events at 50 plus 5 large, as recommended by the PTC.

The major unknown in this project is the TDM. There was a TDM company hired to write this. Why weren't they at the meeting? Mr. Lait and Mr. Camhi weren't conversant in the TDM. Has the city ever done this before?

As Mayor Burt put it "drive the TDM program to be what it's intended, which is a trip reduction program and not a counting circumvention program."

Put in your **MOTION**:

- A. Require the oversight committee to have input into the TDM and CUP.
 - i. who is counting "trips" and reporting? The school, the city, the neighbors? (the driveway counters miss a lot of drivers to/from school)
 - ii. there needs to be an independent traffic engineer to be supervising traffic counts; why not consult with WTrans who did the EIR (and who set the base of 1198 car trips currently)?
- B. What is a "trip"? This is very confusing to everyone at the meeting, as you're aware. Staff stated that counts would be taken by laying strips across driveways; that dropping off students a block away doesn't count, public street-counts aren't attributed to the school, and construction vehicles wouldn't count (see "traffic is traffic" above). How about deliveries and trash pick-ups? Would using counters on driveways miss the drivers who park in front of the school, in the 53 parking spaces around the school? Clearly this plan needs a lot of work.
- C. Incentivize the school for success; why 3 violations before action is taken? Why not 1? We need some teeth in the TDM.
- D. As Mayor Burt outlined in summarizing the meeting, the school has the power to put conditions on enrollment that require their students/parents to sign written agreements they will comply with the rules by using alternative transport OR using designated drop-offs and pick-ups.
- E. The school could set up an authentic shuttle program, not one where a few students get picked up in EPA and a few at the train station, but where most commuting students get picked up at 101 and 280 "kiss'n'ride" stations. The school is well-funded and capable of making this work; shuttling would take a huge bite out of Palo Alto incoming traffic.

Right now, things are not good around the school. Neighbors have lately and commonly watched:

1. students don't comply with "right turn only" out of the Emerson Street student parking lot (that NK said publicly Monday night doesn't exist); they exit and zoom down Melville,
2. girls park right in front of "No Castilleja Parking" signs (Emerson, Melville, Kellogg) and dash into school,
3. our next required neighborhood meeting on June 8 is via zoom instead of in-person; school packs the meeting with non-neighbors (not within 600 ft), we have no control over agenda and can't see who is attending.

These are just a few examples of the treatment that neighbors receive.

City Council can move to put enough constraints on the CUP so that we don't have to dedicate the rest of our lives to documenting inaccuracies and untruths but can experience the quiet enjoyment of our homes.

As Vice Mayor Kou stated: "...study has shown at this time the GFA is over, exceeded by forty-seven thousand square feet... enrollment is out of compliance.... that TDM cannot be claimed to be robust and accurately monitoring and reporting... CUP says no Sunday events, but May 15... But, you

know, ... we do need to move forward and resolve this matter and let the healing process start"

Signed,

PNQL steering committee:

Andie Reed

Mary Sylvester

Rob Levitsky

Hank Sousa

Neva Yarkin

Jim Poppy

--

Andie Reed CPA

Palo Alto, CA 94301

530-401-3809

From: [Ann Pianetta](#)
To: [Council, City](#)
Subject: Opinions on Trees, Castilleja, Parking and Recycling
Date: Saturday, June 4, 2022 9:00:26 PM

[Some people who received this message don't often get email from annpianetta@mac.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear City Council:

Here are my opinions on the above referenced items:

Trees:

There is no need to consider more ordinances on trees in Palo Alto. We have plenty of trees. The problem is that the City does a poor job of maintaining the City trees. They often need more water, pruning and sometimes fertilizing. I think oaks, and redwoods are the only trees to be protected unless a person can show due cause to keep a tree. Please do NOT add to the list.

Castilleja:

Please do NOT allow Castilleja to expand. When I was growing up in the 50s, it was known as a "finishing school" where rich people sent their daughters. It was run by Miss Espinosa who ran a tight ship and was very strict. They had boarding students at that time. Now they are trying to brand it as "the ultimate girls school." I don't think they have boarding students any more.

I think that if they want more people on the campus and want to expand by building more buildings then they should open up another campus in another city. After all, Harker Military School moved from Palo Alto to San Jose and renamed themselves Harker Day Academy. They had a whole block to build on but the Colonel decided to sell and retire. It is now a thriving school.

It is an imposition to have so much commuter traffic in the neighborhood bordering the school. Embarcadero Road is a heavily used commuter road. I know it well because I grew up on the corner of Embarcadero Road and Churchill Avenue.

The school should not be rewarded with anything as they have gone against the set amount of students many times. It is time for them to find a new home.

Parking:

I think developers should both build parking and pay fees. They make plenty of money and should give some to the City of Palo Alto.

Recycling:

Although I applaud the idea of doing a better recycling job in the US and not polluting the world so much, I think there should be more thought and study put into this before venturing into total production. This may prove to be a super expensive project. Better to get the state representatives involved in figuring this out and requiring the whole state to participate.

Many thanks,

Ann Pianetta
 3815 La Donna Avenue
 Palo Alto, CA 94306

From: [Suzanne Keehn](#)
To: [Council, City](#)
Subject: Castilleja
Date: Saturday, June 4, 2022 7:42:33 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Greetings City Council,

We have all heard all the arguments both pro and con on the proposed changes
Castilleja wants to make.

We know that the school never kept their limit on the enrollment, or the amount
of school gatherings, after hours or weekends. With the history they have, how
can we support all the expansion they claim they must have?

Several very problematic issues are the underground garage, the threat to our ground
water etc. From what I know they can expand the ground level parking facility.
Also, and most egregious is the underground classrooms, with artificial light and
air. I cannot believe this is good for the physical, mental, or emotional health of
the girls. It would be like spending most of your day in a vault. Imagine yourself
in such a situation. Also calling the proposed underground parking facility, a basement,
and expecting that to make a different reality is a bit much.

So much of our politics runs on who has the most money, Castilleja parents certainly
have the money to keep pushing their plans. As we all know the neighbors/residents
have had to spend their own money to make their case. Giving the school the 'rights'
they desire is not good for the environment, or the amount of disruption the neighborhood
will experience, and for at least 3 years.

We profess to be an environmentally conscious city, this proposal does not align with this
professed belief.

Sincerely,

Suzanne Keehn
94306

From: [Kavitha Jennifer Ramchandran](#)
To: [Council, City](#)
Subject: re: Letter of support for Castilleja
Date: Saturday, June 4, 2022 9:01:02 AM
Attachments: [City Council Letter- June 6 from Kavitha Ramchandran MD, Palo Alto Citizen.docx](#)

Some people who received this message don't often get email from kavitha@stanford.edu. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear City Council Members,

I have had the privilege of attending the last council meeting and would like to add my support for Castilleja as a Palo Alto citizen.

Please see the attached letter of support.

Dr. Kavitha Ramchandran



Stanford University Medical Center

A NATIONAL CANCER INSTITUTE-DESIGNATED CANCER CENTER

Dear Palo Alto City Council,

My name is Kavitha Ramchandran. I live in Palo Alto and have been a citizen of midtown for 12 years. Prior to this I was a Stanford student and was a member of the class of 1999. I see Stanford and Palo Alto as my home.

I have two children- Araika 14- class of 2025 and Arav-12 class of 2027. They both were graduates of El Carmelo- our local neighborhood public school. Araika as a 5th grader chose to attend Castilleja. Her 5th grade teacher had noticed her potential and thought that it was a fantastic fit for her. She was growing as student, leader and athlete. As a mom and now an Associate Professor at Stanford, I was thrilled she was biking distance from her home and my work.

In my 4 years as a Castilleja parent I have been impressed by their education, their commitment to the Palo Alto community, and unfortunately recently a deep need to grow. High schools- even independent ones need size, structure and facilities to allow the kids to truly take advantage of their learning. I was so saddened by the recent discussion at city council where I felt the students were not seen. These young women are active members of the community- often highlighted in Palo Alto online for their contributions to the community. They are athletes and leaders- contributing to the Palo Alto Arts Commission, the LEARN commission for diversity, and local community service organizations to support underprivileged youth. These are just a few. These women go on to become leaders in medicine, law, policy. These are women who enrich our community day in day out. It is why I choose to send my daughter to Castilleja.

7 years is too long to be debating incremental change for one independent school. Many communities see their independent schools as a part of their community and fabric. Isn't 100+ years in a community enough. Let us finish this conversation so Castilleja can move its attention back to its main mission of education for our youth. It would be a shame to not support the young women of this community who are seeking an excellent girls education from a school that rivals the top in the country. Let us be proud, support and move forward Castilleja as an example of what education should be for our young women.

A few years ago I took care of a beautiful woman- Marion Euphrat. She was a community leader, and a philanthropist. She was also a Castilleja graduate. On one of her last hospital admissions, prior to the end of her life...she lived to about a 100... I brought my daughter a newly minted Castilleja 6th grader to visit her. They had a conversation- one Araika will remember always. It is beautiful that they share the same history, and yet sad that she still uses the same classrooms Marion used. Isn't it time to let Castilleja move forward.

Thank you for your consideration,

A handwritten signature in black ink that reads "Kavitha Ramchandran". The signature is written in a cursive, flowing style and is underlined.

Dr. Kavitha Ramchandran
Mother, daughter, wife, proud Palo Alto Citizen
Associate Professor, Stanford University
Division of Oncology, Department of Medicine



Stanford University Medical Center

A NATIONAL CANCER INSTITUTE-DESIGNATED CANCER CENTER

From: [Alan Cooper](#)
To: [Council, City](#)
Cc: [Lait, Jonathan](#); [French, Amy](#)
Subject: Castilleja: Simple solutions to 2 big problems
Date: Friday, June 3, 2022 12:55:27 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Council members,

Please work to reduce the amount of Castilleja traffic, parking and noise in our our R-1 residential neighborhood. Below, I suggest straightforward solutions to two outstanding problems, for your consideration.

I. Problem:

How do you count Castilleja cars for the TDM coming to the school and parking in the adjacent 5-block neighborhood (i.e. car-trips not otherwise counted on school grounds)?

Solution:

Extend the contract of the company that now uses license plate readers to monitor city traffic parking issues, to also count Casti-cars parked in the five-block area around Castilleja School. For each Casti-car found, add 4 trips to the TDM count (i.e. 2 regular trips and 2 penalty trips for violating CUP rules). Drive thru the neighborhood 4 times each day.

II. Problem:

How do you minimize the number of cars coming to Palo Alto for Castilleja School?

Solution:

1. Do not permit any on-street student parking (even adjacent to school).
2. All other students go to/from school by shuttle bus with pickup/dropoff at
 - A. Train stations
 - B. "Shuttle station*" at parking lot along Embarcadero at
 1. End of Geng Rd near 101, or
 2. Palo Alto Airport
 - C. "Shuttle station*" at parking lot along Oregon Expressway at
 1. Palo Alto Square, or
 2. nearby in Stanford Industrial Park

* Shuttle stations would be contracted and paid for by Castilleja

Thank you for your consideration.

Alan Cooper
 270 Kellogg Ave

From: [Barbara Ann Hazlett](#)
To: [Council, City](#); [Burt, Patrick](#); [Kou, Lydia](#); [Cormack, Alison](#); [DuBois, Tom](#); [Filseth, Eric \(Internal\)](#); [Stone, Greer](#); [Tanaka, Greg](#)
Subject: Thoughts on 540 from a Castilleja Neighbor
Date: Thursday, June 2, 2022 9:03:27 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Thoughts on 540 from a Castilleja Neighbor

Dear Palo Alto City Council Members:

The most consequential request in Castilleja School's CUP application is the number 540. It will allow for an exceptional educational opportunity for more women. Such tangential issues as increased car trips, neighborhood drop offs and noise levels can be solved. They have already been largely mitigated by the requirements in the CUP application. If Council doesn't want neighborhood drop offs, which is a common occurrence at most other schools, then Castilleja can provide monitors at problem locations as part of its TDM program. Further, it can establish policies against such activity which compel parent and student drivers to comply. These are solvable details. Do not let details obscure what is paramount. There is a national crisis of the dearth of women in tech, in leadership positions and in the nation's failing educational systems. Please support what truly matters, an increased enrollment to 540, which is an increase in educational opportunities for women. Please ensure that exceptional education continues as a foundational and timeless value in Palo Alto, including for young women.

Upon the subject of education . . . I can only say that I view it as the most important subject which we as a peoples may be engaged in.
Abraham Lincoln

Thank you,
 Barbara Hazlett

From: [PNQL-Now](#)
To: [Council, City](#)
Subject: Castilleja Expansion: Neighbors' Perspective
Date: Thursday, June 2, 2022 7:50:23 AM

Some people who received this message don't often get email from info@pnqlnow.org. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.



18.76.010 CUP

(c) Findings: "Neither the director, nor the city council..., shall grant a conditional use permit unless it is found that the granting of the application will:
(1) Not be detrimental or injurious to property ... in the vicinity...and
... to the public health, safety, general welfare, or convenience...

Dear City Council:

After 6 years of an application process led by city staff, Castilleja's expansion plan has come a long way in getting around significant issues and potentially being granted the following concessions:

1. underground garage that doesn't increase parking spaces on campus; whose square footage doesn't count towards GFA per special PAMC ordinance,
2. new construction GFA significantly out of line compared to anything else in the city, and
3. intensifying private commuter school density by increased students/staff/parents in a small R-1 neighborhood

Please ensure that the following items are studied before agreeing to these. (as pointed out by Mr. DuBois: "...if this had been an application that met code the process would have been very short")

1. Underground garage:

a. At the May 23 city council meeting, Mayor Burt brought up the possibility of a garage egress into Embarcadero. Please require staff to provide the actual study, if one was done, as stated by the school's attorney. There doesn't seem to be one posted to the school's page on the city's website. If there isn't a study, please have the traffic department study it now (don't let it drop).

b. Once a garage is in place, how do event attendees get access to parking during events? Currently hundreds of cars enter the field via the student parking lot and park on the field for their medium and large events.

c. Scheme E has the best chance of saving Tree #89 (see below)

d. City needs to get impact fees on the square footage not originally counted on buildings not properly reported even though they were built after volumetrics came into place, which was 1993. Here's 26,000SF:

- i. In 2006, Gym was reported at 13,451SF when it was actually

33,514SF

ii. In 1998, Arts Bldg was reported at 5,868SF when it was actually 12,360SF

e. In all 21 boards and commission meetings, and the school's required meetings with the neighbors, where we asked specifically to talk to them, the garage architects, ARCHIRENDER, have never shown up to answer questions. Not helpful; how long is the ramp exiting the garage, how far from the gates are the bells and flashes, when does it level out so peds/bikes can see cars?



TREE 89

2. Construction:

a. have Castilleja post a substantial bond to cover construction violations of noise, parking, parking and obstruction to our homes.

b. for safety and health reasons, and speeding up the process, require students move during construction (**Mr. Stone: "the community would be best served if students move to a temporary campus off site"**).

3. Enrollment: Please include in your council **MOTION:**

a. If school stays on site during construction, continue reducing enrollment to get to current max of 415 and hold, as there will be no way to measure traffic (**Mr. DuBois: "construction traffic, it's traffic, right...?"**).

b. If classes are off-site during construction, OK to increase to 450 and bring 450 students back to campus when construction is completed. Allow no increases for a few years until impacts have been measured (stay at 450). As noted by Vice Mayor Kou and Ms. Moncharsh, putting a larger number in the CUP invites abuse, as it is one thing to put off increases until metrics are met and quite another to reduce students after the fact. The school has shown it doesn't comply.

c. Any additional increases beyond 450 go through a CUP amendment process; put the **risk of staying within constraints on the school, not the neighbors**. Regarding CUP amendment for each enrollment increase: Mr. Filseth "... consider PTC suggestion Casti comes back ... we should walk before we run."

d. Keep events at 50 plus 5 large, as recommended by the PTC.

The major unknown in this project is the TDM. There was a TDM company hired to write this. Why weren't they at the meeting? Mr. Lait and Mr. Camhi weren't conversant in the TDM. Has the city ever done this before?

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B. What is a "trip"? This is very confusing to everyone at the meeting, as you're aware. Staff stated that counts would be taken by laying strips across driveways; that dropping off students a block away doesn't count, public street-counts aren't attributed to the school, and construction vehicles wouldn't count (see "traffic is traffic" above). How about deliveries and trash pick-ups? Would using counters on driveways miss the drivers who park in front of the school, in the 53 parking spaces around the school? Clearly this plan needs a lot of work.

C. Incentivize the school for success; why 3 violations before action is taken? Why not 1? We need some teeth in the TDM.

D. As Mayor Burt outlined in summarizing the meeting, the school has the power to put conditions on enrollment that require their students/parents to sign written agreements they will comply with the rules by using alternative transport OR using designated drop-offs and pick-ups.

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Signed,
PNQL steering committee:
Andie Reed
Mary Sylvester
Rob Levitsky
Hank Sousa
Neva Yarkin
Jim Poppy

From: [Christine Walravens](#)
To: [Council, City](#)
Subject: dewatering and Castilleja's pool
Date: Wednesday, June 1, 2022 5:20:16 PM

Some people who received this message don't often get email from cfwalravens@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Hello,

I would like to bring your awareness to the failed basement on 181 Heather lane where there is once again water pouring out of the aquifer and going into the Bay. This project should never have been approved and millions of aquifer water were dumped into the bay when it was built about 6 years ago. Please come to our street and see the water pouring out. There is now moss in the gutter because we have had a stream for weeks -- all during a drought. The city engineer is aware of this but none of the water is being reclaimed yet. Please help speed along the process so some of that precious water can go toward plants or something else.

I am opposed to any Castilleja expansion which would use more of Palo Alto's ground water.

Sincerely,
Christine Walravens
145 Heather Lane

From: [Dutt, Sangita](#)
To: [Council, City](#)
Subject: Public Comments - Castilleja Postcards Received Via Mail
Date: Tuesday, May 31, 2022 10:32:14 AM
Attachments: [Castilleja Postcards Attachment 4 Redacted.pdf](#)
[image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[Castilleja Postcards Attachment 3 Redacted.pdf](#)
[Castilleja Postcards Attachment 2 Redacted.pdf](#)
[Castilleja Postcards Attachment 1 Redacted.pdf](#)

Good morning,

The Clerk's office received public comments through the mail for Castilleja school project.

Thank you,



Sangita Dutt

Administrative Assistant
Office of the City Clerk
250 Hamilton Avenue
Palo Alto, CA 94301
P: 650.329.2363
sangita.dutt@cityofpaloalto.org
www.cityofpaloalto.org



Service Feedback

RETURN ADDRESS:

Amy Redell

SAN FRANCISCO CA 940

I support Castilleja's proposal to increase enrollment and modernize its campus because...

Castilleja is critical to girls' education. It's so important to support any and all education efforts—especially for girls. And so important—the new campus advances Palo Alto's sustainability goals & will be a Net zero campus! Best
Amy Redell



Office of the Clerk

Please distribute to all City Council Members
250 Hamilton Avenue, 7th Floor
Palo Alto, CA, 94301

RETURN ADDRESS:

Mayling Wu

I support Castilleja's proposal to increase enrollment and modernize its campus because...

Castilleja is one of the few schools in this area that teaches our girls to find their voice and be future leaders. More students deserve this opportunity, a truly unique one

94301-253150

CA 940

PM 2 L



Office of the Clerk

Please distribute to all City Council Members
250 Hamilton Avenue, 7th Floor
Palo Alto, CA, 94301

RETURN ADDRESS:

JEFF MAYFIELD

SAN FRANCISCO CA 940

I support Castilleja's proposal to increase enrollment and modernize its campus because...

We need to appreciate the power and benefit of educating more young women to



Office of the Clerk

Please distribute to all City Council Members
250 Hamilton Avenue, 7th Floor
Palo Alto, CA, 94301

RETURN ADDRESS:

SAN FRANCISCO CA 940

17 MAY 2022 PM 2 L

I support Castilleja's proposal to
increase enrollment and modernize its
campus because...

#2 Castilleja's classrooms
have not been updated
since the 1960's. Public
and private schools in
Palo Alto have been allowed
to modernize. So should
Castilleja!

94301-253150

Kamod



Office of the Clerk

Please distribute to all City Council Members
250 Hamilton Avenue, 7th Floor
Palo Alto, CA, 94301

RETURN ADDRESS:

CO CA 940

17 MAY 2022 PM 2 L

I support Castilleja's proposal to
increase enrollment and modernize its
campus because...

maximizing underground
parking is possible
without encroaching on
trees.

Thank you,
Karin Soriano-Bilal

94301-253150



Office of the Clerk

Please distribute to all City Council Members
250 Hamilton Avenue, 7th Floor
Palo Alto, CA, 94301

RETURN ADDRESS:

SAN FRANCISCO CA 940

17 MAY 2022 PM 2 L

I support Castilleja's proposal to
increase enrollment and modernize its
campus because...

The new parking structure
will definitely minimize
the street parking issue that
seems to be bothering the
neighbors.



Office of the Clerk

Please distribute to all City Council Members
250 Hamilton Avenue, 7th Floor
Palo Alto, CA. 94301

RETURN ADDRESS:

Anne Voigt

I support Castilleja's proposal to increase enrollment and modernize its campus because...

Castilleja can be a net-zero campus that can enroll 540 students without increasing traffic. What a great way to support women's education.

Anne Voigt



Office of the Clerk

Please distribute to all City Council Members
250 Hamilton Avenue, 7th Floor
Palo Alto, CA, 94301

CA 940

PM 5 L



I support Castilleja's proposal to increase enrollment and modernize its campus because...

Castilleja's classrooms haven't been updated since the 1960's. Public + private schools in Palo Alto have been allowed to modernize. So should Castilleja.

Rachelle

Doolittle

94301-253150

Office of the Clerk

Please distribute to all City Council Members
250 Hamilton Avenue, 7th Floor
Palo Alto, CA, 94301

RETURN ADDRESS:



I support Castilleja's proposal to increase enrollment and modernize its campus because...

We need more compassionate change-makers



Office of the Clerk

Please distribute to all City Council Members
250 Hamilton Avenue, 7th Floor
Palo Alto, CA, 94301

RETURN ADDRESS:

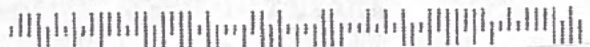


I support Castilleja's proposal to
increase enrollment and modernize its
campus because...

Schools should
thrive in Palo Alto.
Allow Castilleja to
events. Other schools
don't have parallel limits
on activities

Office of the Clerk
Please distribute to all City Council Members
250 Hamilton Avenue, 7th Floor
Palo Alto, CA, 94301

05/19



1005 1000

From: [Barbara Rieder](#)
To: [Council, City](#)
Subject: Castilleja Proposal
Date: Thursday, May 26, 2022 6:27:57 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Mayor and City Council Members,

Thank you for listening to our community!! While I am not directly impacted by Castilleja, I have driven through the neighborhood on an event night. I could not believe the number of automobiles parked on surrounding streets!! More than that, however, I have been deeply disturbed by the "Role Modeling Of Dishonesty" to the students!! It is not honorable to enroll more students than approved by our City; what message has that given to the students...or have the principals of the school been dishonest with their students too?

Nonetheless, I participated in 2 surveys conducted by our City? In both, I expressed my rejection of the expanded plans of Castill3ja until they can demonstrate, not only to the City of Palo Alto to RESPECT and follow the CUP, but also to be honest to the student population. I am really so tired of dis-information to "get what you want"!!

Respectfully,
Barbara A Rieder
1728 Cowper Street

From: [Susan Phillips](#)
To: [Council, City](#)
Subject: No on castelleja expansion
Date: Thursday, May 26, 2022 4:35:58 PM

[Some people who received this message don't often get email from susan@mrsmoskowitz.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>.]

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As a Palo Alto resident for over 45 years & owned my old Palo Alto house since 1976, please vote No!
The expansion plan will cause too much traffic. The school can select a second location like Keys school. They have a second location.
Please vote No!

Susan Phillips-Moskowitz
Tasso street
Old Palo Alto

From: [Jim Poppy](#)
To: [Council, City](#)
Subject: Castilleja TDM does not capture parking
Date: Wednesday, May 25, 2022 2:59:11 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear City Council,

During the Monday meeting Mr. Lait explained that the definition of a trip was a drop off and pickup. Students and staff that drive to the school and park on the street would not trigger the counters and would avoid the TDM counting mechanisms.

Please make sure the TDM includes all street parking around the school to get a more accurate count of all car traffic.

Thanks,
Jim Poppy
Melville Avenue

Sent from my iPad

From: [MARTHA SCHWARZ](#)
To: [Council, City](#)
Subject: Vote about Castilleja from a Palo Alto Family
Date: Wednesday, May 25, 2022 1:04:27 PM

Some people who received this message don't often get email from martha_schwarz@comcast.net.
[Learn why this is important](#)

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Castilleja is an awesome school. My 2 daughters attended the 7th and 8th grades many years ago when they still had a few boarders. It was small, the classes were small, and the teachers were truly good at their jobs. Everyone knew everyone else.

However, our family would vote NO for allowing the school to add more students and more events, even though they are supposed to be monitored, let alone the traffic and noise that comes with all the extra students and their activities. Have you been traveling on Embarcadero lately when traffic has backed up to the Castilleja area because of Stanford, Paly, El Camino and the shopping center traffic? When and if the Churchill crossing is closed, that will impact traffic even more at all times.

We would like the citizens of Palo Alto to be able to vote on this in all fairness, but as that doesn't seem to be plausible, our family would like to urge a NO vote for the reason that it would have the least possible impact on the residents of Palo Alto.

Sincerely,
The Schwarz Family
2931 Alexis Dr.

From: [Hank Sousa](#)
To: [Council, City](#)
Subject: Castilleja
Date: Wednesday, May 25, 2022 10:28:38 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Hi Council Members:

Here are a couple thoughts on the recent meeting focused on the Castilleja expansion:

Many of us neighbors would like to see the school move off the campus during the construction period. If they do, obviously a 450 enrollment is no problem.

If the school chooses to stay on the campus in portables, during construction, then enrollment should continue to decrease four students per year until 415 is reached or the project is completed. Once the whole project is complete an increase to 450 enrollment is fine.

We would like to see the school stay at the 450 number for several years after the project is complete. That will let us see if traffic management is working and perhaps 450 is the pedagogically optimal number as the head of school has stated in the past. Let's see if the school can behave itself.

I'd personally like to have the whole TDM process avoided. I think buses, shuttles and the 89 spaces at grade on campus and the 53 spots ringing Casti's side of the streets is enough. Have the school designate who gets to drive and park on campus and their side of the streets (Bryant, Kellogg and Emerson). Asking the school to run or participate in the TDM process is fraught with future "fudging". Surely some of you council members know the administration are just not honest brokers.

Keep the events at 50. Hold non-student events off campus. The school has plenty of money to afford a few hotel ballroom events.

One of our neighbors sat with Mr. Lait and relayed how easy it is for the school's financial accounting firm to provide a confirmation of enrollment, and the school now provides that. This should have been done 20 years ago, but we're grateful it is happening now.

I would put Nanci on the spot about the East PA enrollment. I have seen the van that unloads the kids from EPA and typically a handful of students depart. Nanci claims 4% come from EPA, which would be closer to 16 kids. It is not particularly important to me but it just illustrates her trouble with the truth.

We PNQL members and allied neighbors would have preferred the school's expansion plans be curtailed. It looks like they are still getting the extra square footage, some kind of unhealthy and unnecessary garage and a path to a 30 per cent enrollment increase. We think the whole exercise is like stuffing a size 10 foot into a size 6 shoe.

However, we are appreciative of your attempting to put some teeth into limits on this expansion. We like the idea of reviewing just the enrollment piece of the CUP more often than every 20 years. Please say "no more" on this site after project completed. Many of us are

old and want some peace and quiet in our golden years.

Thanks,

Hank Sousa

2 houses away from the school

From: [mark weiss](#)
To: [Council, City](#)
Cc: [Shikada, Ed](#); [Pat Burt](#)
Subject: Fwd: Castilleja article - thank you, and quick correction (with longer explanation!)
Date: Tuesday, May 24, 2022 8:51:40 PM
Attachments: [Sept 25 2013 Notice of Noncompliance and Request to Abate.pdf](#)
[Dec 20 2013 City Letter Providing for Revocation of CUP.pdf](#)
[Oct 25 2013 Letter from Castilleja to Palo Alto.pdf](#)
[18.76. Permits and Approvals.pdf](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

As someone who has lived in this community since 1974, and had considerable support in my City Council campaign, I concur with Rebecca Eisenberg in that the needle should be at revocation of the conditional use permit and or condemnation of the property and NOT capitulation by staff and Tanaka and Cormack to the pressures mounted by the small group of elites and bad askers.

Tsk tsk.

Mark Weiss
Bryant Street

Sent from my iPhone

Begin forwarded message:

From: Rebecca Eisenberg <rebecca@privateclientlegal.com>
Date: May 24, 2022 at 8:26:00 PM PDT
To: Mark Weiss <earwopa@yahoo.com>
Subject: Fwd: Castilleja article - thank you, and quick correction (with longer explanation!)

----- Forwarded message -----

From: Rebecca Eisenberg <rebecca@privateclientlegal.com>
Date: Tue, May 24, 2022 at 4:04 PM
Subject: Fwd: Castilleja article - thank you, and quick correction (with longer explanation!)
To: Lydia Kou <lydiakou@gmail.com>, Greer Stone <gstone22@gmail.com>, City Council <city.council@cityofpaloalto.org>, Ed Shikada <Ed.Shikada@cityofpaloalto.org>
Cc: Andie Reed <andiezreed@gmail.com>, <kya.Ohlone@gmail.com>, Pat Burt <pat@patburt.org>, Tom DuBois <tom.dubois@gmail.com>, Filseth, Eric (Internal) <eric.filseth@cityofpaloalto.org>, Ed Shikada <Ed.Shikada@cityofpaloalto.org>, <Jonathan.Lait@cityofpaloalto.org>, <Planning.Commission@cityofpaloalto.org>, Aram James <abjpd1@gmail.com>, Roberta Ahlquist <roberta.ahlquist@sjsu.edu>, Curtis Smolar <csmolar@gmail.com>, Alison Cormack <alisonlcormack@gmail.com>,

<greg@gregtanaka.org>

Dear All:

First, I want to offer my tremendous gratitude to Mayor Burt, Vice Mayor Kou, and Council Members Stone, Dubois, and Filseth. I - and many others - are grateful for the thoughtful and articulate ways that you dug deep into Castilleja's predicament, and -- despite errors and omissions made by our City Staff -- made groundbreaking progress in revealing a great deal of the truth surrounding Castilleja proposed unprecedentedly large development on lots zones R1 in the middle one of our most admired and desired (of many) residential neighborhoods in our beautiful town of Palo Alto. Your hard work made a very positive impact on our community. Speaking personally, it was monumental to feel heard and understood. This is local government at its best.

In that regard, I submit my factual correction of today's (otherwise mostly great!) article in today's Palo Alto online at: <https://www.paloaltoonline.com/news/2022/05/24/palo-alto-looks-to-scale-back-castillejas-growth-plan> . I also submit a few supporting documents demonstrating (1) that City Manager Keane commenced revocation hearings in 2013 and (2) that Nancy Kaufman proposed a compliance schedule (which she later disregarded); and (3) that the parties decided in 2013 that if Castilleja did not comply with its existing CUP, that its CUP would be revoked (next time for serious). I believe that you agree with my corrections, given that your questions uncovered the truth about Castilleja's violations and potentially its motivations, that we now better understand.

I also offer my profound gratitude to City Council for its repeated insistence that it cannot rationally determine the impact of Castilleja's application, if approved, on the community, without a thorough Construction Plan. Given Castilleja's long history of aspirational promises and 2 decades of under-delivery on those promises, I agree strongly with your (indisputable) conclusion that we cannot simply take Castilleja's word that its unprecedented construction project in the middle of a single family home neighborhood would be "climate neutral or climate positive" and "not harmful to the community."

I imagine that Castilleja's army of lawyers have already descended upon Jonathan Lait, so I hope he can respond by reminding Castilleja that without a thorough and detailed construction plan, Castilleja cannot rationally expect that its application would be approved.

In particular, I am perhaps most grateful for the reminder from the Mayor (with agreement from the vice mayor and other 3 council members) that there is no precedent for a private school of Castilleja's size and density existing in a R-1 neighborhood, and there even is no precedent of a private school with Castilleja's proposed density in any neighborhood - commercially zoned (like Eytz Chayim) or not. (The reason, of course, that our Muni Code did not address an underground commercial garage in a residential neighborhood is due to the fact that

such a profoundly inappropriate facility would never exist in a residential neighborhood and certainly does not exist in a R-1 neighborhood in Palo Alto. **As a reminder, Eytz Chayim is NOT located in a residential neighborhood, but rather is zoned commercially.** Therefore, Castilleja's constant comparisons to Eytz Chayim are wholly misplaced.

Because of the potential impact of Castilleja's construction -- especially the unavoidable harm to our natural environment and to Castilleja's neighbors -- that would be caused by the construction of Castilleja's underground garage, I also attach a legal cite to the Palo Alto Municipal Code section, which clarifies that a CUP shall not be given if it causes harm, or even inconvenience, to the community. I am extremely grateful that Council demanded a Construction Plan from Castilleja last night, and I wholly agree with Council's determination that the extent to which Castilleja's construction will impact the neighborhood cannot be measured unless and until a thorough description of that plan is provided. When Castilleja provides that plan - which should be before the next meeting if they reasonably expect resolution the matter - then I believe that City Council may find that Castilleja's construction plan will cause significant "harm and inconvenience" to the neighborhood which would render the recommendation of the CUP illegal, because per the Code, the City has no right to approve a CUP that causes harm (or inconvenience) to the neighborhood.

(Fortunately, Castilleja truly does NOT need a garage. Neighbors would be FAR happier if fewer cars drove down the street -- no matter where those cars park. Castilleja should eliminate parking altogether at its campus, like Nueva and many other comparable schools, and instead, also like Nueva and most others, provide a **robust system of private shuttles**. This should not even cost Castilleja any money -- and would SAVE all of the construction costs of the garage! -- as most of these schools pass on the cost of the shuttle to parents, who, excited for the opportunity of their children to be able to attend such prestigious and superior schools, are happy to pay the costs. Remember, 80% of Castilleja families pay full freight tuition of almost \$60,000/year, and the garage is intended to serve the cars owned by these teenage girls, so clearly those families can afford to chip in to a shuttle.)

Below is my submitted correction to Palo Alto Online's mis-statement that Castilleja is now in compliance -- because as Jonathan Lait confirmed, it is still in violation of its CUP. I also correct the statement that the legal violations culminated in 2013, because as Lait confirmed, Castilleja's legal violations -- from which it benefits approximately \$2 million/year in illegally gained revenues through over-enrollment -- continue today.

Thank you for your consideration, and **thank you again for your exceptional work on behalf of the Palo Alto Community last night!**

Best,

Rebecca

----- Forwarded message -----

From: **Rebecca Eisenberg** <rebecca@privateclientlegal.com>

Date: Tue, May 24, 2022 at 3:18 PM

Subject: Castilleja article - thank you, and quick correction (with longer explanation!)

To: Bill Johnson <bjohnson@pawEEKly.com>, Gennady Sheyner <gsheyner@pawEEKly.com>

Cc: Andie Reed <andiezreed@gmail.com>

Hi Bill and Gennady -

I hope you are well! It was nice to see you, Gennady, after the City Council meeting last night (although you seemed confused when I said hello? Seems reasonable as I think you were trying to catch a remaining council member). I REALLY appreciate your thorough coverage of this complicated and extremely important issue.

I know you were working under an extremely tight deadline to get this article out this morning, and overall I think you did a great job, for which I am grateful. That said, there is one sentence I am hoping you can correct, because that sentence gets to the heart of how and why many of us believe that the City has been providing extraordinarily large and unprecedented special treatment to Castilleja, by allowing Castilleja to increase its annual revenues by approximately \$2 million/year through intentional violation of its CUP enrollment cap - violations that have continued for 22 years, and which continue today.

This is the problematic sentence:

Many alluded to the school's failure **in the past** to comply with its enrollment cap, a violation that **culminated** in a [\\$285,000 fine in 2013](#).

Which I think should be replaced with something like:

Many alluded to the school's 20-year failure to comply with its enrollment cap, a violation that exists to this day, as confirmed by Jonathan Lait in last night's meeting, and which has resulted in Castilleja receiving significantly more revenue in tuition than the amount to which it is legally entitled*.

(*although Castilleja is tax-exempt, it is not charitable, it lacks a public benefit, and its tax records suggest that it is profitable)

(The last parts of that 'corrected version' are merely aspirational, of course.)

Here is why I believe that the insinuation that Castilleja is in compliance is worthy of correction. I provide backup support, and Andie Reed, cc'd, can confirm, as she and her group of neighbors and friends have spent years gathering public records and trying to educate our leadership, and she deserves much credit for the tremendous breakthrough that happened last night when five of the city council members put Jonathan Lait and Nancy Kaufman on the seat, asking them tough questions and

assessing the (often inadequate) responses. What a great night!

Here is why that sentence deserves a re-write (along with later references to Castilleja's continuing violations):

1. **Castilleja's violations are not in the past.** As Lydia Kou and others asked, and Jonathan Lait confirmed, **Castilleja still is in violation of its existing CUP -- as it has been for more than 20 years.** This is a very important distinction because those of us who argue that Castilleja should be held to the same rules as other businesses and residences in Palo Alto continue to point out that Castilleja has not come into compliance with its 415 enrollment cap in more than 20 years, despite Nancy Kaufman having made numerous promises, some of them contractually binding (in my legal opinion, as well as the opinion of Jim Keane and others with whom I spoke about the matter), to come into compliance. That is a big reason that we do not believe that Castilleja should be able to increase its cap immediately to 450, as it never complied with its current cap of 415, despite having its CUP almost revoked in 2013 due to its over-enrollment.

2. Similarly, **these violations did not "culminate in 2013" with the significantly reduced fine.** Culmination indicates a resolution or peak, neither of which occurred in 2013 - rather, when occurred in 2013, per attached, was that the City Manager Jim Keane commenced revocation hearings, which Castilleja negotiated or bullied its way out of. And, notably, that fine was a vastly reduced figure given by Palo Alto, apparently (so I was told) in exchange for Castilleja making a promise that if it did not reduce its enrollment to 415 by 2016, Castilleja would leave Palo Alto.

As a reminder, Palo Alto's Municipal Code provides for statutory damages for code violation (like virtually all similarly situated cities) at \$500 per violation per day. Although these code sections provide for a two-year reachback when it is the fault of the City for not assessing the fines, in 2013, it was the fault of Castilleja that Palo Alto had not fined Castilleja. Castilleja had been intentionally understating its enrollment (Kaufman explained this as "confusion" over what is "enrollment." She claimed she had used "average daily attendance" instead of "enrollment," but the Planning Commission and Jim Keane correctly rejected her explanation.

For most of the previous years. Castilleja has had between 20 and 40 students over enrollment, averaging over 30 (I can provide for you the actual enrollment numbers ultimately released by Castilleja if you like). But using a conservative 30 students over Castilleja's legal cap, that means that Castilleja has accrued statutory fines of 30 violations times \$500/day = \$15,000/day. Given that Castilleja describes that it is open approximately 300 days/year, means that Castilleja, under Palo Alto's Municipal Code, should have been assessed \$4.5 Million a year.*

(*Here is an article in the Palo Alto Weekly referencing these municipal code penalties, which amount to \$500-\$5000 per day per violation: <https://www.paloaltoonline.com/news/2017/03/06/penalties-likely-to-stand-for-edgewood-owner>) (I also am happy to provide you the code sections)

\$4.5 million a year may seem a high assessment for a private school (even a profitable one like Castilleja), but those fines serve a purpose. Castilleja charges almost \$60,000/year and only offers (mostly partial) financial support to 20% of its students (Castilleja's website now claims 21%, but the amount of aid it provides has not gone up).

This means that while Castilleja continues to be overenrolled, it benefits financially by its legal violations. For example, at 30 students over enrollment, Castilleja increases its guaranteed revenue -- apart from the donations to the school fund and capital fund that are expected of private school parents (I know this as a former private school parent myself) -- by an additional \$1.8 MILLION, [not including donations to its school fund and capital fund \(which has raised \\$100 million\)](#).

As community members pointed out, enforcement of the enrollment cap is the ONLY incentive that Castilleja has to comply with the law and its CUP. Castilleja has been bringing in millions of dollars illegally through over enrollment for more than 20 years, so it IS extremely material and essential for the accurate reporting of this story to make it clear that Castilleja STILL is violating Palo Alto's zoning laws (in ways beyond enrollment, e.g. providing false information re square footage, as some mentioned last) as well as Castilleja's existing CUP.

What I recommend for the sentence above is the following:

Many alluded to the school's **20-year** failure to comply with its enrollment cap, a violation that **exists to this day, as confirmed by Jonathan Lait in last night's meeting.**

In sum, Palo Alto's city government has allowed Castilleja to continue to benefit financially (as much as \$2.4 million/year during the many years Castilleja was at 40 student over-enrollment), without any Municipal Code enforcement. Had the City enforced our muni codes against Castilleja as it does regularly against residential applicants, our General Fund would have had millions of dollars more every year. (This is the basis of one of the many causes of action against the city that residents have been discussing with their attorneys. There is a third party cause of action plus attorneys fees under the false claims act, for example, among other state laws that address this kind of problem).

That is why it is essential to point out that Castilleja is still in violation of its existing CUP, that it never was in compliance, and that Castilleja is benefitting financially from its illegal actions.

Please reach out to me if you have any questions about this. Also, I can put you in touch with a lawyer who handles municipal finance at a law firm, if you like.

No matter where you stand on Castilleja's right to benefit financially from its CUP violations, I beg you to correct your article to clarify that Castilleja may have paid a reduced fine, but it never came into compliance, even though it promised it would agree to CUP revocation if it did not reduce its enrollment to 415. A few of the letters between Castilleja and the City are attached, starting with the time when Jim

Keane commenced CUP revocation against Castilleja in 2013.

Thank you for considering. I thought that emailing you directly would be more helpful than posting a comment on the board, given that my correction is easily confirmable, and an easy fix for you to make.

Thank you again for your responsive and thorough coverage of the many issues that impact our community of Palo Alto!

Best,
Rebecca Eisenberg

Rebecca Eisenberg, Esq.
Principal & Founder
Netskink Positive Impact Investments
Private Client Legal Services
www.linkedin.com/in/eisenberg
rebecca@privateclientlegal.com



PLANNING & COMMUNITY ENVIRONMENT

250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
650.329.2441

September 25, 2013

VIA CERTIFIED MAIL

Nanci Z. Kauffman
Head of School
Castilleja School
1310 Bryant Street
Palo Alto, CA 94301

Re: NOTICE OF NONCOMPLIANCE AND REQUEST TO ABATE

Dear Ms. Kauffman:

The City is in receipt of your letter dated August 15, 2013 regarding the City of Palo Alto's request for a conditional use permit conformance report at Castilleja School ("School"). The City shares your focus to resolve the school's conformance issues as quickly and responsibly as possible and to improve your automobile parking and traffic management programs.

Enrollment Violation

After reviewing the School's conformance report it is evident that the School is not in conformance with the Conditional Use Permit requirement that the maximum enrollment be 415 students (Conditional Use Permit 00-CUP-23, November 2, 2000). The School has provided enrollment information to the City that illustrates non-conformance with the use permit enrollment for twelve consecutive years beginning with the 2002-2003 school year.¹ Over this twelve year period, the School has exceeded enrollment as follows:

School Year	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Students	391	414	416	418	416	424	427	427	432	431	434	437	450	448

In the current school year there are 33 students enrolled above the maximum allowed. Based upon the pattern of student enrollment that exceeds the maximum allowed, the City has concluded that the School has been in violation of the occupancy limit in its use permit for the years 2002-03 through the present.

¹ The City does not accept Average Daily Enrollment as the basis for conformance with the conditional use permit, in that the conditional use permit specifically states, "415 students". There is no provision in the use permit to deduct student absences from the total enrolled students figure. In any event, data contained within the August 15 report demonstrates that by the school's measure of maximum enrollment as Average Daily Enrollment (identified as an incorrect measurement by the school), Castilleja has not conformed with the use permit since the 2009-2010 school year.

Request for Abatement

In accordance with the CUP, the City hereby notifies the School that it is in violation of the CUP's enrollment limit of 415 students and that the School must take immediate action to begin correcting this violation. As stated in our August 5 letter, the City recognizes the hardship involved with an immediate demand to bring enrollment down to 415. Accordingly, the City instead will require a two-fold approach to compliance.

First the School shall immediately implement a robust and exemplary Transportation Demand Management (TDM) program during these interim years of enrollment reductions. This TDM program would require performance standards, regular monitoring and enforcement penalties. The TDM program would be required to reduce automobile trips to the lesser of (1) 385 drop-off trips or (2) the number of baseline drop-off and pick-up trips originally estimated in the original 2000 CUP as adjusted by the CUP-required TDM measures. The City requests the School submit for City's review and approval a TDM program within 30 days of this letter. The City would expect this plan to be implemented over the current school year and would expect to see traffic reduced to the baseline level by the end of the 2013-14 school year. To ensure effectiveness, the City will require routine monitoring and achievement of targets for at least one year. Thereafter, the City will require the City to submit bi-annual TDM monitoring reports to the City for review and approval. All City costs of monitoring and enforcement will be borne by the School.

In addition to the TDM implementation, the City will also require an attendance reduction to 415 enrolled students through natural attrition and voluntary measures, such as acceptance of fewer new incoming students (Attendance Reduction Plan). Please provide the Attendance Reduction Plan to the City for approval within 30 days of this Notice. If the plan involves multiple years, provide annual performance metrics that can be verified by the City.

If the School is not able to meet the TDM goals and enrollment reduction by the dates set forth in the City-approved TDM Plan and Attendance Reduction Plan, the City reserves its right to initiate CUP revocation proceedings.

Penalties for Nonconformance

In light of the above non-compliance, the City will assess the School penalties in the amount of \$500/day for each instructional day that the School has violated the maximum enrollment. As the City is only permitted to go back three years in assessing penalties², the City has calculated the amount due as follows:

600 days x \$500 = \$300,000.00, based upon the start of the 2010-2011 school year, including 180 days of instruction per year, and concluding within the current school year on October 25, 2013, the due date for submittal of the School's TDM program.

Please remit this sum to the City within 30 days of this letter. As stated in our August 5, 2013 letter to you, the City will apply these administrative fines for the monitoring of the TDM program, assisting in mitigating the traffic and parking impacts of the School on the immediate neighborhood, and ensuring

² The City's practice is to treat CUP violations as statutory violations. Under State law, these types of violations allow a three year recovery period. (CCP Section 338.)

compliance with other conditions of approval. These fines may also be used, in part, to develop TDM programs throughout the City as directed by the City Council.

With respect to fines for future violations after October 25, 2013, the City will consider waiving such fines upon a showing of effective and continuing transportation demand management programs.

Request for Supplemental Information Regarding Additional Possible Violations.

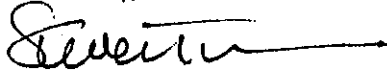
In addition to the primary area of non-conformance the school has provided statements indicating the status of conformance with the use permit conditions of approval. The City will require additional information, as outlined in Attachment A to this letter, to validate these conformance claims. The requested information contains items such as the latest versions of the Parking Management Plan, the parent/student handbook, and the Transportation Demand Management plan. The City is requesting data, if available, regarding carpooling rates, shuttle use and operations, student parking permits, and an accounting of previous community meetings and attendance data. This information shall be submitted to the City no later than October 25, 2013. Finally, the City will conduct unannounced, on-site inspections of the school grounds to determine the effectiveness of security staff and daily parking and traffic management, and off-site automobile parking conditions. The City will also inspect and confirm that the school conforms to the previously approved site improvements. The results of the inspections and the analysis of the requested additional information may form the basis of further corrections that the school shall make in order to conform to the existing use permit.

Further Enforcement Proceedings

Pursuant to Palo Alto Municipal Code Section 18.77.110 (b)(1) if the noncompliance is not abated, corrected or rectified within the time specified in the notice of noncompliance, the Director of Planning may issue an order to show cause why such a permit or approval shall not be revoked, suspended or modified. An order to show cause shall be set for a public hearing before the Director.

Thank you for your cooperation with this matter. Please contact me as soon as possible if you have any questions.

Sincerely,



Steven Turner
Advance Planning Manager

Attachment

cc. James Keene, City Manager
Aaron Akin, Interim Director, Planning and Community Environment
Cara Silver, Senior Assistant City Attorney
Mindie S. Romanowsky, Jorgenson, Siegel, McClure & Flegel LLP



PLANNING & COMMUNITY ENVIRONMENT

CITY OF
**PALO
ALTO**
250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
650.329.2441

December 20, 2013

Nanci Z. Kauffman
Head of School
Castilleja School
1310 Bryant Street
Palo Alto, CA 94301

Re: City Response to October 25, 2013 Letter from Castilleja School

Dear Ms. Kauffman:

The City is in receipt of your letter dated October 25, 2013 in response to the September 25, 2013 Notice of Noncompliance and Request to Abate issued by the City of Palo Alto. The City appreciates the work of Castilleja School (School) staff to address the issues. The intent of this letter is to provide the City's response to the items contained in the October 25 letter and communicate the appropriate next steps to resolve the school's conformance issues.

As described in the September 25, 2013 letter to Castilleja School, the City will require a two-fold approach to compliance with the use permit. The first approach includes the immediate implementation of a robust and exemplary Transportation Demand Management (TDM) program during the interim years of enrollment reductions. The City's response to the proposed TDM program is provided below. The second approach includes a requirement for an attendance reduction to 415 enrolled students through natural attrition and voluntary measures, such as acceptance of fewer new incoming students.

Enrollment Reduction Plan

The City acknowledges the spirit of your proposed Enrollment Reduction Plan, but we feel it does not initiate reductions soon enough. As stated in our September 25, 2013 letter, the School must take immediate action to correct the enrollment violation, beginning in the 2014-2015 school year. Although the City will not specify specific reduction actions, we believe there are strategies such as attrition that can be used to reduce enrollment beginning immediately. Under this scenario, students who leave the School prior to graduation would not be "back-filled" with new students. The School may wish to consider this and other means to begin enrollment reductions in the 2014-2015 school year.

Please provide a revised Attendance Reduction Plan to the City for approval within 30 days of this letter. As previously stated in the September 25, 2013 letter, if the plan involves multiple years, provide annual performance metrics that can be verified by the City.

Transportation Demand Management Plan

The Transportation Demand Management (TDM) Plan, as described in the October 24, 2013 memorandum prepared by Nelson\Nygaard Consulting Associates describes the elements of the proposed TDM plan. The elements of the TDM plan appear to be generally adequate in a qualitative sense, but there is no quantitative estimate of the trip reduction effects for each of these elements. The

intent of the TDM plan is to reduce vehicle trips to a level that would be generated by 385 students, based upon a baseline year 2000 trip generation estimate provided by Fehr & Peers dated October 21, 2013 on behalf of Castilleja School. A revised TDM plan shall include trip reduction estimates that would meet the 385 student measurement.

In addition to the quantitative trip reduction estimates, the TDM plan shall also describe the monitoring plan to assess the success of the TDM plan. As stated in the September 25, 2013 letter, The City would expect the TDM plan to be implemented over the current school year and see traffic reduced to the baseline level by the end of the 2013-14 school year. To ensure effectiveness, the City will require routine monitoring and achievement of targets for at least one year. Thereafter, the City will require the School to submit bi-annual TDM monitoring reports to the City for review and approval. All City costs of monitoring and enforcement will be borne by the School.

Conditional Use Permit Revocation

If the School is not able to meet the TDM goals and enrollment reduction by the dates set forth in the City-approved TDM Plan and Attendance Reduction Plan, the City reserves its right to initiate CUP revocation proceedings.

Payment of Penalties for Nonconformance

The City has received an adjusted payment of \$265,000 which reflects each instructional day that the School has violated the maximum enrollment for the past three years. As stated in our August 5, 2013 letter to you, the City will apply these administrative fines for the monitoring of the TDM program, assisting in mitigating the traffic and parking impacts of the School on the immediate neighborhood, and ensuring compliance with other conditions of approval. These fines may also be used, in part, to develop TDM programs throughout the City as directed by the City Council.

With respect to fines for future violations after October 25, 2013, the City will consider waiving such fines upon a showing of effective and continuing transportation demand management programs.

Amendments to the Conditional Use Permit

The City will consider any future application request for amendments to the existing Conditional Use Permit (CUP) to be incomplete until the school can demonstrate an effective TDM program and an Enrollment Reduction Plan that describes the enrollment targets over time, concluding with an acceptable end date achieving a maximum of 415 students. The City does not recommend submitting a CUP amendment request before the 2015-16 school year. The school will need to demonstrate that it can comply with the requirements of the September 25, 2013 Notice of Noncompliance and Request to Abate.

Please respond to the City's request for a revised enrollment reduction plan and a more specific TDM plan by January 20, 2014. The City appreciates the School's efforts over these past six months and expects that with your continued focus and efforts, the School will be able to meet the requests we have outlined in this letter. Please contact me as soon as possible if you have any questions.

Sincerely,



Steven Turner
Advance Planning Manager

cc. James Keene, City Manager
Hillary Gitelman, Director, Planning and Community Environment
Cara Silver, Senior Assistant City Attorney
Mindie S. Romanowsky, Jorgenson, Siegel, McClure & Flegel LLP

MEMORANDUM

DATE: October 25, 2013

TO: Steve Turner, City of Palo Alto

FROM: Nanci Kauffman, Head of School, Castilleja School

RE: Castilleja School Response to City of Palo Alto Letter, dated September 25, 2013,
Enrollment Reduction Plan

CC: James Keene, City Manager
Aaron Akin, Interim Director, Planning and Community Environment
Cara Silver, Senior Assistant City Attorney
Mindie S. Romanowsky, Jorgenson, Siegel, McClure & Flegel LLP

Below is an outline of Castilleja School's proposed enrollment reduction plan to address the City of Palo Alto's letter of September 25, 2013.

- Castilleja will continue to implement its robust TDM plan to meet the City-imposed goal of reducing the traffic impact levels to that of 385 students, as prescribed by the 2000 CUP.
- To ensure the impacts are reduced per the 2000 CUP, the school requires sufficient time to study, implement and monitor the efficacy of the TDM Plan. This will occur between August 2013 and December 2014.
- As stated in the City's letter of August 5, 2013, whereby the City informed Castilleja that it would need to apply for a new use permit, Castilleja intends to apply for an amended CUP no later than January, 2015 on the condition that the TDM Plan succeeded in reducing trip impacts to the 2000 CUP level.
- Should the TDM plan fail to reduce the school's traffic impact to levels of the 2000 CUP, Castilleja will reduce enrollment to 415 students, as follows:

Academic Year	2013-14 2014-15	2015-16	2016-17	2017-18	2018-19
Enrollment	448	440	432	424	415

Chapter 18.76

PERMITS AND APPROVALS

Sections:

18.76.010	Conditional Use Permit (CUP)
18.76.020	Architectural Review
18.76.030	Variance
18.76.040	Neighborhood Preservation Exception
18.76.050	Design Enhancement Exception (DEE)
18.76.060	Reserved

18.76.010 Conditional Use Permit (CUP)**(a) Purpose**

The purpose of a conditional use permit is to provide for uses and accessory uses that are necessary or desirable for the development of the community or region but cannot readily be classified as permitted uses in individual districts by reason of uniqueness of size, scope, or possible effect on public facilities or surrounding uses.

(b) Applicability

- (1) A conditional use permit may be granted for any use or purpose for which such permit is required or permitted by the provisions of this title; or
- (2) Any expansion in the building size or site area of an existing conditional use shall necessitate the amendment of the conditional use permit. Denial of an application for amendment of a conditional use permit does not constitute a revocation of the original conditional use permit.
- (3) No application for a conditional use permit is necessary for existing uses which were lawful conforming permitted uses and which were rendered conditional by reason of rezoning or changes to this title, provided that any expansion in the building site or site area of such a use shall be subject to the issuance of a conditional use permit.

(c) Findings

Neither the director, nor the city council on appeal, shall grant a conditional use permit, unless it is found that the granting of the application will:

- (1) Not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;
- (2) Be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning).

(d) Conditions

In granting conditional use permits, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience,

to secure the purposes of this title, and to assure operation of the use in a manner compatible with existing and potential uses on adjoining properties and in the general vicinity.

(e) Application Review and Action

Applications for conditional use permits shall be reviewed and acted upon as set forth in Section 18.77.060 (Standard Staff Review Process).

(Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.020 Architectural Review

(a) Purpose

The purpose of architectural review is to:

- (1) Promote orderly and harmonious development in the city;
- (2) Enhance the desirability of residence or investment in the city;
- (3) Encourage the attainment of the most desirable use of land and improvements;
- (4) Enhance the desirability of living conditions upon the immediate site or in adjacent areas; and
- (5) Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other.

(b) Applicability

No permit required under Title 2, Title 12 or Title 16 shall be issued for a major or minor project, as set forth in this section, unless an application for architectural review is reviewed, acted upon, and approved or approved with conditions as set forth in Section 18.77.070.

- (1) Exempt Projects. Single-family and two-family residences do not require architectural review, except as provided under subsections (2)(C) and (2)(D).
- (2) Major Projects. The following are “major projects” for the purposes of the architectural review process set forth in Section 18.77.070, and are subject to review by the architectural review board:
 - (A) New construction, including private and public projects, that:
 - (i) Includes a new building or building addition of five thousand square feet or more; or
 - (ii) Is not exempt under the California Environmental Quality Act (CEQA) (Section 21000 *et seq.* of the California Public Resources Code); or
 - (iii) Requires one or more variances or use permits and, in the judgment of the director, will have a significant effect upon the aesthetic character of the city or the surrounding area;
 - (B) Any multiple-family residential construction project that contains three or more units;

- (C) Construction of three or more adjacent single-family homes or duplexes;
 - (D) In the Neighborhood Preservation Combining District (NP), properties on which two or more residential units are developed or modified, except when one of those units is a “second dwelling unit,” as described in Section 18.10.140(d);
 - (E) Any project using transferred development rights, as described in Chapter 18.87;
 - (F) A master sign program, pursuant to Chapter 16.20;
 - (G) Signs that do not meet all applicable design guidelines adopted by the city council or do not conform to a previously approved master sign program;
 - (H) Signs requiring a sign exception pursuant to Chapter 16.20;
 - (I) Any minor project, as defined in subsection (3), that the director determines will significantly alter the character or appearance of a building or site.
- (3) Minor Projects. The following are “minor projects” for the purposes of the architectural review process set forth in Section 18.77.070, except when determined to be major pursuant to subsection (2)(I):
- (A) New construction, including private and public projects, that involves a new building or building addition of fewer than 5,000 square feet, and which is exempt under the California Environmental Quality Act (CEQA) (division 13 of the Public Resources Code, commencing with section 21000);
 - (B) Signs that meet all applicable guidelines and conform to any previously approved master sign program;
 - (C) Landscape plans, fences, exterior remodeling, and design of parking areas, when not part of a major project;
 - (D) Any project relating to the installation of cabinets containing communications service equipment or facilities, pursuant to any service subject to Chapter 2.11, Chapter 12.04, Chapter 12.08, Chapter 12.09, Chapter 12.10, or Chapter 12.13.
 - (E) Minor changes to the following:
 - (i) Plans that have previously received architectural review approval;
 - (ii) Previously approved planned community district development plans;
 - (iii) Plans that have previously received site and design approval;
 - (iv) Previously approved plans for projects requiring council approval pursuant to a contractual agreement, resolution, motion, action or uncoded ordinance;
 - (v) Existing structures requiring council site and design approval or approval pursuant to a contractual agreement, resolution, motion, action, or uncoded ordinance.

As used in this subsection, the term “minor” means a change that is of little visual significance, does not materially alter the appearance of previously approved improvements, is not proposed for the use of the land in question, and does not alter the character of the structure involved. If the cumulative effect of multiple minor changes would result in a major change, a new application for Architectural

Review approval of a major project, Site and Design approval, Planned Community District approval, or other applicable approval is required.

- (F) Any changes to previously approved plans requiring architectural review as a minor project as part of the conditions of a permit or approval.

(c) Preliminary Review

For the purpose of securing the advice of the architectural review board prior to making an application for the board's recommendation on a project, an applicant, upon paying a preliminary application fee, as set forth in the municipal fee schedule, may bring a design before the board for preliminary review. If the applicant wishes to proceed with the project, he or she must then file an application and pay a regular application fee. The comments of the architectural review board members during a preliminary review shall not be binding on their formal recommendation.

(d) Findings

Neither the director, nor the city council on appeal, shall grant architectural review approval, unless it is found that:

- (1) The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan;
- (2) The design is compatible with the immediate environment of the site;
- (3) The design is appropriate to the function of the project;
- (4) In areas considered by the board as having a unified design character or historical character, the design is compatible with such character;
- (5) The design promotes harmonious transitions in scale and character in areas between different designated land uses;
- (6) The design is compatible with approved improvements both on and off the site;
- (7) The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
- (8) The amount and arrangement of open space are appropriate to the design and the function of the structures;
- (9) Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept;
- (10) Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles;
- (11) Natural features are appropriately preserved and integrated with the project;
- (12) The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function and whether the same are compatible with the adjacent and neighboring structures, landscape elements and functions;

- (13) The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;
- (14) Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance;
- (15) The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be utilized in determining sustainable site and building design:
 - (A) Optimize building orientation for heat gain, shading, daylighting, and natural ventilation;
 - (B) Design of landscaping to create comfortable micro-climates and reduce heat island effects;
 - (C) Design for easy pedestrian, bicycle and transit access;
 - (D) Maximize on site stormwater management through landscaping and permeable paving;
 - (E) Use sustainable building materials;
 - (F) Design lighting, plumbing and equipment for efficient energy and water use;
 - (G) Create healthy indoor environments; and
 - (H) Use creativity and innovation to build more sustainable environments.
- (16) The design is consistent and compatible with the purpose of architectural review as set forth in subsection (a).

(e) Conditions

In granting architectural review approval, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, to secure the purposes of this title, and to:

- (1) Promote the internal integrity of the design of the project;
- (2) Assure compatibility of the proposed project's design with its site and surroundings;
- (3) Minimize the environmental effects of the proposed project; provided, however, that the architectural review board's sole responsibility with respect to the storage of hazardous materials is to require compliance with Title 17 (Hazardous Materials Storage).

(f) Application Review and Action

Applications for Architectural Review shall be reviewed and acted upon as set forth in Section 18.77.070 (Architectural Review Process).

(g) Phased Projects and Enforcement of Approval Conditions

An application for a phased project may be submitted and a specific development schedule may be considered and approved. In no event, however, shall such a development schedule exceed five years from the original date of approval. Approved project plans and conditions of approval imposed through the architectural review process shall be enforceable as approved unless the application is revised or withdrawn in accordance with this title.

(h) Architectural Review Approval Prior to Demolition

No building demolition, except for tenant improvements or where necessary for health and safety purposes (as determined by the director), shall be permitted on any site requiring architectural review approval, until such architectural review approval is granted by the director, including review of subsequent conditions by the architectural review board, where required.

(Ord. 4966 § 1, 2007: Ord. 4964 §§ 19, 20, 2007: Ord. 4959 § 1, 2007: Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.030 Variance

(a) Purpose

The purpose of a variance is to:

- (1) Provide a way for a site with special physical constraints, resulting from natural or built features, to be used in ways similar to other sites in the same vicinity and zoning district; and
- (2) Provide a way to grant relief when strict application of the zoning regulations would subject development of a site to substantial hardships, constraints, or practical difficulties that do not normally arise on other sites in the same vicinity and zoning district.

(b) Applicability

Variances may be granted to the following:

- (1) Site development regulations (except limitations on residential density and size of establishment) and parking and loading regulations (except those accessible parking regulations mandated by state and/or federal law and contained in Chapter 18.54) applicable within any district established by this title (Zoning);
- (2) The special requirements that apply to site development and parking and loading regulations applicable within any district established by this title (Zoning), except provisions which restrict expansion of grandfathered uses that are subject to the special requirements of a specific zoning district. Special requirements in any district do not include special provisions and exceptions as set forth in Chapters 18.40 and 18.42 except for the location of accessory buildings;
- (3) The requirements of Title 20 (Precise Plans);

- (4) The requirements of Chapter 16.24 (Fences) except Sections 16.24.040 (Fences at Intersections) and 16.24.070 (Prohibited Fences);

(c) Findings – General

Neither the director, nor the city council on appeal, shall grant a variance, unless it is found that:

- (1) Because of special circumstances applicable to the subject property, including (but not limited to) size, shape, topography, location, or surroundings, the strict application of the requirements and regulations prescribed in this title substantially deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district as the subject property. Special circumstances that are expressly excluded from consideration are:
 - (A) The personal circumstances of the property owner, and
 - (B) Any changes in the size or shape of the subject property made by the property owner or his predecessors in interest while the property was subject to the same zoning designation.
- (2) The granting of the application shall not affect substantial compliance with the regulations or constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district as the subject property, and
- (3) The granting of the application is consistent with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning), and
- (4) The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, will not be detrimental to the public health, safety, general welfare, or convenience.

(d) Findings – Flag Lot

In addition to the above-listed findings, in the case of a flag lot, neither the director, nor the city council on appeal, shall grant a variance, unless it is found that:

- (1) The granting of the application will not disrupt established neighborhood character and aesthetics, and will not affect the health of the residents by significantly blocking out light and air;
- (2) The granting of the application will not result in excessive paving, parking, potential traffic conflicts on busy streets, street tree removal or loss of private landscaping;
- (3) The granting of the application will not negatively impact the privacy and quiet enjoyment of adjoining single-family residences, for both indoor and outdoor use.

(e) May Not be Granted for Unauthorized Use

A variance shall not be granted for a parcel that authorizes a use or activity that is not otherwise expressly authorized by the zone regulations governing the subject property.

(f) Conditions

In granting variances, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title (Zoning).

(g) Application Review and Action

Applications for variances shall be reviewed and acted upon as set forth in Section 18.77.060 (Standard Staff Review Process).

(Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.040 Neighborhood Preservation Exception**(a) Purpose**

The purpose of the neighborhood preservation exception is to foster retention of existing single-family structures and to maintain the existing historic and general character of neighborhoods in the neighborhood preservation (NP) combining district.

(b) Applicability

For properties within the neighborhood preservation (NP) combining district, a neighborhood preservation exception may be granted to site development regulations (except limitations on residential density), parking regulations, and special setback requirements of Title 20 (Precise Plans).

(c) Findings

Neither the director, nor the city council on appeal, shall grant a neighborhood preservation exception unless it is found that:

- (1) The granting of the application will facilitate the preservation of an existing residential structure on the same property and will be of benefit in maintaining the existing historic and general character of the surrounding neighborhood; and
- (2) The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience.

(d) Conditions

In granting neighborhood preservation exceptions, reasonable conditions or restrictions may be imposed as deemed appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title.

(e) Application Review and Action

Applications for neighborhood preservation exceptions shall be reviewed as set forth in Section 18.77.060 (Standard Staff Review Process).

(Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.050 Design Enhancement Exception (DEE)**(a) Purpose**

The purpose of a design enhancement exception is to permit a minor exception to zoning regulations when doing so will:

- (1) Enhance the design of a proposed project without altering the function or use of the site, or its impact on surrounding properties; or
- (2) Enable the preservation of the architectural style of existing improvements on the site.

(b) Applicability

- (1) Design enhancement exceptions may be granted to the site development and parking and loading requirements otherwise applicable under this title (Zoning), as part of the architectural review process, when such exceptions will enhance the appearance and design of commercial and multiple-family development and other development subject to architectural review.
- (2) Items for which design enhancement exceptions may be granted include, but are not limited to, dormers, eave lines, roof design, bay windows, cornices, parapets, columns, arcades, fountains, art, ornamentation, atriums, balconies, trellises, moldings, balustrades, stairs, entry features, and other minor architectural elements and design features.
- (3) Generally, design enhancement exceptions are limited to minor changes to the setback, daylight plane, height, lot coverage limitations, parking lot design and landscaping configuration, and additional flexibility in the required proportion between private and common open space.
- (4) No design enhancement exception shall be granted under this section that would increase floor area, decrease the number of required parking spaces, decrease the amount of required on-site landscaping, or decrease the required open space.

(c) Findings

Neither the director, nor the city council on appeal, shall grant a design enhancement exception unless it is found that:

- (1) There are exceptional or extraordinary circumstances or conditions applicable to the property or site improvements involved that do not apply generally to property in the same zone district;
- (2) The granting of the application will enhance the appearance of the site or structure, or improve the neighborhood character of the project and preserve an existing or proposed architectural style, in a manner which would not otherwise be accomplished through strict application of the minimum requirements of this title (Zoning) and the architectural review findings set forth in Section 18.76.020(d); and
- (3) The exception is related to a minor architectural feature or site improvement that will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.

(d) Conditions

In granting design enhancement exceptions, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title.

(e) Application Review and Action

Applications for a design enhancement exception shall be reviewed and acted upon as set forth in Section 18.77.070 (Architectural Review).

(Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.060 Reserved

Editor's Note: Former Section 18.76.060, *Home improvement exception (HIE)*, derived from Ord. 4826 § 117 (Exh. 2), was repealed by § 38 of Ord. 4869.

From: [Lian Bi](#)
To: [Council, City](#)
Subject: Castilleja Project
Date: Tuesday, May 24, 2022 4:47:26 PM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Hi:

My name is Lian Bi. I am a near neighbor of Castilleja School, and I support the project because I want:

- As many cars as possible below ground.
- A more beautiful and appealing building.
- Net-zero sustainable campus.

Most of all, I want to see this divisive debate in my neighborhood come to an end.

As this process comes to a final vote, I want to address one important issue: the variance. The school is currently permitted a certain amount of square footage under its current CUP. With the new building the school is applying for LESS square footage than it currently has.

So there is an approved amount, and now the school is applying for less than that approved amount. Easy enough to approve. This site has never been used for a home—since long before R-1 zoning existed. So R-1 FAR calculations should not apply to this site. This site already has established best-practices in place, and the school will come in under that number. Absolutely approve the variance; it complies with the current practices in the City of Palo Alto.

Thanks
Lian Bi

From: [Rebecca Eisenberg](#)
To: [Lydia Kou](#); [Greer Stone](#); [Council, City](#); [Shikada, Ed](#)
Cc: [Andie Reed](#); kya.Ohlonc@gmail.com; [Pat Burt](#); [Tom DuBois tom.dubois@gmail.com](mailto:Tom.DuBois.tom.dubois@gmail.com); [Filseth, Eric \(Internal\)](#); [Lait, Jonathan](#); [Planning Commission](#); [Aram James](#); [Roberta Ahlquist](#); [Curtis Smolar](#); [Alison Cormack](#); greg@gregtanaka.org
Subject: Fwd: Castilleja article - thank you, and quick correction (with longer explanation!)
Date: Tuesday, May 24, 2022 4:05:52 PM
Attachments: [Sept 25 2013 Notice of Noncompliance and Request to Abate.pdf](#)
[Dec 20 2013 City Letter Providing for Revocation of CUP.pdf](#)
[Oct 25 2013 Letter from Castilleja to Palo Alto.pdf](#)
[18.76. Permits and Approvals.pdf](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear All:

First, I want to offer my tremendous gratitude to Mayor Burt, Vice Mayor Kou, and Council Members Stone, Dubois, and Filseth. I - and many others - are grateful for the thoughtful and articulate ways that you dug deep into Castilleja's predicament, and -- despite errors and omissions made by our City Staff -- made groundbreaking progress in revealing a great deal of the truth surrounding Castilleja proposed unprecedentedly large development on lots zones R1 in the middle one of our most admired and desired (of many) residential neighborhoods in our beautiful town of Palo Alto. Your hard work made a very positive impact on our community. Speaking personally, it was monumental to feel heard and understood. This is local government at its best.

In that regard, I submit my factual correction of today's (otherwise mostly great!) article in today's Palo Alto online at: <https://www.paloaltoonline.com/news/2022/05/24/palo-alto-looks-to-scale-back-castillejas-growth-plan> . I also submit a few supporting documents demonstrating (1) that City Manager Keane commenced revocation hearings in 2013 and (2) that Nancy Kaufman proposed a compliance schedule (which she later disregarded); and (3) that the parties decided in 2013 that if Castilleja did not comply with its existing CUP, that its CUP would be revoked (next time for serious). I believe that you agree with my corrections, given that your questions uncovered the truth about Castilleja's violations and potentially its motivations, that we now better understand.

I also offer my profound gratitude to City Council for its repeated insistence that it cannot rationally determine the impact of Castilleja's application, if approved, on the community, without a thorough Construction Plan. Given Castilleja's long history of aspirational promises and 2 decades of under-delivery on those promises, I agree strongly with your (indisputable) conclusion that we cannot simply take Castilleja's word that its unprecedented construction project in the middle of a single family home neighborhood would be "climate neutral or climate positive" and "not harmful to the community."

I imagine that Castilleja's army of lawyers have already descended upon Jonathan Lait, so I hope he can respond by reminding Castilleja that without a thorough and detailed construction plan, Castilleja cannot rationally expect that its application would be approved.

In particular, I am perhaps most grateful for the reminder from the Mayor (with

agreement from the vice mayor and other 3 council members) that there is no precedent for a private school of Castilleja's size and density existing in a R-1 neighborhood, and there even is no precedent of a private school with Castilleja's proposed density in any neighborhood - commercially zoned (like Eytz Chayim) or not. (The reason, of course, that our Muni Code did not address an underground commercial garage in a residential neighborhood is due to the fact that such a profoundly inappropriate facility would never exist in a residential neighborhood and certainly does not exist in a R-1 neighborhood in Palo Alto. **As a reminder, Eytz Chayim is NOT located in a residential neighborhood, but rather is zoned commercially.** Therefore, Castilleja's constant comparisons to Eytz Chayim are wholly misplaced.

Because of the potential impact of Castilleja's construction -- especially the unavoidable harm to our natural environment and to Castilleja's neighbors -- that would be caused by the construction of Castilleja's underground garage, I also attach a legal cite to the Palo Alto Municipal Code section, which clarifies that a CUP shall not be given if it causes harm, or even inconvenience, to the community. I am extremely grateful that Council demanded a Construction Plan from Castilleja last night, and I wholly agree with Council's determination that the extent to which Castilleja's construction will impact the neighborhood cannot be measured unless and until a thorough description of that plan is provided. When Castilleja provides that plan - which should be before the next meeting if they reasonably expect resolution the matter - then I believe that City Council may find that Castilleja's construction plan will cause significant "harm and inconvenience" to the neighborhood which would render the recommendation of the CUP illegal, because per the Code, the City has no right to approve a CUP that causes harm (or inconvenience) to the neighborhood.

(Fortunately, Castilleja truly does NOT need a garage. Neighbors would be FAR happier if fewer cars drove down the street -- no matter where those cars park. Castilleja should eliminate parking altogether at its campus, like Nueva and many other comparable schools, and instead, also like Nueva and most others, provide a **robust system of private shuttles**. This should not even cost Castilleja any money - and would SAVE all of the construction costs of the garage! -- as most of these schools pass on the cost of the shuttle to parents, who, excited for the opportunity of their children to be able to attend such prestigious and superior schools, are happy to pay the costs. Remember, 80% of Castilleja families pay full freight tuition of almost \$60,000/year, and the garage is intended to serve the cars owned by these teenage girls, so clearly those families can afford to chip in to a shuttle.)

Below is my submitted correction to Palo Alto Online's mis-statement that Castilleja is now in compliance -- because as Jonathan Lait confirmed, it is still in violation of its CUP. I also correct the statement that the legal violations culminated in 2013, because as Lait confirmed, Castilleja's legal violations -- from which it benefits approximately \$2 million/year in illegally gained revenues through over-enrollment -- continue today.

Thank you for your consideration, and **thank you again for your exceptional work on behalf of the Palo Alto Community last night!**

Best,

Rebecca

----- Forwarded message -----

From: **Rebecca Eisenberg** <rebecca@privateclientlegal.com>

Date: Tue, May 24, 2022 at 3:18 PM

Subject: Castilleja article - thank you, and quick correction (with longer explanation!)

To: Bill Johnson <bjohnson@pawEEKLY.com>, Gennady Sheyner <gsheyner@pawEEKLY.com>

Cc: Andie Reed <andiezreed@gmail.com>

Hi Bill and Gennady -

I hope you are well! It was nice to see you, Gennady, after the City Council meeting last night (although you seemed confused when I said hello? Seems reasonable as I think you were trying to catch a remaining council member). I REALLY appreciate your thorough coverage of this complicated and extremely important issue.

I know you were working under an extremely tight deadline to get this article out this morning, and overall I think you did a great job, for which I am grateful. That said, there is one sentence I am hoping you can correct, because that sentence gets to the heart of how and why many of us believe that the City has been providing extraordinarily large and unprecedented special treatment to Castilleja, by allowing Castilleja to increase its annual revenues by approximately \$2 million/year through intentional violation of its CUP enrollment cap - violations that have continued for 22 years, and which continue today.

This is the problematic sentence:

Many alluded to the school's failure **in the past** to comply with its enrollment cap, a violation that **culminated** in a [\\$285,000 fine in 2013](#).

Which I think should be replaced with something like:

Many alluded to the school's 20-year failure to comply with its enrollment cap, a violation that exists to this day, as confirmed by Jonathan Lait in last night's meeting, and which has resulted in Castilleja receiving significantly more revenue in tuition than the amount to which it is legally entitled*. (*although Castilleja is tax-exempt, it is not charitable, it lacks a public benefit, and its tax records suggest that it is profitable)

(The last parts of that 'corrected version' are merely aspirational, of course.)

Here is why I believe that the insinuation that Castilleja is in compliance is worthy of correction. I provide backup support, and Andie Reed, cc'd, can confirm, as she and her group of neighbors and friends have spent years gathering public records and trying to educate our leadership, and she deserves much credit for the tremendous breakthrough that happened last night when five of the city council members put Jonathan Lait and Nancy Kaufman on the seat, asking them tough questions and assessing the (often inadequate) responses. What a great night!

Here is why that sentence deserves a re-write (along with later references to Castilleja's continuing violations):

1. **Castilleja's violations are not in the past.** As Lydia Kou and others asked, and Jonathan Lait confirmed, **Castilleja still is in violation of its existing CUP -- as it**

has been for more than 20 years. This is a very important distinction because those of us who argue that Castilleja should be held to the same rules as other businesses and residences in Palo Alto continue to point out that Castilleja has not come into compliance with its 415 enrollment cap in more than 20 years, despite Nancy Kaufman having made numerous promises, some of them contractually binding (in my legal opinion, as well as the opinion of Jim Keane and others with whom I spoke about the matter), to come into compliance. That is a big reason that we do not believe that Castilleja should be able to increase its cap immediately to 450, as it never complied with its current cap of 415, despite having its CUP almost revoked in 2013 due to its over-enrollment.

2. Similarly, **these violations did not "culminate in 2013" with the significantly reduced fine.** Culmination indicates a resolution or peak, neither of which occurred in 2013 - rather, when occurred in 2013, per attached, was that the City Manager Jim Keane commenced revocation hearings, which Castilleja negotiated or bullied its way out of. And, notably, that fine was a vastly reduced figure given by Palo Alto, apparently (so I was told) in exchange for Castilleja making a promise that if it did not reduce its enrollment to 415 by 2016, Castilleja would leave Palo Alto.

As a reminder, Palo Alto's Municipal Code provides for statutory damages for code violation (like virtually all similarly situated cities) at \$500 per violation per day. Although these code sections provide for a two-year reachback when it is the fault of the City for not assessing the fines, in 2013, it was the fault of Castilleja that Palo Alto had not fined Castilleja. Castilleja had been intentionally understating its enrollment (Kaufman explained this as "confusion" over what is "enrollment." She claimed she had used "average daily attendance" instead of "enrollment," but the Planning Commission and Jim Keane correctly rejected her explanation.

For most of the previous years. Castilleja has had between 20 and 40 students over enrollment, averaging over 30 (I can provide for you the actual enrollment numbers ultimately released by Castilleja if you like). But using a conservative 30 students over Castilleja's legal cap, that means that Castilleja has accrued statutory fines of 30 violations times \$500/day = \$15,000/day. Given that Castilleja describes that it is open approximately 300 days/year, means that Castilleja, under Palo Alto's Municipal Code, should have been assessed \$4.5 Million a year.*

(*Here is an article in the Palo Alto Weekly referencing these municipal code penalties, which amount to \$500-\$5000 per day per violation: <https://www.paloaltoonline.com/news/2017/03/06/penalties-likely-to-stand-for-edgewood-owner>) (I also am happy to provide you the code sections)

\$4.5 million a year may seem a high assessment for a private school (even a profitable one like Castilleja), but those fines serve a purpose. Castilleja charges almost \$60,000/year and only offers (mostly partial) financial support to 20% of its students (Castilleja's website now claims 21%, but the amount of aid it provides has not gone up).

This means that while Castilleja continues to be overenrolled, it benefits financially by its legal violations. For example, at 30 students over enrollment, Castilleja increases its guaranteed revenue -- apart from the donations to the school fund and capital fund that are expected of private school parents (I know this as a former private school parent myself) -- by an additional \$1.8 MILLION, [not including donations to its school fund and capital fund \(which has raised \\$100 million\)](#).

As community members pointed out, enforcement of the enrollment cap is the ONLY incentive that Castilleja has to comply with the law and its CUP. Castilleja has been bringing in millions of dollars illegally through over enrollment for more than 20 years, so it IS extremely material and essential for the accurate reporting of this story to make it clear that Castilleja STILL is violating Palo Alto's zoning laws (in ways beyond enrollment, e.g. providing false information re square footage, as some mentioned last) as well as Castilleja's existing CUP.

What I recommend for the sentence above is the following:

Many alluded to the school's **20-year** failure to comply with its enrollment cap, a violation that **exists to this day, as confirmed by Jonathan Lait in last night's meeting.**

In sum, Palo Alto's city government has allowed Castilleja to continue to benefit financially (as much as \$2.4 million/year during the many years Castilleja was at 40 student over-enrollment), without any Municipal Code enforcement. Had the City enforced our muni codes against Castilleja as it does regularly against residential applicants, our General Fund would have had millions of dollars more every year. (This is the basis of one of the many causes of action against the city that residents have been discussing with their attorneys. There is a third party cause of action plus attorneys fees under the false claims act, for example, among other state laws that address this kind of problem).

That is why it is essential to point out that Castilleja is still in violation of its existing CUP, that it never was in compliance, and that Castilleja is benefitting financially from its illegal actions.

Please reach out to me if you have any questions about this. Also, I can put you in touch with a lawyer who handles municipal finance at a law firm, if you like.

No matter where you stand on Castilleja's right to benefit financially from its CUP violations, I beg you to correct your article to clarify that Castilleja may have paid a reduced fine, but it never came into compliance, even though it promised it would agree to CUP revocation if it did not reduce its enrollment to 415. A few of the letters between Castilleja and the City are attached, starting with the time when Jim Keane commenced CUP revocation against Castilleja in 2013.

Thank you for considering. I thought that emailing you directly would be more helpful than posting a comment on the board, given that my correction is easily confirmable, and an easy fix for you to make.

Thank you again for your responsive and thorough coverage of the many issues that impact our community of Palo Alto!

Best,
Rebecca Eisenberg
415-235-8078

Rebecca Eisenberg, Esq.
Principal & Founder
Netskink Positive Impact Investments
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PLANNING & COMMUNITY ENVIRONMENT

250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
650.329.2441

September 25, 2013

VIA CERTIFIED MAIL

Nanci Z. Kauffman
Head of School
Castilleja School
1310 Bryant Street
Palo Alto, CA 94301

Re: NOTICE OF NONCOMPLIANCE AND REQUEST TO ABATE

Dear Ms. Kauffman:

The City is in receipt of your letter dated August 15, 2013 regarding the City of Palo Alto's request for a conditional use permit conformance report at Castilleja School ("School"). The City shares your focus to resolve the school's conformance issues as quickly and responsibly as possible and to improve your automobile parking and traffic management programs.

Enrollment Violation

After reviewing the School's conformance report it is evident that the School is not in conformance with the Conditional Use Permit requirement that the maximum enrollment be 415 students (Conditional Use Permit 00-CUP-23, November 2, 2000). The School has provided enrollment information to the City that illustrates non-conformance with the use permit enrollment for twelve consecutive years beginning with the 2002-2003 school year.¹ Over this twelve year period, the School has exceeded enrollment as follows:

School Year	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Students	391	414	416	418	416	424	427	427	432	431	434	437	450	448

In the current school year there are 33 students enrolled above the maximum allowed. Based upon the pattern of student enrollment that exceeds the maximum allowed, the City has concluded that the School has been in violation of the occupancy limit in its use permit for the years 2002-03 through the present.

¹ The City does not accept Average Daily Enrollment as the basis for conformance with the conditional use permit, in that the conditional use permit specifically states, "415 students". There is no provision in the use permit to deduct student absences from the total enrolled students figure. In any event, data contained within the August 15 report demonstrates that by the school's measure of maximum enrollment as Average Daily Enrollment (identified as an incorrect measurement by the school), Castilleja has not conformed with the use permit since the 2009-2010 school year.

Request for Abatement

In accordance with the CUP, the City hereby notifies the School that it is in violation of the CUP's enrollment limit of 415 students and that the School must take immediate action to begin correcting this violation. As stated in our August 5 letter, the City recognizes the hardship involved with an immediate demand to bring enrollment down to 415. Accordingly, the City instead will require a two-fold approach to compliance.

First the School shall immediately implement a robust and exemplary Transportation Demand Management (TDM) program during these interim years of enrollment reductions. This TDM program would require performance standards, regular monitoring and enforcement penalties. The TDM program would be required to reduce automobile trips to the lesser of (1) 385 drop-off trips or (2) the number of baseline drop-off and pick-up trips originally estimated in the original 2000 CUP as adjusted by the CUP-required TDM measures. The City requests the School submit for City's review and approval a TDM program within 30 days of this letter. The City would expect this plan to be implemented over the current school year and would expect to see traffic reduced to the baseline level by the end of the 2013-14 school year. To ensure effectiveness, the City will require routine monitoring and achievement of targets for at least one year. Thereafter, the City will require the City to submit bi-annual TDM monitoring reports to the City for review and approval. All City costs of monitoring and enforcement will be borne by the School.

In addition to the TDM implementation, the City will also require an attendance reduction to 415 enrolled students through natural attrition and voluntary measures, such as acceptance of fewer new incoming students (Attendance Reduction Plan). Please provide the Attendance Reduction Plan to the City for approval within 30 days of this Notice. If the plan involves multiple years, provide annual performance metrics that can be verified by the City.

If the School is not able to meet the TDM goals and enrollment reduction by the dates set forth in the City-approved TDM Plan and Attendance Reduction Plan, the City reserves its right to initiate CUP revocation proceedings.

Penalties for Nonconformance

In light of the above non-compliance, the City will assess the School penalties in the amount of \$500/day for each instructional day that the School has violated the maximum enrollment. As the City is only permitted to go back three years in assessing penalties², the City has calculated the amount due as follows:

600 days x \$500 = \$300,000.00, based upon the start of the 2010-2011 school year, including 180 days of instruction per year, and concluding within the current school year on October 25, 2013, the due date for submittal of the School's TDM program.

Please remit this sum to the City within 30 days of this letter. As stated in our August 5, 2013 letter to you, the City will apply these administrative fines for the monitoring of the TDM program, assisting in mitigating the traffic and parking impacts of the School on the immediate neighborhood, and ensuring

² The City's practice is to treat CUP violations as statutory violations. Under State law, these types of violations allow a three year recovery period. (CCP Section 338.)

compliance with other conditions of approval. These fines may also be used, in part, to develop TDM programs throughout the City as directed by the City Council.

With respect to fines for future violations after October 25, 2013, the City will consider waiving such fines upon a showing of effective and continuing transportation demand management programs.

Request for Supplemental Information Regarding Additional Possible Violations.

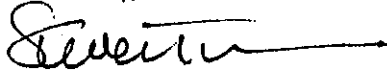
In addition to the primary area of non-conformance the school has provided statements indicating the status of conformance with the use permit conditions of approval. The City will require additional information, as outlined in Attachment A to this letter, to validate these conformance claims. The requested information contains items such as the latest versions of the Parking Management Plan, the parent/student handbook, and the Transportation Demand Management plan. The City is requesting data, if available, regarding carpooling rates, shuttle use and operations, student parking permits, and an accounting of previous community meetings and attendance data. This information shall be submitted to the City no later than October 25, 2013. Finally, the City will conduct unannounced, on-site inspections of the school grounds to determine the effectiveness of security staff and daily parking and traffic management, and off-site automobile parking conditions. The City will also inspect and confirm that the school conforms to the previously approved site improvements. The results of the inspections and the analysis of the requested additional information may form the basis of further corrections that the school shall make in order to conform to the existing use permit.

Further Enforcement Proceedings

Pursuant to Palo Alto Municipal Code Section 18.77.110 (b)(1) if the noncompliance is not abated, corrected or rectified within the time specified in the notice of noncompliance, the Director of Planning may issue an order to show cause why such a permit or approval shall not be revoked, suspended or modified. An order to show cause shall be set for a public hearing before the Director.

Thank you for your cooperation with this matter. Please contact me as soon as possible if you have any questions.

Sincerely,



Steven Turner
Advance Planning Manager

Attachment

cc. James Keene, City Manager
Aaron Akin, Interim Director, Planning and Community Environment
Cara Silver, Senior Assistant City Attorney
Mindie S. Romanowsky, Jorgenson, Siegel, McClure & Flegel LLP



PLANNING & COMMUNITY ENVIRONMENT

CITY OF
**PALO
ALTO**
250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
650.329.2441

December 20, 2013

Nanci Z. Kauffman
Head of School
Castilleja School
1310 Bryant Street
Palo Alto, CA 94301

Re: City Response to October 25, 2013 Letter from Castilleja School

Dear Ms. Kauffman:

The City is in receipt of your letter dated October 25, 2013 in response to the September 25, 2013 Notice of Noncompliance and Request to Abate issued by the City of Palo Alto. The City appreciates the work of Castilleja School (School) staff to address the issues. The intent of this letter is to provide the City's response to the items contained in the October 25 letter and communicate the appropriate next steps to resolve the school's conformance issues.

As described in the September 25, 2013 letter to Castilleja School, the City will require a two-fold approach to compliance with the use permit. The first approach includes the immediate implementation of a robust and exemplary Transportation Demand Management (TDM) program during the interim years of enrollment reductions. The City's response to the proposed TDM program is provided below. The second approach includes a requirement for an attendance reduction to 415 enrolled students through natural attrition and voluntary measures, such as acceptance of fewer new incoming students.

Enrollment Reduction Plan

The City acknowledges the spirit of your proposed Enrollment Reduction Plan, but we feel it does not initiate reductions soon enough. As stated in our September 25, 2013 letter, the School must take immediate action to correct the enrollment violation, beginning in the 2014-2015 school year. Although the City will not specify specific reduction actions, we believe there are strategies such as attrition that can be used to reduce enrollment beginning immediately. Under this scenario, students who leave the School prior to graduation would not be "back-filled" with new students. The School may wish to consider this and other means to begin enrollment reductions in the 2014-2015 school year.

Please provide a revised Attendance Reduction Plan to the City for approval within 30 days of this letter. As previously stated in the September 25, 2013 letter, if the plan involves multiple years, provide annual performance metrics that can be verified by the City.

Transportation Demand Management Plan

The Transportation Demand Management (TDM) Plan, as described in the October 24, 2013 memorandum prepared by Nelson\Nygaard Consulting Associates describes the elements of the proposed TDM plan. The elements of the TDM plan appear to be generally adequate in a qualitative sense, but there is no quantitative estimate of the trip reduction effects for each of these elements. The

intent of the TDM plan is to reduce vehicle trips to a level that would be generated by 385 students, based upon a baseline year 2000 trip generation estimate provided by Fehr & Peers dated October 21, 2013 on behalf of Castilleja School. A revised TDM plan shall include trip reduction estimates that would meet the 385 student measurement.

In addition to the quantitative trip reduction estimates, the TDM plan shall also describe the monitoring plan to assess the success of the TDM plan. As stated in the September 25, 2013 letter, The City would expect the TDM plan to be implemented over the current school year and see traffic reduced to the baseline level by the end of the 2013-14 school year. To ensure effectiveness, the City will require routine monitoring and achievement of targets for at least one year. Thereafter, the City will require the School to submit bi-annual TDM monitoring reports to the City for review and approval. All City costs of monitoring and enforcement will be borne by the School.

Conditional Use Permit Revocation

If the School is not able to meet the TDM goals and enrollment reduction by the dates set forth in the City-approved TDM Plan and Attendance Reduction Plan, the City reserves its right to initiate CUP revocation proceedings.

Payment of Penalties for Nonconformance

The City has received an adjusted payment of \$265,000 which reflects each instructional day that the School has violated the maximum enrollment for the past three years. As stated in our August 5, 2013 letter to you, the City will apply these administrative fines for the monitoring of the TDM program, assisting in mitigating the traffic and parking impacts of the School on the immediate neighborhood, and ensuring compliance with other conditions of approval. These fines may also be used, in part, to develop TDM programs throughout the City as directed by the City Council.

With respect to fines for future violations after October 25, 2013, the City will consider waiving such fines upon a showing of effective and continuing transportation demand management programs.

Amendments to the Conditional Use Permit

The City will consider any future application request for amendments to the existing Conditional Use Permit (CUP) to be incomplete until the school can demonstrate an effective TDM program and an Enrollment Reduction Plan that describes the enrollment targets over time, concluding with an acceptable end date achieving a maximum of 415 students. The City does not recommend submitting a CUP amendment request before the 2015-16 school year. The school will need to demonstrate that it can comply with the requirements of the September 25, 2013 Notice of Noncompliance and Request to Abate.

Please respond to the City's request for a revised enrollment reduction plan and a more specific TDM plan by January 20, 2014. The City appreciates the School's efforts over these past six months and expects that with your continued focus and efforts, the School will be able to meet the requests we have outlined in this letter. Please contact me as soon as possible if you have any questions.

Sincerely,



Steven Turner
Advance Planning Manager

cc. James Keene, City Manager
Hillary Gitelman, Director, Planning and Community Environment
Cara Silver, Senior Assistant City Attorney
Mindie S. Romanowsky, Jorgenson, Siegel, McClure & Flegel LLP

MEMORANDUM

DATE: October 25, 2013

TO: Steve Turner, City of Palo Alto

FROM: Nanci Kauffman, Head of School, Castilleja School

RE: Castilleja School Response to City of Palo Alto Letter, dated September 25, 2013, Enrollment Reduction Plan

CC: James Keene, City Manager
Aaron Akin, Interim Director, Planning and Community Environment
Cara Silver, Senior Assistant City Attorney
Mindie S. Romanowsky, Jorgenson, Siegel, McClure & Flegel LLP

Below is an outline of Castilleja School's proposed enrollment reduction plan to address the City of Palo Alto's letter of September 25, 2013.

- Castilleja will continue to implement its robust TDM plan to meet the City-imposed goal of reducing the traffic impact levels to that of 385 students, as prescribed by the 2000 CUP.
- To ensure the impacts are reduced per the 2000 CUP, the school requires sufficient time to study, implement and monitor the efficacy of the TDM Plan. This will occur between August 2013 and December 2014.
- As stated in the City's letter of August 5, 2013, whereby the City informed Castilleja that it would need to apply for a new use permit, Castilleja intends to apply for an amended CUP no later than January, 2015 on the condition that the TDM Plan succeeded in reducing trip impacts to the 2000 CUP level.
- Should the TDM plan fail to reduce the school's traffic impact to levels of the 2000 CUP, Castilleja will reduce enrollment to 415 students, as follows:

Academic Year	2013-14 2014-15	2015-16	2016-17	2017-18	2018-19
Enrollment	448	440	432	424	415

Chapter 18.76

PERMITS AND APPROVALS

Sections:

18.76.010	Conditional Use Permit (CUP)
18.76.020	Architectural Review
18.76.030	Variance
18.76.040	Neighborhood Preservation Exception
18.76.050	Design Enhancement Exception (DEE)
18.76.060	Reserved

18.76.010 Conditional Use Permit (CUP)**(a) Purpose**

The purpose of a conditional use permit is to provide for uses and accessory uses that are necessary or desirable for the development of the community or region but cannot readily be classified as permitted uses in individual districts by reason of uniqueness of size, scope, or possible effect on public facilities or surrounding uses.

(b) Applicability

- (1) A conditional use permit may be granted for any use or purpose for which such permit is required or permitted by the provisions of this title; or
- (2) Any expansion in the building size or site area of an existing conditional use shall necessitate the amendment of the conditional use permit. Denial of an application for amendment of a conditional use permit does not constitute a revocation of the original conditional use permit.
- (3) No application for a conditional use permit is necessary for existing uses which were lawful conforming permitted uses and which were rendered conditional by reason of rezoning or changes to this title, provided that any expansion in the building site or site area of such a use shall be subject to the issuance of a conditional use permit.

(c) Findings

Neither the director, nor the city council on appeal, shall grant a conditional use permit, unless it is found that the granting of the application will:

- (1) Not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;
- (2) Be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning).

(d) Conditions

In granting conditional use permits, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience,

to secure the purposes of this title, and to assure operation of the use in a manner compatible with existing and potential uses on adjoining properties and in the general vicinity.

(e) Application Review and Action

Applications for conditional use permits shall be reviewed and acted upon as set forth in Section 18.77.060 (Standard Staff Review Process).

(Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.020 Architectural Review

(a) Purpose

The purpose of architectural review is to:

- (1) Promote orderly and harmonious development in the city;
- (2) Enhance the desirability of residence or investment in the city;
- (3) Encourage the attainment of the most desirable use of land and improvements;
- (4) Enhance the desirability of living conditions upon the immediate site or in adjacent areas; and
- (5) Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other.

(b) Applicability

No permit required under Title 2, Title 12 or Title 16 shall be issued for a major or minor project, as set forth in this section, unless an application for architectural review is reviewed, acted upon, and approved or approved with conditions as set forth in Section 18.77.070.

- (1) Exempt Projects. Single-family and two-family residences do not require architectural review, except as provided under subsections (2)(C) and (2)(D).
- (2) Major Projects. The following are “major projects” for the purposes of the architectural review process set forth in Section 18.77.070, and are subject to review by the architectural review board:
 - (A) New construction, including private and public projects, that:
 - (i) Includes a new building or building addition of five thousand square feet or more; or
 - (ii) Is not exempt under the California Environmental Quality Act (CEQA) (Section 21000 *et seq.* of the California Public Resources Code); or
 - (iii) Requires one or more variances or use permits and, in the judgment of the director, will have a significant effect upon the aesthetic character of the city or the surrounding area;
 - (B) Any multiple-family residential construction project that contains three or more units;

- (C) Construction of three or more adjacent single-family homes or duplexes;
 - (D) In the Neighborhood Preservation Combining District (NP), properties on which two or more residential units are developed or modified, except when one of those units is a “second dwelling unit,” as described in Section 18.10.140(d);
 - (E) Any project using transferred development rights, as described in Chapter 18.87;
 - (F) A master sign program, pursuant to Chapter 16.20;
 - (G) Signs that do not meet all applicable design guidelines adopted by the city council or do not conform to a previously approved master sign program;
 - (H) Signs requiring a sign exception pursuant to Chapter 16.20;
 - (I) Any minor project, as defined in subsection (3), that the director determines will significantly alter the character or appearance of a building or site.
- (3) Minor Projects. The following are “minor projects” for the purposes of the architectural review process set forth in Section 18.77.070, except when determined to be major pursuant to subsection (2)(I):
- (A) New construction, including private and public projects, that involves a new building or building addition of fewer than 5,000 square feet, and which is exempt under the California Environmental Quality Act (CEQA) (division 13 of the Public Resources Code, commencing with section 21000);
 - (B) Signs that meet all applicable guidelines and conform to any previously approved master sign program;
 - (C) Landscape plans, fences, exterior remodeling, and design of parking areas, when not part of a major project;
 - (D) Any project relating to the installation of cabinets containing communications service equipment or facilities, pursuant to any service subject to Chapter 2.11, Chapter 12.04, Chapter 12.08, Chapter 12.09, Chapter 12.10, or Chapter 12.13.
 - (E) Minor changes to the following:
 - (i) Plans that have previously received architectural review approval;
 - (ii) Previously approved planned community district development plans;
 - (iii) Plans that have previously received site and design approval;
 - (iv) Previously approved plans for projects requiring council approval pursuant to a contractual agreement, resolution, motion, action or uncoded ordinance;
 - (v) Existing structures requiring council site and design approval or approval pursuant to a contractual agreement, resolution, motion, action, or uncoded ordinance.

As used in this subsection, the term “minor” means a change that is of little visual significance, does not materially alter the appearance of previously approved improvements, is not proposed for the use of the land in question, and does not alter the character of the structure involved. If the cumulative effect of multiple minor changes would result in a major change, a new application for Architectural

Review approval of a major project, Site and Design approval, Planned Community District approval, or other applicable approval is required.

- (F) Any changes to previously approved plans requiring architectural review as a minor project as part of the conditions of a permit or approval.

(c) Preliminary Review

For the purpose of securing the advice of the architectural review board prior to making an application for the board's recommendation on a project, an applicant, upon paying a preliminary application fee, as set forth in the municipal fee schedule, may bring a design before the board for preliminary review. If the applicant wishes to proceed with the project, he or she must then file an application and pay a regular application fee. The comments of the architectural review board members during a preliminary review shall not be binding on their formal recommendation.

(d) Findings

Neither the director, nor the city council on appeal, shall grant architectural review approval, unless it is found that:

- (1) The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan;
- (2) The design is compatible with the immediate environment of the site;
- (3) The design is appropriate to the function of the project;
- (4) In areas considered by the board as having a unified design character or historical character, the design is compatible with such character;
- (5) The design promotes harmonious transitions in scale and character in areas between different designated land uses;
- (6) The design is compatible with approved improvements both on and off the site;
- (7) The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
- (8) The amount and arrangement of open space are appropriate to the design and the function of the structures;
- (9) Sufficient ancillary functions are provided to support the main functions of the project and the same are compatible with the project's design concept;
- (10) Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles;
- (11) Natural features are appropriately preserved and integrated with the project;
- (12) The materials, textures, colors and details of construction and plant material are appropriate expression to the design and function and whether the same are compatible with the adjacent and neighboring structures, landscape elements and functions;

- (13) The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;
- (14) Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance;
- (15) The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be utilized in determining sustainable site and building design:
 - (A) Optimize building orientation for heat gain, shading, daylighting, and natural ventilation;
 - (B) Design of landscaping to create comfortable micro-climates and reduce heat island effects;
 - (C) Design for easy pedestrian, bicycle and transit access;
 - (D) Maximize on site stormwater management through landscaping and permeable paving;
 - (E) Use sustainable building materials;
 - (F) Design lighting, plumbing and equipment for efficient energy and water use;
 - (G) Create healthy indoor environments; and
 - (H) Use creativity and innovation to build more sustainable environments.
- (16) The design is consistent and compatible with the purpose of architectural review as set forth in subsection (a).

(e) Conditions

In granting architectural review approval, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, to secure the purposes of this title, and to:

- (1) Promote the internal integrity of the design of the project;
- (2) Assure compatibility of the proposed project's design with its site and surroundings;
- (3) Minimize the environmental effects of the proposed project; provided, however, that the architectural review board's sole responsibility with respect to the storage of hazardous materials is to require compliance with Title 17 (Hazardous Materials Storage).

(f) Application Review and Action

Applications for Architectural Review shall be reviewed and acted upon as set forth in Section 18.77.070 (Architectural Review Process).

(g) Phased Projects and Enforcement of Approval Conditions

An application for a phased project may be submitted and a specific development schedule may be considered and approved. In no event, however, shall such a development schedule exceed five years from the original date of approval. Approved project plans and conditions of approval imposed through the architectural review process shall be enforceable as approved unless the application is revised or withdrawn in accordance with this title.

(h) Architectural Review Approval Prior to Demolition

No building demolition, except for tenant improvements or where necessary for health and safety purposes (as determined by the director), shall be permitted on any site requiring architectural review approval, until such architectural review approval is granted by the director, including review of subsequent conditions by the architectural review board, where required.

(Ord. 4966 § 1, 2007: Ord. 4964 §§ 19, 20, 2007: Ord. 4959 § 1, 2007: Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.030 Variance

(a) Purpose

The purpose of a variance is to:

- (1) Provide a way for a site with special physical constraints, resulting from natural or built features, to be used in ways similar to other sites in the same vicinity and zoning district; and
- (2) Provide a way to grant relief when strict application of the zoning regulations would subject development of a site to substantial hardships, constraints, or practical difficulties that do not normally arise on other sites in the same vicinity and zoning district.

(b) Applicability

Variances may be granted to the following:

- (1) Site development regulations (except limitations on residential density and size of establishment) and parking and loading regulations (except those accessible parking regulations mandated by state and/or federal law and contained in Chapter 18.54) applicable within any district established by this title (Zoning);
- (2) The special requirements that apply to site development and parking and loading regulations applicable within any district established by this title (Zoning), except provisions which restrict expansion of grandfathered uses that are subject to the special requirements of a specific zoning district. Special requirements in any district do not include special provisions and exceptions as set forth in Chapters 18.40 and 18.42 except for the location of accessory buildings;
- (3) The requirements of Title 20 (Precise Plans);

- (4) The requirements of Chapter 16.24 (Fences) except Sections 16.24.040 (Fences at Intersections) and 16.24.070 (Prohibited Fences);

(c) Findings – General

Neither the director, nor the city council on appeal, shall grant a variance, unless it is found that:

- (1) Because of special circumstances applicable to the subject property, including (but not limited to) size, shape, topography, location, or surroundings, the strict application of the requirements and regulations prescribed in this title substantially deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district as the subject property. Special circumstances that are expressly excluded from consideration are:
 - (A) The personal circumstances of the property owner, and
 - (B) Any changes in the size or shape of the subject property made by the property owner or his predecessors in interest while the property was subject to the same zoning designation.
- (2) The granting of the application shall not affect substantial compliance with the regulations or constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district as the subject property, and
- (3) The granting of the application is consistent with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning), and
- (4) The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, will not be detrimental to the public health, safety, general welfare, or convenience.

(d) Findings – Flag Lot

In addition to the above-listed findings, in the case of a flag lot, neither the director, nor the city council on appeal, shall grant a variance, unless it is found that:

- (1) The granting of the application will not disrupt established neighborhood character and aesthetics, and will not affect the health of the residents by significantly blocking out light and air;
- (2) The granting of the application will not result in excessive paving, parking, potential traffic conflicts on busy streets, street tree removal or loss of private landscaping;
- (3) The granting of the application will not negatively impact the privacy and quiet enjoyment of adjoining single-family residences, for both indoor and outdoor use.

(e) May Not be Granted for Unauthorized Use

A variance shall not be granted for a parcel that authorizes a use or activity that is not otherwise expressly authorized by the zone regulations governing the subject property.

(f) Conditions

In granting variances, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title (Zoning).

(g) Application Review and Action

Applications for variances shall be reviewed and acted upon as set forth in Section 18.77.060 (Standard Staff Review Process).

(Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.040 Neighborhood Preservation Exception**(a) Purpose**

The purpose of the neighborhood preservation exception is to foster retention of existing single-family structures and to maintain the existing historic and general character of neighborhoods in the neighborhood preservation (NP) combining district.

(b) Applicability

For properties within the neighborhood preservation (NP) combining district, a neighborhood preservation exception may be granted to site development regulations (except limitations on residential density), parking regulations, and special setback requirements of Title 20 (Precise Plans).

(c) Findings

Neither the director, nor the city council on appeal, shall grant a neighborhood preservation exception unless it is found that:

- (1) The granting of the application will facilitate the preservation of an existing residential structure on the same property and will be of benefit in maintaining the existing historic and general character of the surrounding neighborhood; and
- (2) The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience.

(d) Conditions

In granting neighborhood preservation exceptions, reasonable conditions or restrictions may be imposed as deemed appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title.

(e) Application Review and Action

Applications for neighborhood preservation exceptions shall be reviewed as set forth in Section 18.77.060 (Standard Staff Review Process).

(Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.050 Design Enhancement Exception (DEE)**(a) Purpose**

The purpose of a design enhancement exception is to permit a minor exception to zoning regulations when doing so will:

- (1) Enhance the design of a proposed project without altering the function or use of the site, or its impact on surrounding properties; or
- (2) Enable the preservation of the architectural style of existing improvements on the site.

(b) Applicability

- (1) Design enhancement exceptions may be granted to the site development and parking and loading requirements otherwise applicable under this title (Zoning), as part of the architectural review process, when such exceptions will enhance the appearance and design of commercial and multiple-family development and other development subject to architectural review.
- (2) Items for which design enhancement exceptions may be granted include, but are not limited to, dormers, eave lines, roof design, bay windows, cornices, parapets, columns, arcades, fountains, art, ornamentation, atriums, balconies, trellises, moldings, balustrades, stairs, entry features, and other minor architectural elements and design features.
- (3) Generally, design enhancement exceptions are limited to minor changes to the setback, daylight plane, height, lot coverage limitations, parking lot design and landscaping configuration, and additional flexibility in the required proportion between private and common open space.
- (4) No design enhancement exception shall be granted under this section that would increase floor area, decrease the number of required parking spaces, decrease the amount of required on-site landscaping, or decrease the required open space.

(c) Findings

Neither the director, nor the city council on appeal, shall grant a design enhancement exception unless it is found that:

- (1) There are exceptional or extraordinary circumstances or conditions applicable to the property or site improvements involved that do not apply generally to property in the same zone district;
- (2) The granting of the application will enhance the appearance of the site or structure, or improve the neighborhood character of the project and preserve an existing or proposed architectural style, in a manner which would not otherwise be accomplished through strict application of the minimum requirements of this title (Zoning) and the architectural review findings set forth in Section 18.76.020(d); and
- (3) The exception is related to a minor architectural feature or site improvement that will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.

(d) Conditions

In granting design enhancement exceptions, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title.

(e) Application Review and Action

Applications for a design enhancement exception shall be reviewed and acted upon as set forth in Section 18.77.070 (Architectural Review).

(Ord. 4826 § 117 (Exh. 2 (part)), 2004)

18.76.060 Reserved

Editor's Note: Former Section 18.76.060, *Home improvement exception (HIE)*, derived from Ord. 4826 § 117 (Exh. 2), was repealed by § 38 of Ord. 4869.

From: [Davina Brown](#)
To: [Council, City](#)
Subject: No to Castilleja School Plans
Date: Tuesday, May 24, 2022 1:44:02 PM

[Some people who received this message don't often get email from browntow@pacbell.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>.]

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Please vote NO on the Castilleja building plans.

They are not good nor honorable neighbors.

They have knowingly and consistently violated their Conditional Use Permit. The violation continues even now.

Castilleja is permitted to have 415 students enrolled. They have consistently had more students enrolled and lied about the numbers. Now they want even more students.

Castilleja is in a residential neighborhood. They should not be allowed to expand there. It does not serve Palo Alto. It serves out of community students. There are many properties available in commercial areas if they truly feel a need to expand. Our community at this location is the wrong place for them.

Vote NO. They are not to be trusted. They have proved themselves untrustworthy over the years. Save the neighborhood.

Yours truly,

Davina Brown, Resident

From: [Tom Shannon](#)
To: [Council, City](#)
Subject: Castilleja's Construction Mobilization
Date: Tuesday, May 24, 2022 11:21:48 AM

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Mayor Burt and City Council members:

RE: Castilleja's Construction Mobilization

I'm Tom Shannon and I live on Kellogg Ave, directly across the street from Castilleja's Kellogg Street entrance. I have lived here for 33 years - purchasing my home when Castilleja's Kellogg Street building served as a quiet, school dormitory with little impact on our neighborhood.

I have actively participated in four previous CUP amendments over the last 30 years to try and work towards solutions that would benefit both the school and the neighbors. I am now concerned about how Castilleja's expansion will affect both the neighborhood and the enjoyment of my home. I expressed my concern to the Council last night about the possibility of Castilleja using its six acre site for both construction mobilization and school operations, a critical issue that Castilleja and the City have yet to publicly address. I would ask the City Council to question the viability of attempting to construct 120,000 sf of buildings on a six acre site while simultaneously trying to operate a school of 450 students, a staff of 100+ employees with all sorts of deliveries, activities and visitors.

This plan will severely impact our immediate neighborhood bordered by Kellogg, Bryant and Emerson streets for at least three years or more. These streets are the only access points for the construction crews, the student body, the staff, deliveries, school activities, visitors and neighbors. How will all the cars and trucks navigate and park on these residential streets during construction?

I would ask the City Council not to give approval for this plan. I realize it's difficult for Castilleja to find an offsite, temporary campus but the two acre Spieker Playing Field is not a viable option while construction of the new campus is underway. This option would obviously have very severe negative impacts on our neighborhood and could create a dangerous situation navigating neighborhood streets and/or the bicycle corridor on Bryant Street.

Thank you for giving this matter your consideration.

Tom Shannon

From: [Aram James](#)
To: [Pat Burt](#)
Cc: [Council, City](#); [Shikada, Ed](#); [Stump, Molly](#); [Dave Price](#); [Emily Mibach](#); [Braden Cartwright](#); [Gennady Sheyner](#); [Bill Johnson](#); [Diana Diamond](#); [Sue Dremann](#)
Subject: Question
Date: Monday, May 23, 2022 10:02:54 PM

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1. When was the last time Castillega was actually in compliance with enrollment requirements? 2013?
2. If The applicant has never been in compliance with the CPU why would we expect compliance in the future?
3. Is it true as one or two speakers testified to that in 2000 -the applicant agreed to NO future expansion?
4. If so why are we considering yet another problematic expansion?

Sent from my iPhone

From: [Tina Kuan](#)
To: [Council, City](#)
Subject: Castilleja project
Date: Monday, May 23, 2022 9:59:06 PM

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Dear City Council,

I am eager to see Castilleja's project finally approved on May 23. It is a surprisingly contentious issue considering that both sides of this debate want the same thing, fewer cars in the neighborhood. Castilleja has done that in two ways:

1.
By reducing daily trips to campus by 25–31%
2.
By moving street parking below ground.

As far as reducing trips, the school will continue to do this after the CUP is approved because in order to enroll more students, daily trips cannot rise above current levels. The good work the school has done on TDM will only become more comprehensive. The ARB supports this, as evidenced by their recommendation for a parking structure that meets the maximum number of car spots allotted by code. I think this is 69, which is more than the 50% your body had come up with last year. But the difference between that 50% (52 cars) and 69 cars is so negligible in the long run that I have to ask: why not? Why not add 17 more spots to the garage? That's 17 spots that won't have to be on the street, on the surface. That's 17 more spots for folks un-affiliated with Castilleja. That's 17 fewer cars taking up space on a bike-centric street. Really, it's such a small number, but it can have such a wonderful impact.

Please strongly consider a garage option with 69 cars. It's already a significant reduction compared to Castilleja's original plans. This is only one of many items Castilleja has compromised on, and I hope you truly recognize the efforts they've gone through to come up with options that preserve their ability to thrive as an institution while also benefiting the neighborhood.

Support this spirit of compromise and bring this years-long process to a successful conclusion.

Respectfully,
Tina Kuan

From: [Petra Wright](#)
To: [Council, City](#)
Subject: Please vote yes on Castilleja's plan
Date: Monday, May 23, 2022 8:04:23 PM

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Sent from my iPhone

From: [Carla Befera](#)
To: [Council, City](#)
Subject: Parking at private schools
Date: Monday, May 23, 2022 7:53:58 PM
Attachments: [School Density 2019 chart.pdf](#)
[Matrix comparing CUPs 3.1.pdf](#)

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We believe a fair question is: **Why does Castilleja feel it cannot abide by restrictions that have been accepted by other private schools in this area?**

Many other schools (including seven private schools on the Peninsula which serve only women) continue to do very well with much stricter rules regarding traffic, parking, and events. Here is a list of other private schools on the Peninsula and their policies related to parking:

A sample of other schools:

Notre Dame HS San Jose

All-girls school founded in 1851, 670 girls.

- No driving to school policy. Students, staff, parents are required to use public transit and off-site parking.

Harker

Originally an all-boys school founded in 1893 in Palo Alto. Now four campuses, 2040 students.

- Offers bus system, shuttle program, off-site “kiss & ride” lot for pickup and drop off.
- Limited to 12 events per year (outside school hours)

Of note, Harker asked for modifications in 2018. The City of San José reviewed the application and conducted an independent traffic analysis. A public hearing was held with the San José Planning Director on Nov. 13, 2019 and the application was approved. **An appeal of that decision was filed.** Numerous meetings were held between the neighbors, the City and The Harker School to resolve concerns. Amendments were made and the permit was approved by the City Council at their March 10, 2020 meeting. All of the documents related to this project are [posted for public record](#). Their new Good Neighbor policy is [here](#).

Stratford at Garland

A comparable private school in a Palo Alto R-1 neighborhood, 483 kids on 10 acres. CUP requirements:

- No evening events allowed.
- No on-street parking permitted.
- Amplified sound only allowed 5x/year between 8am-5:30pm
- All faculty, staff, student parking and drop-offs shall occur on premises.

Stratford @ Crestmoor

Private school in similar R-1 neighborhood, 250 kids on 10 acres. CUP requires:

No evening events except parents nights 4x/year – all parking onsite.

- No on-street parking permitted.
- No outside use of buzzers, bells or loud speakers.
- All faculty, staff, student parking and drop-offs shall occur on premises.

Pinewood High School:

*Similar private school in R-1 neighborhood, perhaps more comparable as it is a High School. **Note they split into three campuses to accommodate growth** – plus the Activities Center on Fabian. HS is **300 kids on 7 acres**. CUP requires:*

- No evening courses or events permitted, only 12 events/year
- No on-street parking permitted.
- Amplified sound only allowed 5x/year between 8am-5:00pm

Nueva:

Pre-K – 12th. 930 students. Originally in Menlo Park, moved to two campuses in Hillsborough (42 acres) and San Mateo (Bay Meadows).

- No on-street parking permitted.
- Major commitment to keep cars away from campus. The school provides Caltrain Passes to Upper School students and faculty and staff. **More than 70% of High School students take the train.** Event parking is at the San Mateo County Event Center parking lot next door. Video on how their kids get to campus: <https://vimeo.com/243919175>

Crystal Springs Upland:

6th – 12th. On 10 acres. 542 students.

- No on-street parking permitted.
- Offers private bus service with routes from Los Altos, Menlo Park, Woodside, from BART in Colma, from Caltrain.
- School partners with rideshare companies Zum and KidzJet. Does not have parking onsite.

Attached are a couple of charts which give a snapshot of density as well as other comparisons such as events, faculty, parking, sound, summer school, etc. And there are some quick graphs on how Castilleja is an outlier among Peninsula schools [here](#).

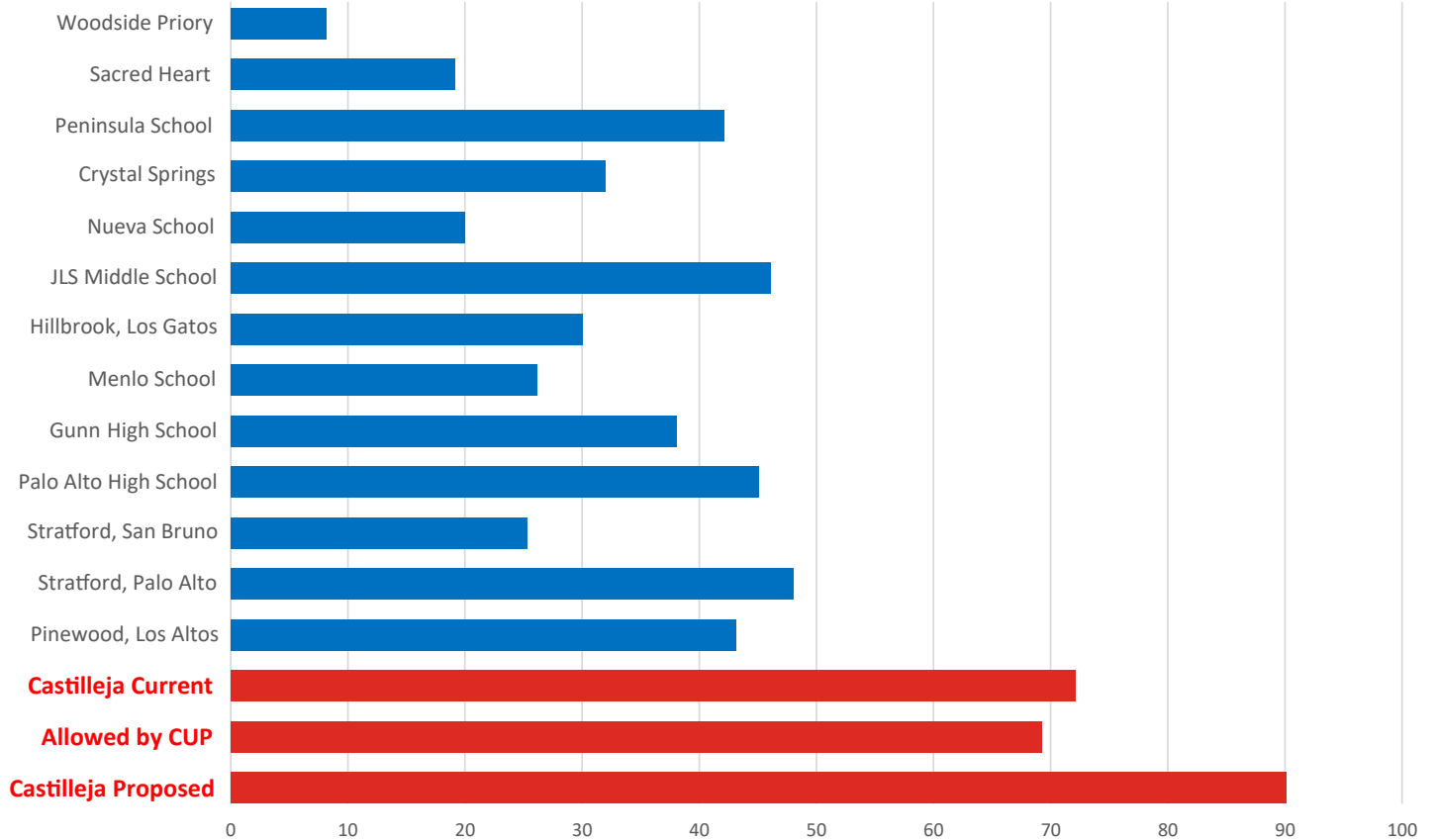
It bears repeating that other local high schools (private or public) are situated on major thoroughfares (El Camino, Arastradero) and on acres of land (Paly at 44, Gunn at 49, Menlo at 31 – vs Castilleja at 6) which provide ample room for parking, on-site drop-offs, and isolation that protects neighbors from noise.

Castilleja has none of those buffers. Castilleja wants the equivalent of a Costco on one small residential block, with all its access via neighborhood streets, and not nearly enough room to park its students/staff/visitors.

Thank you for consideration.

- Carla Befera

Comparison of Student Per Acre Density - Local Public and Private Schools



	ACREAGE	ENROLLMENT	DENSITY
Castilleja (current)	6	434	72
Castilleja (allowed by CUP)	6	415	69
Castilleja (proposed)	6	540	90
Pinewood - Los Altos	7	300	43
Stratford - Palo Alto	10	482	48
Stratford - San Bruno	10	250	25
Palo Alto High School	44.2	1994	45
Gunn High School	49.7	1885	38
Menlo School	31	795	26
Hillbrook - Los Gatos	14	414	30
JLS Middle School	26.2	1205	46
Nueva School K-8 & High School	36	713	20
Crystal Springs Middle & High School	10	323	32
Peninsula School	6	252	42
Sacred Heart	64	1186	19
Woodside Priory	51	385	8

Matrix of CUP Conditions Included in Conditional Use Permits for Local Private Schools

	Castilleja School			Pinewood HS	Stratford @ Garland	Stratford@Crestmoor
Acreage	6			7	10	10
Building SqFt	160,000 (Proposes 194k + 32.5k garage)			40,000	32,000	22,000
Hours of Operation	No Limitations			7:30 am – 5:30 pm	8 am – 4 pm with childcare from 7 am – 8:15 and 3:45 – 6 pm	7:00 am – 6:00 pm
	Approved	Current	Proposed			
Max Enrollment	415	438	540	300	482	250
Density: students/acre	69	73	90	42	48	25
Outside activities	No Limitations currently placed on evening or after school events			No evening courses or events permitted	No evening events allowed	No evening events except for Parents night not to exceed 4x/yr.
Night Events	No Regulations			Limited to 12/year; must be over by 11 pm on weeknights and 12 midnight on Fridays & Saturdays	“Scheduled evening events not permitted.”	Only allowed to hold Parents Night not to exceed 4 / year. All parking shall be on site.
Faculty	Not Limited			Shall not exceed 50	No limitation stated	23
Parking	Not Controlled – faculty, staff and students park on neighborhood streets.			Must be parked on campus or the 8 spaces in front of school. These 8 spaces are not on the street but on school grounds; no houses front the school	All faculty, staff and student parking shall occur on the premises.	Parking only on-site. Drop-offs and pick-ups must be staggered and all on-site.
On Street parking	Not Regulated			Not permitted	Not permitted	Not permitted
Sound	No Regulations			Outdoor sound amplification allowed 5x per year, between 8:30am – 5pm, max 4 hours/day.	Outdoor sound amplification shall only be allowed 5x /yr between the hours of 8 am – 5:30 pm.	No outside use of buzzers, bells or loud speakers.
Summer School	No Regulations			Regulated	Regulated	Regulated
Crossing guards	No Regulations			N/A	Required	N/A

From: [John Kelley](#)
To: [Council, City](#)
Subject: PA-PACC: I strongly urge you to approve the Castilleja Project without further delay or conditions.
Date: Monday, May 23, 2022 5:24:59 PM
Attachments: [PA-PACC-letter to CPA re Castilleja - 2022-05-23.pdf](#)

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[Learn why this is important](#)

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Via Email: city.council@cityofpaloalto.org

Honorable Pat Burt, Mayor
Honorable Lydia Kou, Vice Mayor
Honorable City Council Members
City of Palo Alto
250 Hamilton Avenue
Palo Alto CA 94301

Re: May 23, 2022, Special Meeting, [\[1\]](#) Agenda Item 13, Castilleja School Project (ID # 14020) [\[2\]](#) --- I continue to urge you to approve the Castilleja Project, especially to advance gender equity

Please see this letter.

Respectfully submitted,
John Kelley

John Kelley
555 Bryant St., No. 714
Palo Alto, CA 94301
jkelly@399innovation.com
(650) 444-2237

May 23, 2022

Via Email: city.council@cityofpaloalto.org

Honorable Pat Burt, Mayor
Honorable Lydia Kou, Vice Mayor
Honorable City Council Members
City of Palo Alto
250 Hamilton Avenue
Palo Alto CA 94301

Re: May 23, 2022, Special Meeting,¹ Agenda Item 13, Castilleja School Project (ID # 14020)² --- I continue to urge you to approve the Castilleja Project, especially to advance gender equity

Dear Mayor Burt, Vice Mayor Burt, and City Council Members,

Due to a personal conflict, I will not be able to participate in tonight's city council meeting, but I write again for two reasons: first, to express my continued support for the Castilleja Project as described in my letter dated March 8, 2021; and second, to join in the comments expressed by Roger McCarthy, Ph.D., in his March 3, 2021 email to the City Council,³ in his comments to the City Council last year,⁴ and more recently.

Dr. McCarthy previously explained how the Castilleja Project is part of a far broader national conversation concerning the education of young women:

Our national largely coeducational system has been failing to educate our young female secondary school students for STEM careers at a staggering scale for generations. The product of this national disgrace is found everywhere in our society. Just 16.5% of our engineers are women....Just 24% of our computing jobs are held by women, and that percentage is expected SHRINK to 22% by 2025....Our national proportion of women doctors, only 36%, is pathetic and embarrassing compared to virtually EVERY industrialized country in the world....And our slow progress to cure this problem is equally embarrassing,.... (Public Comments, at p. 54/120, footnotes omitted.)

¹ See the agenda for the Meeting of the City Council:

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220523/20220523pccsm-revised.pdf>

² See the Staff Report, "Title: 1310 Bryant Street (Castilleja School Project)..." ("Staff Report"):

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220523/20220523pccsm-revised.pdf>, 163/335 f.

³ See the "Public Comment" compilation from the March 8, 2021 Special Meeting ("Public Comments") at p. 54/120: <https://www.cityofpaloalto.org/civicax/filebank/documents/80548>

⁴ See the video recording from the March 8, 2021 Special Meeting, beginning at approximately 4:07/7:01: <https://www.youtube.com/watch?v=e0RojQJeppA>

More recently, Dr. McCarthy has pointed out that the repeated delays of the Castilleja Project have visited an injustice on the future of young women.⁵ Dr. McCarthy's statements and assessment should be heeded.

Palo Alto can and should --- finally --- do its part. Approving the Castilleja Project --- without further delays and without creating an intolerable gauntlet of burdensome conditions or future proceedings --- will not only benefit Palo Alto itself but will also voice a strong statement to the entire country to help advance gender equity in STEM, education, and leadership.

I strongly urge you to approve the Castilleja Project, as currently proposed by Castilleja, without further delay, and without any further conditions.

Respectfully submitted,
John Kelley

⁵ See, e.g. Gennady Sheyner, "Residents square off over Castilleja's redevelopment plan," Palo Alto Online, March 30, 2022, <https://paloonline.com/news/2022/03/30/residents-square-off-over-castillejas-redevelopment-plan>

From: gee2mag@aol.com
To: [Council, City](#)
Subject: Castilleja School
Date: Monday, May 23, 2022 4:42:51 PM

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Please deny that school from enlarging. It is a great school as are the others which have realized the need to grow. It used to be a quiet little boarding school that was perfectly acceptable in a residential neighborhood. The world has changed. Too many people, too many cars, too many events, too many trips to and fro from there have created a nuisance that needs to be purged from there. THEY NEED TO MOVE. OR SPLIT SO THERE WILL BE NO GROWTH IN THAT LOCATION. PERIOD. Other schools have done it successfully and so should Castilleja.
Grace Lenhart. Palo Alto

From: [Keith Bennett](#)
To: [Council, City](#)
Subject: Castilleja Comments
Date: Monday, May 23, 2022 4:14:49 PM
Attachments: [Castilleja Council Letter 211212.rtf](#)

Some people who received this message don't often get email from pagroundwater@luxsci.net.

[Learn why this is important](#)

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To Honorable Members of the Palo Alto City Council

Below please find comments regarding the agenda item on May 23 regarding Castilleja expansion from Save Palo Alto's Groundwater.

In addition, I have attached the letter we submitted in December, 2021.

I'm Keith Bennett of Save Palo Alto's Groundwater and a Palo Alto resident and taxpayer. I would like to summarize the written comments and oral communications related to some of the environmental impacts of this project that we've provided to Council in December 2021, as well as to the Planning and Transportation Commission.

We estimate the CO₂ emissions from concrete used for construction of the parking garage and underground pool to be 1.27 million pounds, equivalent to the amount of CO₂ emitted by driving a Prius for 4.1 million miles, or the amount emitted by our household by burning natural gas for heating, water heating and cooking combined for 3,000 years. Of this, over 40% will be emitted for construction of the pool alone.

Construction of the pool, with the deck 15 feet below ground surface will almost certainly encounter groundwater and require dewatering or a cutoff wall. I remind Council that current City codes do not put any restrictions on the total amount or rate of groundwater pumping. In an era of recurrent drought, this waste of water is unconscionable.

The permanent underground structure significantly reduces the volume of soil capable of holding and buffering stormwater and blocks stormwater flows.

Finally, I'm personally wondering what's the benefit to Palo Alto? Castilleja does not pay property taxes and the former City land that was given to Castilleja for a playing field is now being used to construct permanent facilities and expand the school.

--

Keith Bennett
<http://savepaloaltosgroundwater.org>

**To: Honorable Mayor and Members of the Palo Alto City Council
Members of the Planning and Transportation Commission**

**From: Keith Bennett, Ph.D.
Save Palo Alto's Groundwater**

Comments substantially similar to the following were presented by Mary Sylvester at the Planning and Transportation Committee meeting on December 8 for Agenda Item 4, **Castilleja School CUP/Variance and Amend PAMC Chapter 18.04 GFA Definition.**

Summary

Save Palo Alto's Groundwater recommends the project to be modified so as to leave the pool at or slightly below ground level and to reduce the size of the garage. We have no objections to the changes proposed to the above ground buildings.

1. Construction of the underground pool (in place of the current pool at ground level)
 - a. Is not addressed at all in either the geotechnical study or the DEIR.
 - b. Requiring the bottom of the pool excavation to extend no more than 15 feet below ground surface would substantially avoid the impacts below including groundwater interactions.
 - i. Unless a proper cutoff wall or sheet piling are required to minimize groundwater flows as a condition of approval, pumping and dumping of a very large amount of groundwater and associated subsidence extending well beyond the subject property should be expected.
 - ii. Approximately 1,520 tons of concrete, resulting in nearly 550,000 pounds of CO₂ emissions from the manufacture of the concrete will be needed to counteract buoyancy.
2. Impacts of the large underground garage:
 - a. The entire surface area is impervious to water, increasing load to the stormdrains.
 - b. The entire volume of soil removed is no longer available to store / buffer stormwater
 - c. Approximately 2,000 tons of concrete, resulting in 720,000 pounds of CO₂ emissions, will be used for the parking floor, ceiling and sides of the garage.
3. The total of 1,270,000 pounds of CO₂ emitted in the manufacture of the concrete for the underground construction is significant. It is equivalent to over 3,000 years of emissions from the CO₂ emitted by our use of natural gas for all water heating and cooking. Alternatively, it is equivalent to the CO₂ emitted by driving a Prius getting 60 miles per gallon 10,000 miles per year for 410 years (4,100,000 miles).
4. Both Council and the PTC are reminded the current Palo Alto Dewatering Ordinance does not place any restrictions on the amount or rate of groundwater pumped and discarded, nor does it require the use of cutoff walls, even for large-scale projects, such as this.

Castilleja Planning and Transportation Comments December 8, 2021

I am Keith Bennett with Save Palo Alto's Groundwater. Our concerns are primarily with the impacts of underground construction particularly on our community groundwater, which is becoming increasingly

valuable as a result of climate change and population growth. Underground construction has impacts during and after construction. These impacts should be avoided and minimized through design and construction processes.

First, decisions on any underground construction need to be made based upon relevant and up-to-date geotechnical studies. The environmental impact reports must be specific for the actual project design and include accurate and current ground conditions. The geotechnical study for the DEIR for this project was prepared in 2017; the geotechnical studies have a clearly stated expiration date of 1/2020. Importantly, neither the geotechnical study nor the DEIR consider the excavation proposed for the swimming pool. Rather they only contemplate a single-level underground for the garage. This is a very material difference.

The pool deck is 15 feet below ground surface and excavation for the pool will extend to approximately 26 feet below ground surface allowing for the 7.5 foot depth of the pool below the deck, 1.5 feet for pipes and pumps below the pool plus an approximately 2 foot thick slab of concrete to reduce buoyancy when the pool isn't filled. The water table at this location is about 25 feet below ground surface in autumn, rising to about 18 feet below ground surface during winter storms. We must assume groundwater will be encountered during construction, as it was in 2006 for construction of the gym. Palo Alto building code requires contractors to dewater to at least 2 feet below the deepest excavation, and contractors invariably dewater further. Therefore, we can assume groundwater will be lowered by at least 5 feet to 30 feet or more below ground surface. Applicants often cite compliance with Palo Alto's Dewatering Ordinance as providing necessary protections from impacts. However Palo Alto's dewatering ordinance does not impose any, I repeat any, restrictions on the rate or total amount of groundwater pumped. Contrary to the perception of many, unless specifically required as a condition of approval, the ordinance does not require use of cutoff walls to limit groundwater waste.

The extent and impacts of dewatering are significant. Based upon measurements in Old Palo Alto with similar soils, groundwater will likely be lowered by 5 feet or more for many months, likely over an area extending 500 feet from the construction site, and 2 feet or more over a circle of ½ to 1 mile in diameter, and tens of millions of gallons of a valuable resource will be discarded. Castilleja is on the border of area of the high recharge zone for deeper aquifer levels that Palo Alto uses for our emergency potable water supply, so pumping groundwater here reduces aquifer recharge.

It is well-known that lowering the groundwater table results in permanent subsidence. For the alluvial fan soils typical of Old Palo Alto, typical subsidence is about 1% of the amount of groundwater lowered, which corresponds to ½" or more for this project. I have clearly observed and documented such subsidence from residential dewatering at my house from basement construction 100's of feet away, as well as associated permanent damages. Furthermore, groundwater is a source of soil moisture especially for trees, as soils above the water table are moistened by water wicked-up through the soil, and mature tree roots grow down into the moist soil zones.

Palo Alto S/CAP has clearly stated a goal of reducing GHG dramatically by 2030. An often overlooked environmental impact of underground construction in high groundwater areas is the greenhouse gas emissions from the concrete used. Appendix A provides a summary of the calculations used to estimate CO₂ emissions from this project. For a pool of the size indicated, approximately 1,520 tons (750 cubic yards) of concrete will be needed just to counteract buoyancy. To prevent the structure from floating up, Palo Alto's building code requires the building to be heavier than the water it is displacing for the

highest anticipated groundwater level. Although an accurate geotechnical estimates are needed for design, based upon measurements taken during storms and geotechnical reports for other properties, I estimate the design will require prevention of buoyancy for groundwater rising at least 9 feet above the bottom of the excavation (to 17 feet below ground surface). To be conservative in our estimates of the pool impacts, in this calculation, we have assumed the project can be designed so that the concrete (400 tons, 200 cubic yards) used for the pool deck counteract buoyancy. Additionally, about 2,175 tons (1,075 cubic yards) of concrete is required for the floor, roof and walls of the garage, for a total of 3,695 tons. The manufacture of concrete releases roughly 360 pounds of CO₂ per ton of concrete. The CO₂ emissions for this underground construction are therefore approximately 1,330,000 pounds. Let's put some perspective on this number. Palo Alto is strongly encouraging residents to replace their gas-burning ranges and hot water heaters with electric. We use 36 therms per year of natural gas for hot water. Burning 1 therm of natural gas results in the emission of about 11.7 pounds of CO₂, so annual consumption of natural gas for heating and hot water emits is about 420 pounds. The CO₂ emitted for this proposed underground construction of the pool is equivalent to the amount we emit due to cooking and hot water heating in 3,167 years. Retrofitting 317 residences with all electric water heaters would offset these emissions over 10 years. Assuming a cost of \$10,000 per retrofit, the cost would be \$31.7 million. Or, for another way to look at it, I could drive a Prius getting 60 miles / gallon for 10,000 miles a year for 410 years. Or, 100 commuters to Castilleja could drive 50 miles round trip for 200 days / year for 4 years. This is a lot of CO₂ to relocate an existing ground-level pool and build underground parking. Low-carbon concrete modestly reduces, but does not eliminate GHG emissions from concrete.

This large underground construction increases the load on our stormwater management system. Approximately 80% of stormwater is absorbed by soil, then flows over time to the Bay. This buffering system both filters the runoff and reduces load on our stormdrain system, and is a motivation for Valley Water and the City of Palo Alto to encourage and require rain gardens, permeable pavement and other features for capture stormwater. The proposed playing field is entirely impervious, and moreover, the soil for absorbing groundwater permanently removed.

Underground construction is very expensive – in fact, in presenting their proposals for new high-density housing, Stanford explicitly stated they intend to use above ground parking and increase building heights due to costs; and buoyancy is not a concern for their projects.

In summary, construction of the pool underground has many impacts on groundwater and greenhouse gas emissions. The underground garage excavation is not as deep and likely will not directly impact groundwater during construction, however the loss of soil for absorbing stormwater and greenhouse gas emissions are significant. At a minimum, an updated and comprehensive DEIR is needed, but more importantly we suggest the applicant seriously consider design alternatives, including ways the need for parking could be ameliorated through quality transportation demand management.

Appendix A

Calculations of CO₂ emissions from concrete and equivalencies

Estimated concrete required for placing the swimming pool underground

Pool dimensions: 60 x 77 x 7'

Pool excavation: (allowing for side walls, drainage, slab for mass, etc.): 81' x 67' x 11' = 57,024 ft³

Typical “summer” groundwater level: 25 feet below ground surface (bgs)

Design groundwater level (maximum expected during the project lifetime): 17 feet bgs

Design groundwater rise above bottom of excavation: $26' - 17' = 9'$

Estimated minimum weight of concrete and steel used for construction of the pool, pool deck and underground walls to counteract buoyancy: $81' \times 67' \times 9' \times 62.4 \text{ lbs/ft}^3 = 3,047,800 \text{ lbs. (1,520+ tons)}$

CO₂ emissions from the manufacture of concrete: 180 kg/metric ton = 18% of concrete weight (embedded CO₂ emissions from steel are higher on a weight basis).

Estimated CO₂ emissions from pool: $3,047,800 \times 18\% = 548,600 \text{ lbs.}$

Estimated CO₂ emissions from concrete used in the underground parking

- (A) Area of garage: 20,000 ft² (estimated)
- (B) Thickness of concrete: 6" for top + 6" for floor = 1 foot.
- (C) Volume of concrete for floor and ceiling: $A \times B = 20,000 \text{ ft}^3$
- (D) Perimeter of garage: 600 ft.
- (E) Depth of garage (bottom of concrete): 15+ feet
- (F) Estimated thickness of concrete used for sides (including allocation for internal supports): 1 foot
- (G) Total volume of concrete (sides and supports): $D \times E \times F = 9,000 \text{ ft}^3$
- (H) Total volume of concrete for garage: $C + G = 29,000 \text{ ft}^3$
- (I) Weight of concrete: 150 lbs/ft³
- (J) Total weight of concrete: $H \times I = 4,350,000 \text{ lbs (2,175 tons)}$

Equivalency calculations

- (A) CO₂ emitted from burning natural gas: 11.6 lbs / therm
- (B) Amount of natural gas used by us for water heating (tankless) and gas range: 36 therms / year
- (C) CO₂ emitted by us for hot water: $A \times B = 420 \text{ lbs.}$

- (D) CO₂ emitted burning gasoline: 19.6 lbs / gallon
- (E) Gasoline required to drive 10,000 miles @ 60 miles / gallon: $10,000 / 60 = 167 \text{ gallons}$
- (F) CO₂ emitted driving 10,000 miles: $D \times E = 3,270 \text{ lbs.}$

From: [Douglas Charles Kerr](#)
To: [Council, City](#)
Subject: Neighbor for Castilleja School
Date: Monday, May 23, 2022 4:06:56 PM

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Hello,

I write as a neighbor-Churchill Ave-and supporter of Castilleja School. The school is a nationally renowned institution and delivers girls the unique opportunity to learn in a single-sex environment and benefit from the school's outstanding leadership curriculum. More high school girls from Palo Alto should have this opportunity if they seek it. I hope to see the enrollment grow. Vocal neighbors in opposition (it's a very small number) want there to be penalties and conditions for allowing the school to grow. That's exactly what the conditional use permit presents! Even so, this group isn't satisfied. It seems that no matter which way the school pivots, opposing neighbors claim Castilleja doesn't listen, that they're too privileged to hear feedback. Look at the record. At each juncture, the school has responded with alternatives. I interpret that as the school acting in good faith, and I think you should too. The noisiest group isn't always representative of the wider community. Please remember that as you deliberate on May 23.

I am impressed that Castilleja has consistently demonstrated respect for the City and neighbors by proposing a solution that allows the school to grow without adversely impacting neighbors. Castilleja has met with neighbors over 50 times and iterated its plans meaningfully in response to the variety of opinions in the neighborhood. It's time to finally move forward.

I see absolutely no traffic from the school during non-Covid times and dismiss any claim of traffic as false. The traffic I see comes from Paly students and parents dropping off their kids. But I knowingly chose to live a block within a school, so why should I complain about "traffic"?

And really, if traffic from educating the next generation is the worst thing in the neighbor's lives, then they're leading a pretty good life, if you ask me. This argument about traffic lessening the "quality of life" perplexes me. If people are really concerned about that, they should focus on the many houses that have no occupancy. I can count at least 10 within the few blocks around Castilleja. Those are 10 empty houses that could be filled with children-families, communities- to attend the many wonderful schools in our area, including Castilleja. If you're living in Palo Alto, your quality of life is already pretty great. Let's count our blessings and remember this project is about providing more opportunities to children, while simultaneously improving conditions in the neighborhood.

Best,
Douglas Kerr
Churchill Ave

From: [Kimberley Wong](#)
To: [Council, City](#)
Subject: Message to City Council regarding Castilleja expansion project and application for a new CUP : May 23, 2022 meeting
Date: Monday, May 23, 2022 3:17:30 PM

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In response to Castilleja's ad in the Daily Post titled:
 "More Opportunity. Less Traffic. WHY NOT?"

Instead, I ask you WHY?

*Why should we allow Castilleja to grandfather extra square footage over allowable because more recent additions were vastly undercounted.

*Why would any parent want their child to walk through an underground garage under a sewer line onto campus?

*Why should we allow Castilleja even 50 events, when they held way above the CUP mandated "5 major events and several others" that have impacted residents for years!

* Why should we allow Castilleja to build a greenhouse gas emitting underground garage that encroaches on utility easements? How does this "Advance Palo Alto's sustainability goals"?

*And lastly, why should we allow Castilleja to channel more traffic onto the Bike Safety Boulevard and threaten the well-being of residents, casti students, and our public school children?

Previously, Mayor Pat Burt asked if this was in line with the Bicycle Plan of Palo Alto. No answer was given.

For the future of Palo Alto let's not shrug our collective shoulders and ask "Why Not?"... We really should be asking ourselves... WHY?

Why allow them to be overenrolled, overbuilt and overconfident that they will not wreak havoc to the neighborhood with their multi year project?

As the PTC suggests, let the school stay at 450 and see if they can win the favor of extra students with strict adherence to the new CUP. And it is only fair that the neighbors most affected can have input into writing a new CUP to mitigate the impacts to their lives, their homes!

Kimberley Wong

From: [Daniel Flath](#)
To: [Council, City](#)
Subject: In support of Castilleja School enrollment expansion
Date: Monday, May 23, 2022 3:09:35 PM

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Dear City Council of Palo Alto,

My name is Daniel Flath, and I support Castilleja.

14 months ago, you asked for guidance on how Castilleja could reach a 540 enrollment, starting at 450. The solution is right in front of you.

Opponents have demanded that Castilleja prove it can keep car trips down before adding more students. That is precisely what is proposed in the new CUP. Monitoring reports will provide data and facts that will determine the school's enrollment. It's already laid out as a condition of approval, so there is absolutely no need for the school to apply for a CUP amendment each time it wishes to add more students. That would be a complete waste of resources and is a poorly disguised delay tactic on the part of opponents. As a taxpayer, I do not support that.

The conditions of approval for adding 25 students each school year are crystal clear, written in the proposed CUP: If there are more car trips, there will be no new students.

Approve the path to 540, grant more students opportunities while keeping car trips at bay.

Sincerely,

Daniel L. Flath
931 Mallard Lane
Palo Alto, CA
94303

From: [John Hanna](#)
To: [Council, City](#)
Subject: Castilleja
Date: Monday, May 23, 2022 2:56:52 PM
Attachments: [image007.png](#)
[image009.png](#)

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Dear Mayor and members of the City Council: The time has at last come to approve the Castilleja project and put an end to this ordeal. Castilleja deserves our respect, admiration and support. While the complaints of some of the neighbors are understandable, great efforts have been made to mitigate the environmental effects about which some of them complain. In some ways many of those who complain the loudest can be likened to one who buys a home near an airport and then complains about the noise, or one who buys a home near the RR tracks and then complains when the number of trains increases. Those who suggest the School should move out of town, might consider themselves moving to a location not near a school. Given the current state of our educational system, notably here in California, schools like Castilleja should be nurtured, encouraged and protected. To those who say that Castilleja educates too many girls who are not Palo Alto residents, I say, Isn't that a bit selfish

Please vote to approve the project.

Sincerely,

John Hanna

John Paul Hanna, Esq.

NOTE: NEW ADDRESS AS OF 1/1/22!

HANNA & VAN ATTA
 525 Middlefield Road, Suite 210
 Menlo Park, CA 94025
 Tel: (650) 321-5700; Fax: (650) 321-5639
 E-mail: jhanna@hanvan.com



Recognized by Best Lawyers® in America 2019 for Real Estate Law; Community Association Law; and Land Use and Zoning Law; Land Use and Zoning Law Lawyer of the Year in N. California 2019 & 2020; Best Law Firms in California, first tier rankings in 2018, 2019, 2021 & 2022.

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From: [Elizabeth Grover](#)
To: [Council, City](#)
Subject: Support for Castilleja's proposed expansion
Date: Monday, May 23, 2022 2:49:13 PM

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Hello,

I am a Palo Alto resident and with full disclosure, I am a parent of a former Castilleja student. I support Castilleja's plans for expanded enrollment and renovation of its campus. Castilleja has, over the past six years, shown what I would consider to be an inordinate amount of patience, along with a willingness to try to address concerns of the opponents of its plan. The time has come for the Council to approve this project and move on.

I have followed this process somewhat closely over the past several years. It does seem to me that the goal posts keep changing. Is it not true that Castilleja consulted the City of Palo Alto before designing the project and that at that time, an underground parking garage was suggested to them? Isn't it true that the original plans were approved by the Planning Commission, based on suggestions made by the city?

History aside, whatever past infractions Castilleja committed, that time has long past but it seems to me that some of its neighbors just won't let it go. Ultimately, I believe and it has even been publicly suggested by some neighbors that nothing will be satisfactory for these neighbors outside of the school relocating somewhere else, which is infeasible, expensive and unnecessary. That is their end goal and I believe that no amount of working with the neighbors toward an amicable solution will satisfy some of them. But let's remember that Castilleja has existed in this location for over 100 years!!

Castilleja has agreed to enrollment increases depending on remaining car trips at current levels. If this is the case, the garage will not create additional traffic and in fact I believe the garage is a perfect solution to keeping cars off the neighborhood streets.

The proposed new buildings will be a leading example of sustainability (wouldn't it be nice if all new construction in Palo Alto achieved what Castilleja has proposed?) and will at the same time, provide the school with the modernization of facilities to enhance the education of its students. I even read in the Weekly that one opponent criticized the school building a new pool because we are in a drought? Really, then perhaps Palo Alto HS and Gunn should remove their pools as well.

I do not think it is fair to once again revisit the number of school events allowed at Castilleja. Isn't it true that a large public school nearby (Palo Alto HS) has no such restrictions? I have been in the area of Churchill and Alma around the start time of Palo Alto HS or during events such as football games or college fairs and you can't tell me that it doesn't create a tremendous amount of traffic in the same neighborhood. School events at Palo Alto HS, which have much larger audiences, are not capped—why should they be at Castilleja, a **much, much** smaller school?

I have read that some neighbors want Castilleja to cap enrollment and reapply to increase eventually to around 540 students. I can't believe that the experience of the past six years shows that these neighbors would act in good faith. I think we would start this lengthy (and expensive!) process all over again.

Please put an end to these negotiations and approve the project.

Thank you.

From: [Valerie Milligan](#)
To: [Council, City](#)
Subject: No on Castilleja Expansion
Date: Monday, May 23, 2022 2:36:29 PM

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Too big for the neighborhood. Doesn't serve very many actual Palo Alto residents.

I am so sick of this coming up again and again!

Valerie Milligan
2573 Park Boulevard, U102
Palo Alto, CA 94306

From: [Howard Nickel](#)
To: [Council, City](#)
Subject: In support of Castilleja's enrichment and improvement
Date: Monday, May 23, 2022 2:23:36 PM

Some people who received this message don't often get email from howienickel@yahoo.com.

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PA City Council,

Our daughter personally applied to Castilleja (Casti) and was accepted last year to 9th grade. Both her parents are public school attendees and US immigrants who are very proud of her admission to the premier women's prep school in the US. We expect that PA City Council must also be proud to have Castilleja as an integral part of the support for women past, present, and future. As a rare INCLUSIVE, SECULAR women's school in the Bay Area, Casti fills a rapidly expanding need with limited physical resources.

Having such a special educational institution is as vital to women today as it was at Casti's inception in 1907. While the Bay Area has grown exponentially, Casti enrollment has not likewise increased. While our daughter was fortunate to be admitted, many young women are being shut out of the tremendous opportunity for "Women Leading, Women Learning" as Casti motto states.

If ever there were a time for a Casti upgrade, now is certainly appropriate. While parking is a concern, like our daughter, many students use foot, bike, bus, or train to attend. That usage WILL increase, a point to which any current Casti student would attest. Casti women know the value of enrollment and are fully supportive of ways to extend the privilege to more women. We would hope that PA City Council would agree and, seeing Casti's value for women, work very hard to increase access to this enormously valuable resource.

Please support Casti plans to further women's opportunities. NOW is the time to expand women's access to Casti

Mary and Howard Nickel
650 400-4815 & 650 400-8685

From: [David Hirsch](#)
To: [Burt, Patrick](#); [Kou, Lydia](#); [Tom DuBois](#); [Filseth, Eric \(Internal\)](#); [Cormack, Alison](#); [Greg Lin Tanaka](#); [Greer Stone](#)
Cc: [Stone, Greer](#)
Subject: Castilleja TDM Redux
Date: Saturday, May 28, 2022 12:21:54 PM
Attachments: [Casti TDM.pdf](#)

TDM SOLUTION FOR CASTILLEJA

The Council ought to consider a process called 'value engineering' of the final design of major projects.. If used as creatively as possible it reveals structural, conceptual discrepancies and can provide alternate suggestions that, if compared to the applicants submission to the City can vastly improve the project and in many cases improve the basic intention of the design. It is a commonplace methodology that allows for a qualitative improvement and avoids significant errors. This analysis is proposed as this form of review for Castilleja.

The Council ought to reconsider the process that has been used and the assumptions made that have led to the present design commitments:

The present drop-off and pickup location for students is located in the garage. Drawing AA1.02A in the applicants submission describes the garage operation with special emphasis on the drop-off and pick up process. It notes the hours of morning drop-off as between 7:30 and 8 AM, however I personally noted that the first drop-off was at 7:40 and the last at 8:30. Although the only specific drop-off area noted was in the garage, the reality is that on the specific day that I counted cars, the total number was 111 of which 78 were on Bryant in the on site lay-by and 33 on Kellogg in that on site lay-by. So Kellogg is presently an actively used point of entry. These numbers only represent that specific day's drop-offs and may not be an accurate average number.

I have not reviewed the EIR to note what numbers were submitted. And I do not know if the EIR included Kellogg in the TDM portion of the EIR presentation. The only description of the schools proposed procedures for the morning or afternoon drop-off or pick up that I am using here is the notes on AA1.02A that describes the operation of the garage. And this document does not mention any use of the Kellogg lay-by.

It is important to note that on AA1.02A, the use of the red color denotes cars that will not be allowed to park during the drop-off period (which appears to be misstated as between 7:30-8 and restated in the Legend at between 8-8:30). However, from my personal count, drop-offs began at 7:40 and were completed by 8:30 AM. Unless these cars in the designated red spaces are in place by 7:40 they will not be allowed in the garage or the passage to the garage because they will interrupt the drop-off process

TDM SOLUTION FOR CASTILLEJA

until after completion of the drop-off. There is no margin for error in this system.

It is apparent that the Council is poised to approve Casti's development with the caveat that there must be stringent TDM restrictions as one of or perhaps the only major remaining major issue. The TDM studies are based on the assumption that the garage drop-off will provide for most students who are driven to or drive themselves to school. And if the limitations describes in AA1.02A are followed, if between the period of the drop-off no other cars are allowed to enter the garage, then it is conceivable that a major portion of the garage's full capacity will not be used unless there is a significant staggering of the staff and car driving student's hours of arrival. This simply seems like an unlikely prospect. And given both the restrictive procedures and the distinct possibility that any conflict will lead to delays in access to the garage, it is common knowledge that parents and students will look for areas within the neighborhood that are available to avoid the conflict, and the garage drop-off may simply fail. Add to this the fact that a drop-off in a garage is not a pleasant experience; exiting the cars through traffic lanes can be dangerous, having to leave the garage under a 25 foot wide utility easement via a stair or handicapped lift that descends 4 feet and then climb a stair (or take an elevator) to grade that is two stories above and then still be 250-plus feet distant from the classroom building is at best a tedious morning ritual. I'm not a born and bred Palo Alto person, but if I were and I had a child in Casti and on occasion would need the drop-off, I'd quickly find an alternative.

So, as someone who, as an architect who always questions assumptions and searches for reasonable alternatives, believes there is a better answer:

The garage should be used exclusively for parking and the drop off should be decoupled from it and provided elsewhere!

A far better drop-off and pickup location is on Kellogg between Bryant and Emerson. The more than 400 foot school frontage is an opportunity that was not investigated in any TDM study of the school or by its consultants.

The basic concept for the entire new scheme for Casti revolves around three nodes, major, active socializing open spaces at three

TDM SOLUTION FOR CASTILLEJA

major stair lobbies; the first at stair 'A' in the art and library wing, the second at stair 'D' in the middle school classroom area and the third at stair 'F' in the upper school classroom area. Both 'D' and 'F' are in the extremely long face of the classroom building entirely adjacent to Kellogg Street.

A holistic study of the building entry and perimeter landscaping facing Kellogg would necessarily lead to the choice of this very long block as the best major drop-off and pickup for the entire school from this lightly trafficked street access and only about 30 feet from the face of the school. I believe the following reasons justify the reasonableness of this revision to the TDM and will require only modest changes to the school plans:

1. The drop-off and pick-up will be on the passenger side of the car on Kellogg, directly adjacent to an improved sidewalk and not, as in the garage, in two through lanes of a congested car passage.
2. The entry to the 'upper school' from Kellogg is immediately accessible to an existing entry to the lobby at stairway 'F' and to the 'lower school' lobby at stairway 'D'. The lower school' lobby entry could be easily accessed after minor modifications to the plans.
3. The street bordering the school for this entire block on the school side can include signage stating its restricted school use.
4. The potential disturbance to Bryant as a bicycle street due to likely back-up on Embarcadero will be significantly reduced, since traffic to the school will relocate to other less traveled feeders to Kellogg.
5. The garage can accommodate a significant portion of the school's staff and student parking, freeing Kellogg to be utilized exclusively as the school's major drop-off location. And the garage will be available for visitors to after school events when staff spaces are vacated.
6. Distribution of cars exiting from Kellogg from drop-off and pickup is reasonable in all directions and will not impact any local traffic patterns. Access to Alma and Embarcadero will be normal and the Emerson traffic issues will be greatly reduced.
7. The significant cluster of protected, healthy coast live oak trees close to Kellogg within the setback will be better maintained by eliminating the on-site drop-off (moving it to the street edge) while the existing generally fair to poor condition magnolias in the street median will be

TDM SOLUTION FOR CASTILLEJA

- eliminated to make space for a generous street connected lay-by for the new drop-off and pickup. Additional trees will fill-in the voids.
8. Any perceived impact to neighboring residences on Kellogg will be the same time periods as presently on both Bryant and Kellogg; early morning and mid-afternoon, and sporadically at other times.
 9. The vehicular entry to the school on Bryant can be used exclusively for access to the planned on-grade parking and the garage, and the adjacent paved area in front the art and library wing converted to additional bike storage, which will be substantially more convenient than the proposed remote locations. The Bryant entry will serve this increased bicycle population location.
 10. With this separation of garage use from drop-off and full utilization of garage capacity, it is much less likely that monitoring will become a significant issue. But without these improvements and with the dysfunctional parking/drop-off scheme, monitoring becomes more essential because of the likelihood, once the parents realize that there are delays in the garage, that drop-offs will occur in other areas throughout the neighborhood. Monitoring such impacts is difficult.
 11. Finally, if the drop-off is relocated, the garage width can be reduced by approximately 10 feet, improving the distance from the tree roots at the perimeter of the garage. Also, the height of the garage can be reduced because the easement crossover can be eliminated by locating the access to grade within the garage perimeter.

Council, it is not too late to consider this alternative. This scheme can eliminate the possibility of years of questioning and instead lead to a relation of trust between the City, the Community and Castilleja.

Finally, thank you for consideration of this recommendation. As an architect, I would not suggest this idea if I did not believe these changes could be accomplished in a short, redesign time period and would improve the TDM issues at Castilleja significantly. It will be worth the effort.

Respectfully,
David L. Hirsch