



CITY COUNCIL SUMMARY MINUTES

Regular Meeting
August 19, 2024

The City Council of the City of Palo Alto met on this date in the Council Chambers and by virtual teleconference at 5:30 P.M.

Present In Person: Burt, Kou, Lauing, Lythcott-Haims, Stone, Tanaka, Veenker

Tanaka arrived at 5:33 P.M.

Present Remotely: None.

Absent: None.

Call to Order

Mayor Stone called the session to order. Mahealani Ah Yun, City Clerk, called roll noting six present.

Agenda Changes, Additions and Deletions

Ed Shikada, City Manager, indicated there were no changes.

Public Comment

Mayor Stone discussed the Council's policies on public comment and laid out ground rules.

1. Diane M. spoke about a petition with 361 or 367 signatures of people invested in preserving the Palo Alto Baylands in light of the Palo Alto Airport expansion plans. She hoped Council would consider keeping the Bayland Preserve as is.
2. Raymond G., Silicon Valley De-Bug, the Coalition for Justice and Accountability, and the National Association for the Advancement of Colored People (NAACP), asked Council and the board representative for Santa Clara County to oppose tasers for law enforcement. He likened them to slave owners with whips and shotguns.
3. Avram F. talked about the meeting that was held to approve tasers. He opined they were very costly and discussed lawsuits that have resulted in the instructions not being followed regarding their use.
4. Natalie N., Stanford University political communication graduate student, announced she was conducting ethnographic research at Council meetings which had been cleared with the City Clerk Ah Yun's Office. She offered to hand out her business cards and

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follow up with anyone that had questions or concerns about her project. She asked for volunteers to interview people on their experiences at the meetings.

5. Avroh S., sophomore at Paly, brought up the proposed alternatives of expansion in the Palo Alto Airport some of which would impede on the Palo Alto Baylands. He talked about his experience exploring the duck pond in the Baylands. He encouraged Council to continue to preserve what is left of the Baylands. He described a petition he started with over 1200 signatures of Palo Alto residents in support of preserving the Baylands and opposing the airport expansion.
6. Mora O., Executive Director of Youth Community Service, expressed gratitude to everyone who participated in organizing the Insiders Tour of Palo Alto City Hall on July 1st, 2024. She the passing of one of their community leaders, Mama Dee, the week prior.

Council Member Questions, Comments and Announcements

Council Member Kou offered condolences to the family of Mama Dee and spoke about her contributions to the City. She provided details of memorial services honoring her.

Council Member Veenker thanked Mora O. and staff for their efforts in coordinating the youth. She spoke about Project Homekey. She was pleased by the progress that has been made and heartened by the inner city cooperation with the people from Mountain View. She asked for an update from the City Manager regarding the delay on units.

Council Member Burt provided an update that the Valley Transportation Authority has awarded a \$1 million funding to begin the process of redesign of the intermodal transit center at University Avenue. He also shared that the Bay Conservation and Development Commission has begun the process of an amendment to the Bay Adapt Plan and would be reaching out to all the cities and other jurisdictions around the Bay. The San Francisco Creek Joint Powers Authority and Valley Water would also all be partnering on that.

Study Session

City Clerk Ah Yun explained how to find translation service information for Study Session Items 1 and 2.

1. Study Session: Report from the Human Relations Commission regarding their Research on the Lived Experience of Asian American, Native Hawaiians and Pacific Islanders; CEQA status – not a project

NO ACTION

Adriana Eberle, Human Relations Commission Chair, provided a background and description of the Report from the Human Relations Commission regarding their Research on the Lived

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Experience of Asian American, Native Hawaiians and Pacific Islanders. She discussed surveys and results that had been held.

Mary Kate Stimmler, Human Relations Commissioner, discussed the percentage of Palo Alto residents that are Asian and results of surveys about their experiences living in the City to include appreciation of the City, a request for a greater visibility for Asian cultures within the City and greater representation of AANHPI cultures, racism and discrimination, inclusivity, a request for greater recognition of the diversity within AANHPI cultures and feedback on cultures tensions within PAUSD. She described next steps to include thinking about how they can have more cultural events to meet the needs and specific interests of the AANHPI subcultures, ways to increase representation and diversity within the city government, ways to change and improve the cultural diversity of cultural resources and investigating what kind of multilingual wayfaring would be most helpful for Palo Alto residents.

Mayor Stone queried if the HRC has thoughts on ways to improve greater visibility and civic representation within the AANHPI group and local government.

Ms. Stimmler thought that was something that would continue to need consideration as they look at recruitment for commissions in the future.

Ms. Eberle wondered what the statistics would be as far as people from different backgrounds running for office.

Minka Van Der Zwaag, Human Services Manager, remarked they had seen an increase in the number of applicants they had seen for boards and commissions. She agreed that this could nestle into the Equity Action Plan and that the HRC would be happy to continue to do thinking about this.

Council Member Burt thought it would be valuable if the HRC familiarized itself with the efforts that have been made on recruitment and diversity in the recruitment for boards and commissions. He suggested looking at how people perceive things versus what the reality is in order to identify what shortages still exist and what else can and should be done. He recalled a colleague formerly on the Council who deliberately worked on greater cultural engagement and realized there had not been any leadership of that kind since he left the Council. He remarked that the relationship between the Human Relations Commission and the Parks and Rec Commission would be a potential opportunity to look at the sorts of events to promote this.

Council Member Kou felt there was a need to delve into the differences within the different cultures and not group each nationality into one and ensure equity amongst all the different nationalities. She suggests highlighting some of the arts and other events that had taken place in Palo Alto.

Ms. Eberle reminded Council that these were the recommendations from the feedback received from the survey and the listening sessions and they were looking for Council's

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direction on what the priorities should be and then they could go back to the HRC, discuss it and move from there.

Council Member Veenker queried if there were statistics on local anti-Asian hate crimes in 2021 and what it is now. She echoed Council Member Kou's comments about the diversity within the AANHPI community.

Ms. Stimmler replied those were the statistics available from the FBI. The HRC would be doing a listening and learning session with the FBI on hate crimes in a couple of months.

Ms. Van Der Zwaag added that would be a community event in mid-October open to the community with representatives from local county and federal law enforcement to hear more about hate crimes, hate incidents, what to do and the direction at that point would be to get as much local information possible. She was delighted by the feedback of appreciation on the survey. She was troubled and concerned about the feedback that only 59 percent feel that city government treats residents with respect. She addressed the greater visibility and representation, particularly in city government. She advised that whatever was being done to promote those who are underrepresented needed to be a sustained effort. She mentioned having the people on the boards and commissions feel like their work is valued and opinions respected and heard. She was concerned about the lack of diversity in the Council candidates. She suggested intentionally inviting people to run in order to remedy that.

Vice Mayor Lauing encouraged getting the data on recruitment. He stressed making the opportunity known in order to get people to apply and having the experience be satisfactory for those commissioners so they want to re-up themselves and tell others that they should come aboard. He pointed out that when people ask for their own events, they are fun for everybody else in the City.

Council Member Lythcott-Haims discussed her observations while serving as the HRC Council Liaison. She applauded City Clerk Ah Yun for her efforts in creating a sense of belonging. The direction she would give would be to take the Community's cue and that of the HRC and stop saying AANHPI and disaggregating Chinese from Indian from Japanese from Korean from Vietnamese from native Hawaiian from Pacific Islander and others and be curious about those specific experiences because they are quite different.

Mayor Stone suggested looking into using the strategies police departments use to increase diversity. He agreed with Vice Mayor Lauing's comments regarding community events around celebrating diversity. He recalled doing a celebrate diversity project in his classroom and thought they could do the same thing in Palo Alto and thought that would be a great area for the HRC to be engaged.

Council Member Tanaka also wanted to know if there were more details of the breakdown of hate crimes against Asian Americans, the ethnicity among City employees as well and what percentage of city employees were Asian American.

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Ms. Van Der Zwaag replied this was more about listening to the community members and getting the data points from the American Community Service and the community survey but promised to have that data at the session in October. He wondered if it would be better to have each Council member appoint a board member to allow more minority viewpoints to be heard.

City Manager Shikada explained that was outside of the scope of the HRC's effort but demographic information was provided on the city employee website. He remarked that similar demographic information was provided for the current boards and commission members as a part of the annual recruitment effort. He stated the percentage of the board and commission members that were Asian-American in Palo Alto was 22 percent relative to the population which was just under 35 percent.

Chantal Cotton Gains, Deputy City Manager, added that one assignment they had from 2020 was related to the city employee demographics and plan to complete this by the end of the year. When it is available on the website, it will be on the HR page and that link will be shared with City Council. The demographic information on board and commission members is an annual anonymous survey done each year for commissioners. In April, Council made the decision to use that information as part of the recruitment process.

Council Member Kou suggested reaching out to some of the consulates to see what they would like to share to promote and enhance that nationality's resources. She wondered about consideration of partnership with Public Arts to have different sections of the City to display temporary art of historical persons or events just before and during the month nations, persons or dedicated groups are being celebrated. She agreed with the need to separate out the different ethnic nationalities. Regarding diversity within Council, commissions and boards, she expressed the need to evaluate experience and knowledge about what kind of commitments or volunteer efforts have been put in to get to know the community and represent the existing residents and the City itself. She thought there was a need to talk to people from the frontline rather than management regarding the City departments. She expressed a need to address the cultural tension at Palo Alto Unified School District communicated in the HRC survey.

Council Member Burt opined that guiding an Asian theme at the former Fry's Cannery site would be an opportunity to collaborate between the HRC and the Public Arts Commission and other opportunities in art in our community. He suggested having joint meetings and establishing liaisons between the different commissions in order to talk to each other about common themes. He believed it would be valuable to understand their own City data on hate crimes. He was interested in what percentage of recent appointees in the last three or four years represented the diversity of the community because that would show forward progress and give an indication of being on the right path. He liked the idea on engaging with PAUSD affirmed that he would like to agendize that discussion with their counterparts and maybe have joint reports allowing them to initially share information and perhaps look at collaboration on where they needed to go forward and identify and fill gaps.

Public Comment:

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1. Avram F. spoke about an experience of his African American son with the police department. He remarked that that the Asian Chinese population, according to police, profiles African Americans.
 2. Andrew C. complimented the HRC's efforts but did not feel City Council had put this on high priority. He spoke about being a volunteer teacher at Avenidas and parking was an issue.
 3. Uzma commented she would love to work with Council and HRC on making sure Asian American Muslims get full representation. She remarked that Council has control over the diversity of the boards and commissions. She thought showing how diverse the Asian American community is could go a long way in breaking down a lot of barriers and just humanizing everyone.
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2. Report from the Human Relations Commission Resulting from the 'Voices of our Community' Listening Sessions on Local Experiences of Islamophobia/Anti-Arab Hate and Anti-Semitism. CEQA status - not a project.

NO ACTION

Ms. Eberle and Ms. Van Der Zwaag shared a PowerPoint presentation to include background information about the listening sessions, recommendations, a recap of listening session public comment, an outline of the recommendations from the HRC and staff response to the HRC recommendations.

Council Member Burt mentioned the recommendations already in progress.

Ms. Van Der Zwaag responded about the recommendations in progress to include looking at the list of holidays or events or cultural events that are on the city calendar and the legality of sponsoring religious special events.

Deputy City Manager Cotton Gains described regular trainings being provided to City employees as the topics are created. They do not have one specifically on the topic of religion but that could be nestled into another training. The trainings are voluntary. In terms of information for new employees, the item in the equity action plan refers to their ability to speak with new employees about what the DEI efforts are, the equity mission statement and some of those core values that the City wants to make sure new employees understand that they are coming into an organization that has those foundational principles. Folks from HR and other relevant departments are convening to put that content together and that is another item in the Equity Action Plan.

Council Member Kou asked if she was correct in understanding that they were moving into conducting education events involving religion.

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Ms. Van Der Zwaag thought it would be a way of evaluating if a member of the community brought an event or if the City thought of sponsoring an event that may have a religious connotation to really look at it from an established sense of reviewed principles to be able to look at it. She stated they were still at the very beginning of that so she did not want to characterize the fullness of what might happen.

Vice Mayor Lauing advised that these things could work through staff, HRC and internally and anything that needs a policy decision could come back to Council as directed by the City Manager. He opined the question of interfaith advisory group was valid. He suggested the option of joining up with other interfaith groups that already exist in the City. He thought a connection with the City like the HRC or potentially even a Council member could be a helpful way to go.

Council Member Veenker hoped they could find a way to work out the Interfaith Community Advisory Group. She cautioned that it was not just different faith groups but also a racial and an ethnic issue that not everyone involved is necessarily practicing a religion.

Council Member Lythcott-Haims supported the recommendations around training, messaging, events, holidays, building bridges with schools and libraries and working with faith leaders and law enforcement. She announced that she would join any effort to make the interfaith events happen on a more regular basis in the City.

Mayor Stone expressed his support of all of the HRC recommendations.

Public Comment:

1. Avram F. communicated his belief that the Council has created a climate of antisemitism by refusing to address the ceasefire.
2. Raymond G. spoke about his experience in Palo Alto while supporting a pro-Palestine peaceful rally. He stated he informed the Sheriff's sergeant on duty that he had been robbed by a pro-Israel supporter and was laughed at. He filed a police report and nothing was done. He declared that the police needed to be held accountable and follow through with the requests of people who are victimized.
3. Brian W. spoke to represent District Attorney Jeff Rosen's commitment to combating and prosecuting perpetrators of hate crimes. He described how many victims are afraid to come forward as they are marginalized and have had negative experiences with law enforcement. He stressed the importance of prosecutors partnering with law enforcement from the earliest stage of an investigation.
4. Adam F., Supervising Deputy DA with the District Attorney's Office, indicated their office prosecutes hate crimes in court and has DAs or community prosecutors available to support the community with non-emergency matters. They can help educate communities on the difference between a hate incident and a hate crime, support

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conversations that raise awareness of hate crimes and how to always report them to the police and they are present to fight hate by listening to the community's needs and celebrating their diversity.

5. James G-S., Supervisor of Victim Services Unit of the DA's Office, acknowledged that if someone is the victim of a hate crime, the injury is a deep wound to that person's dignity and a profound emotional injury. He remarked that his office stood with everyone in the community that is for tolerance.
6. Dan O., Chief Trial Deputy Santa Clara County District Attorney's Office, claimed that has been the victim of violent perpetrating because of his race. He spoke about hate crimes that have been prosecuted by he and his colleagues.
7. Uzma spoke about Islamophobia and anti-Palestinian racism in the community. She stated that the atrocity denial between the time of the listening sessions and the presence has deepened and affects Muslims, Arabs, and any minority community of dark skin and that relates to any occupied or colonized community. She expressed a need for anti-Palestinian racism.
8. Deborahlise stated that Palestine was not an option for country of origin on the Stanford application. She declared that anti-Palestinian racism is so intense as it combines the colonial anti-indigenous erasure as well as European supremacy familiar to black and brown communities. She expressed a need for all to overcome targeted indoctrination and to both learn and unlearn how Islamophobia and anti-Palestinian racism has historically and is currently affecting the community.
9. Fariha talked about Islamophobia being rampant in the community. She feared for her children starting school because of the stuff they would have to hear. She hoped the HRC would do the things they were saying quickly.
10. Lori M. spoke on behalf of (6): Sherry, Robin, Cheryl, Rotem, and Howard. She provided some statistics around hate crimes against Jews and described some antisemitism events that occurred in Palo Alto recently. She was shocked that these were sponsored by Council on American Islamic Relations along with two other groups known for their support of Hamas's atrocities. The group requested all city leadership have mandatory specific training on antisemitism and Islamophobia and for city leadership to publicly condemn antisemitism whenever and wherever it happens.
11. Giora called for the City and the HRC to adopt the International Holocaust Remembrance Alliance's definition of antisemitism and call out and condemn anti-Jewish and anti-Israel hate whenever it occurs.
12. Estee G. reflected on safety and inclusion in the City and the importance of teaching inclusiveness to children and parents in the public school.

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13. Sarit S. spoke about her daughter's recent experience as a victim of Islamist extremist propaganda. She hoped the HRC recommendations would help create a positive climate.
14. Roey seconded Lori H. and Giora's comments. He supported the HRC report and made the same two recommendations made by Giora.
15. Miriam B. discussed antisemitism experienced by her and by her granddaughter in college and urged Council to do enforce the training.
16. Phil B. remarked about an antisemitism event he witnessed in the community and events that had affected his family.
17. Deborah G. reported that she found the HRC report to be DEI heavy. She felt the City should start with building housing. Supported the media misinformation literacy campaign and making sure that everybody who speaks and has a proposal is in compliance with federal state city laws, et cetera.
18. Noel instructed there was a need to be honest about what is happening and about the marginalization of Muslims in the community and that silence was complicity.

Consent Calendar

3. Approval of Minutes from August 5, 2024 Meeting
4. Approval of the 11th Amendment to the Standard Industrial Lease Agreement for 1005 – 1007 Elwell Court
5. Recommend City Council Adopt a Resolution Amending the Gas Utility Long-term Plan (GULP) Objectives, Strategies and Implementation Plan, Amending the Gas Utility Reserves Management Practices, Amending the FY 2025 Gas Fund Budget Appropriation, and Amending Rate Schedules G-1 (Residential Gas Service), G-2 (Residential Master-Metered and Commercial Gas Service), G-3 (Large Commercial Gas Service), and G-10 (Compressed Natural Gas Service); CEQA Status: Not a Project Under Public Resources Code 15378(b)(5) and Exempt Under Public Resources Code 15273(a)
6. CONSENT: Addition of Five Properties to the City's Historic Resources Inventory Based on Owner Interest. CEQA Status: Pursuant to Public Resources Code Section 21065, the Historic Designation of Properties is not a Project Subject to Environmental Review.
7. Approval of a Lease Amendment Between Palo Alto Players and the City of Palo Alto for the Premises at the Lucie Stern Community Center Located at 1305 Middlefield Road for an Approximate 36-month Term, at a starting Base Rent of \$1,540.75 per Month and Increasing 3% Annually; CEQA Status – Not a Project
8. Approval of FY 2025 Stormwater Management Oversight Committee and Utilities Advisory Commission Workplans

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9. Approval of Amendment Number 3 to Contract Number C18169712 with OB Sports Golf Management (Baylands), LLC in the Amount of \$10,107,560 and Extend the Contract Term by Two Years and Nine Months for Management of Golf Course Operations at the Baylands Golf Links; Approval of Amendment Number 3 to Contract Number C18171872 with OB Sports Golf Management (Baylands), LLC to Extend the Contract Term by Two Years and Nine Months for a Real Estate License for the Restaurant to Provide Food and Beverage Services; and Approval of an Amendment to Fiscal Year 2025 Budget Appropriation in the General Fund (2/3 vote required); CEQA status – categorically exempt
10. Approval of Amendment No. 2 to the Lease Agreement Between the City of Palo Alto and the County of Santa Clara (Contract No. 1557819) at 2000 Geng Road for Safe Parking to Expand the Premises of the Lease and Increase by 10 the Number of Safe Parking Spaces Permitted; CEQA – Exempt pursuant to CEQA Guidelines Section 15061(b)(3)
11. Staff recommends the Council adopt the attached ordinance amending Municipal Code Chapter 2.22 to align Human Relations Commission procedures with previous Council action.
12. Approval of a Grant Agreement With the California Highway Patrol for a One-Year Program to Reduce Impaired Driving and Crashes with \$307,000 in State Funds, Requiring \$0 in City Matching Funds; and Approval of a FY 2025 Budget Amendment (Requires 2/3 approval) in the Supplemental Law Enforcement Services Fund; CEQA Status – Not a Project

Council Member Kou registered a no vote on Agenda Item Number 5. She thought it should be done as a public session so that the rate users will have an idea of why this is happening and that they would be prepared for it.

Council Member Tanaka registered a no vote on Agenda Item Numbers 5, 9, 10. He echoed Council Member Kou's sentiment on Item Number 5. He felt Item Number 9 should also be public session. He wanted to understand more about the provider running the course because it did not seem to be heading in the right direction in his opinion. He did not think Item Number 10 made any financial sense as they were losing money that could be put to good use.

MOTION: Vice Mayor Lauing moved, seconded by Mayor Stone to approve Agenda Item Numbers 3-12.

MOTION PASSED 5: 5-2, Kou, Tanaka no

MOTION PASSED ITEMS 9-10: 6-1, Tanaka no

MOTION PASSED ITEMS 3-4, 6-8, 11-12: 7-0

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City Manager Comments

City Manager Ed Shikada noted that the City Council's Packet contained a number of informational reports including the investment activity report for the fourth quarter of last fiscal year, updates on the 2024 City Council priorities and an informational report on City Hall operations. He then provided a slide presentation starting with resources available regarding teen wellness and belonging, upcoming fall favorite events, City Hall Open House on September 18 and notable tentative upcoming Council items.

Council Member Burt announced that on September 21 Caltrain in partnership with VTA, SamTrans, the City and Stanford would be holding an event for the whole corridor at the University Train Station marking the first day of electrification. All train rides would be free that day and on the 22nd.

Action Items

13. Approval of Castilleja School's Transportation Demand Management Plan Document for a Previously Approved Redevelopment Project Located at 1310 Bryant Street. Environmental Analysis: The City Council Previously Certified a Final Environmental Impact Report for this Project.

Garret Sauls, Senior Planner provided a slide presentation about the Castilleja School's Transportation Demand Management Plan to include project history and staff recommendations, TDM Plan objectives/RLUA, ADT/AM peak trips discussed and staff recommendations.

Public Comment:

1. Andie R. spoke on behalf of (6): Pamela B., Rob L., Jim P., Mary S., and Hank S. describing how staff was cherry picking elements from the W-Trans report to make a false assumption. She suggested applying the raw traffic data available as an addendum to the current report.
2. Alan C. stated he had sent an email to Council that morning requesting modification of the Castilleja TDM so that all cars coming to Castilleja would be counted. He supported the staff recommendation to include counting cars on streets adjacent to the school.
3. Carla B. pointed out that that this was a commercial entity trying to do business in a residential neighborhood. She asked Council to hold the school to a daily trip count that includes all days, include drivers parking next to the school as part of the daily trip count and to remove the accounting from Castilleja's purview.
4. Bruce M. requested that Council revise the TDM with language that includes curbside parked vehicles and he opined the appearance of self-monitoring as problematic.

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5. Jeff L. referenced a 35-page letter sent to Council by Castilleja's attorneys containing no mention of the student travel pattern survey or the adjustment it generated that are clearly in the EIR. He thought substantial legal costs and time would be saved by agreeing to a more holistic measurement of trips. He asked Council to urge Castilleja leadership to reimagine itself and agree to comprehensive trip monitoring in the spirit of openness, transparency, and integrity.
6. Mindie R., Land Use Attorney for Jorgenson, Siegel, McClure, and Flegle, spoke on behalf of Castilleja, observed that the discretionary review of this project had long passed. She stated that the school's final TDM plan incorporated all of the transportation demand management requirements that are set forth in the conditions into one document and this was not a time to add new conditions. She pointed out that despite the suggestion by staff to include street parked cars in trip counts, review of the TDM did not give City Council the power to add new requirements that were not previously memorialized in the record of land use action and implored Council to approve this without further delay.
7. Matt F., Land Use Attorney with Rutan & Tucker, echoed Mindie R.'s comments. He opined changing the way trips were counted would conflict with both the facts and the law. He summarized the contents of a letter that had been sent regarding this issue. He urged Council to urge you to approve the TDM as it was.

Vice Mayor Lauing asked some clarifying questions about monitoring. He wanted information about ID tags for students and staff and understood there were programs for them and staff would do daily monitoring and wanted to know in what areas that would occur. He queried what other areas they could look at with technologies or bodies. He wanted to know how many parking spots were on the street.

Jonathan Lait, Planning Director, explained there were trip counters at the driveway entrances and exits as well as the drop off locations and that data is submitted to the city. It is available online. Those reports are provided three times a year. He believed that the Record of Land Use Action sets forth the standard for how data is to be measured. He recalled that City Council directed them to look at ways to include the trips to the streets immediately adjacent to Castilleja, which is addressed in the staff report. They did not have an answer as to what other areas should be addressed. It was staff's belief that the TDM captured the Council's action and they had looked at the other piece related to adjacency to Castilleja's school. He stated there were 60 parking spots on the street.

Senior Planner Sauls clarified the data is collected daily and consolidated over a month's period. They do a separate seven-day analysis focused more on the outside streets that look at the data trend across how traffic patterns may be evolving around the school. He explained the monitors were indicated in the Castilleja TDM report. The monitors would go out into the neighborhood and look to see whether or not there are individuals who have parked into the neighborhood and therefore require them to move their vehicle onto the campus.

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Council Member Veenker wondered if there was an idea of how many more cars might be added every day if they start to measure the parked cars in addition to the driveway counters. She wanted to know what it would take to count parked cars as well as the driveway counter trips. She asked how they get at the Castilleja only trips for the parking spots.

Director Lait replied the possible solution that had been identified in the staff report was a response to City Council's direction the previous year if we were to go down that path. He stated to get to the Castilleja only trips for the parking spots, a series of assumptions would be made where 100 percent of the 60 parking spaces were dedicated Castilleja and they would use a percentage that would be counted toward ADT and then a percentage of that would be applied to that 60 to give us the number for AM peak. The staff report noted that to physically check the data would require a significant amount of resources and that was not something they contemplated.

Senior Planner Sauls added the example provided in the staff report with the specific number of trying to find a relationship between the average AM peak trips to the average daily trips identified in the staff report resulted in about 40 new trips. That number can fluctuate depending on how the average daily trips result. In the example, the average AM peak trip was 344 and adding in the assumed 40 additional spaces put it at 384. He explained the TDM reports that Castilleja has provided have captured how many of those spaces have on average been used. They have not identified whether they are Castilleja specific trips or another type of trip. The last four or five TDM reports that have been received reported an average of an 80 percent occupancy of those 60 vehicle stalls. That data has not been detailed to the degree of whether it was a trip associated specifically with Castilleja so there is risk in how accurate that information is.

Albert Yang, Assistant City Attorney, clarified that if they assumed all 60 of the parking spaces adjacent to Castilleja were counted as school trips, that would be 120 trips as far as ADT.

Council Member Burt questioned if they were allowed to count trips other than what goes in and out of the driveways. He wanted to know what the mechanisms were by which they would be able to enforce violations. He asked if Director Lait felt they had the authority and tools to enforce the codes.

Director Lait explained the staff recommendation is that the record of land use action sets forth the driveway counters as the methodology for doing that. That relies on the information included in the administrative record two years ago when Council made the decision on the project. The only other trips that are not being accounted for are those parking adjacent to the school on the three streets around the school. He stated one of the conditions that City Council imposed on this project was that there was a \$50,000 deposit that the City draws down on for code enforcement related activity. He stated that the challenge with code enforcement was bearing witness to the illegal or unpermitted activity so documentation was key but the staff, resources, municipal code and all the authority is available to follow up on that.

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Council Member Kou did not understand why parked cars were not part of all of this as they had asked to ensure the count included parking, dropping off and pickup. She hoped Council would consider adding the requirement that the TDM include vehicle trips generated by students and faculty parking on the side of public streets immediately adjacent to Castilleja. She was curious if staff and the Castilleja Neighborhood Committee had taken the Grade Separation Project into consideration.

Director Lait recalled the conversation about no net new trips and the Record of Land Use Action that Council approved sets forth a number of conditions to implement that concept and many other sort of conditions. It did account for drop off and pickup and also stated that that ADT and AMP are measured through the driveway counters.

Mayor Stone commented that the final EIR Traffic Study was adjusted based on student or staff travel pattern surveys and other observations but then goes on to say that it is unclear whether vehicles parked on public streets adjacent to Castilleja were included in those figures. He wanted to know if staff had verified that they were included. He mentioned section 3 that defines data collection methodology in the TDM stating that the school shall install temporary vehicle counters in various public right-of-ways and that although they cannot be used to determine a violation of the CUP, COA 22G states that the data collected from the temporary counter devices may inform future action regarding possible adjustments to the TDM plan and asked for an explanation of how that would work. He did not feel the school was keeping their promise of no net new trips. He did not think they were attempting to renegotiate the standards but to ensure the intent of the prior Council's motion was effectuated and the compromise that was reached after years of challenging meetings was honored.

Director Lait replied that the Rutan & Tucker letter had a table of vehicle, pedestrian and bicycle counts that was not represented in the administrative record. It was believed to be some data that was collected by WTRANS and rolled up into charts and analysis that was included in the traffic study that was a part of the draft environmental impact report. It was his understanding that the data on that chart did not add up to the AM peak thresholds. There were other points of data that influenced the ADT and AM peak to get at a higher number than just the driveway counters. The data had been reported to be pedestrians and bicyclists coming to the school. His understanding was that the street traffic counters were to get a series of data points over time to understand traffic patterns in this particular neighborhood in order to help inform some changes to the TDM plan should the school be challenged in meeting some of its standards.

Vice Mayor Lauing communicated that the centerpiece of approval of this had always been no net new trips. He found there to be no changes in the last year and suggested having a friendly conversation with the applicant to get some counts in order to move things along.

Council Member Veenker remarked handling the enforcement of drop-off somewhere else and the parking situation in the driveway counters would be useful.

Council Member Burt

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Council Member Burt added there was concern about additional cars going into the neighborhood. He was not clear what the vehicles on the perimeter count would get them and to count them would necessitate a baseline number. He was concerned with not having new additional cars parked in the neighborhood and not having additional cars drive in and out for drop-offs.

Director Lait thought it was important to acknowledge that no substantive change would be expected before the entitlement was granted and post-entitlement implementation on the number of vehicles that were parked immediately adjacent to Castilleja. He stated there had been conversations that the combination of conditions that have been imposed as a part of the Record of Land Use Action and the \$15,000 deposit would help address that issue and be responsive to complaints but also be proactive in enforcement efforts.

Castilleja Legal Counsel opined that the direction Council was going was to potentially add 120 trips on the after picture and not account for it in the before picture and not doing that same comparison. There was a letter from the senior engineer from W-Trans who did the traffic study who said he did not count the street side parking in the before counts and only counted the driveway counts. They were assumed to be a constant and weren't factored into the analysis. In the W-Trans driveway survey there is a map and vehicle, bicycle and pedestrian counts counted separately so the people that were walking into each of the driveway points were not counted as a vehicle trip. People biking into that driveway point were counted as bicyclists and vehicles were counted as vehicles. That is where they got to the 1198 and the 352 and there is a difference because this was accounted for in the November 4th, 2020, staff report to the Planning Commission where staff looked at the average of 2017 to 2019 and determined the AMP.

There was discussion among the Council about the wording of the motion.

MOTION: Council Member Burt moved, seconded by Council Member XX to approve the Transportation Demand Management Plan (TDMP) as consistent with the conditions of approval for the Castilleja School redevelopment project.

MOTION FAILED FOR LACK OF A SECOND

~~**MOTION:** Mayor Stone moved, seconded by Vice Mayor Lauing to approve the staff recommendation with a rebuttable presumption that 100% of the 60 available street parking spaces count toward ADT (120 trips) as detailed in the Staff Report (Measurement of current cars on the adjacent street count as the baseline, assuming that all cars are contributing to the total).~~

SUBSTITUTE MOTION: Council Member Lythcott-Haims moved, seconded by Council Member Veenker to approve the Transportation Demand Management Plan (TDMP) as consistent with the conditions of approval for the Castilleja School redevelopment project.

SUBSTITUTE MOTION PASSED: 4-3, Lauing, Kou, Stone no

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Adjournment: The meeting was adjourned at 10:30 P.M.