



CITY COUNCIL SUMMARY MINUTES

Special Meeting
May 23, 2022

The City Council of the City of Palo Alto met on this date in the Council Chambers and by virtual teleconference at 5:31 P.M.

Present: Burt, Cormack, DuBois, Filseth, Stone, Tanaka

Present Virtually: Kou

Absent:

General Public Comment:

Aram James stated the First Amendment protects citizens' rights to criticize the federal government. He expressed frustration about the comment regarding Council Members doing other activities during public comment and strongly urged their identities be shared. Lastly, he urged the City to be transparent in the process of hiring the new Chief of Police.

Fred Balin requested the Council draft a Colleague's Memo announcing the Council's support for the League of Women Voters' proposed campaign finance reform policies.

Mark Shull remarked that California Avenue was identified as a bike route through the shopping center and the public should be given notice that the Council was looking to eliminate that segment. He urged the Council to retain and approve the California Avenue bike path as well as the El Camino Real crossing.

Matt Schlegel acknowledged the struggle of folks living high-energy fossil fuel lifestyles and the youth learning about climate change. He recommended the City put more resources into promoting folks to change their water heaters to electric heat pump water heaters.

Rebecca Eisenberg supported and echoed the comments from all of the previous speakers. She noted that for years the City had been in violation of State tree protection rules and she urged the Council to adopt the new Tree Ordinance.

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Arthur Keller recommended the City improve Fabian Way with a dedicated left turn lane for vehicles and bicycles in the eastbound direction, add a new crosswalk on the east side of the intersection and that bicycle lanes be installed on Charleston Avenue east of Fabian Way in both directions.

Consent Calendar

PUBLIC COMMENT

Supervisor Joe Simitian supported Items Eight and Nine on the Consent Calendar. He thanked the Council for their collaborative work with the Santa Clara County over the years.

Aram James noted there was no recommendation in Item Six to hire a second Psychiatric Emergency Response Team (PERT).

Council Member DuBois registered a no vote on Agenda Item Number 10.

MOTION: Council Member DuBois moved, seconded by Council Member Cormack to approve Agenda Item Numbers 1-12.

1. Approve Minutes from the May 09, 2022 City Council Meeting
2. Approval of Contract Number C21179569 with Brown Reynolds Watford Architects for an Amount Not-to-Exceed \$797,178 to Provide Architectural Design Services for the Fire Station No. 4 Replacement - Capital Improvement Program Project PE-18004
3. Approval of 1) Increase of Construction Contingency for Contract No. C20174550 with Granite Construction in the Amount of \$185,302; and 2) Budget Amendments in the Electric Fund for the Electric Customer Connection project (EL-89028), the Fiber Optics Fund for the Fiber Optics Network-System Improvements project (FO-10001), and the Capital Improvement Fund for the Highway 101 Pedestrian/Bicycle Overpass project (PE-11011)
4. Approval of Contract No. C22183901 with Genuine Parts Company dba Napa Auto Parts for an Amount Not-to-Exceed \$2,306,433 for an On-Site Fleet Parts and Inventory Program for a Three-Year Term from January 24, 2022 through January 23, 2025, with Pricing Set by Cooperative Sourcewell Contract No. 110520 with Genuine Auto Parts Company dba Napa Integrated Business Solutions; and Approve and Authorize the City Manager or Their Designee to Execute an Amendment to Contract No. C22183901 to Extend the Term for up to One Additional Year through January 24, 2026 (Provided that the Cooperative

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Sourcewell Contract is Extended for an Additional Year) for an Additional Amount Not to Exceed \$831,227 (Annual Amount Is Subject to Adjustment Provided the Total Contract Amount Is Not Exceeded), for a Total Not to Exceed Amount of the Contract, if Extended, of \$3,137,660

5. Adoption of a **Resolution 10041** of Intent to Not Levy Assessments for the Business Improvement District (BID) in FY2023, and Setting Public Hearing for June 6, 2022
6. Approval of the Acceptance of State of California Citizens Options for Public Safety (COPS) Funds of \$103,648 and a Budget Amendment in the Supplemental Law Enforcement Services Fund
7. Adoption of a **Resolution 10042** Certifying Compliance with the California Surplus Land Act as Required by MTC's One Bay Area Grant (OBAG) Grant Programs
8. Authorize the City Manager to Commit Two Million Dollars (\$2,000,000) from the City's Affordable Housing Funds for the Affordable Housing Project at 525 E. Charleston Avenue.
9. Adoption of a **Resolution 10043** Authorizing a City Grant Application for the State Local Housing Trust Fund Program, Designation of Affordable Housing Funds as Local Matching Funds, Commitment to Targeting the Grant and Local Matching Funds, Approval of Grant Specific Underwriting and Other Financial Standards, and Authorization of City Manager or Designee to Manage the Grant
10. Approval of Amendment Number 2 to Contract Number C17164727 with Professional Account Management, LLC. for Parking Citation Processing and Collections to Extend the Term and Increase the Amount by \$70,000, for a new Not-To-Exceed Total of \$720,000
11. Approval of Amendment #4 to Contract C18171057 with AECOM and Extend the Term to April 2024 and Increase the Not-to-Exceed Compensation by \$722,170 for Additional Studies of Railroad Grade Separation Alternatives for a Total Not-to-Exceed of \$3,596,828
12. SECOND READING: Review and provide feedback on the proposed permanent parklet standards and program policies; and Adopt an interim **Ordinance 5551** and resolution to continue the pilot parklet program until December 31, 2022 (FIRST READING: May 9, 2022: PASSED 7-0)

MOTION PASSED FOR AGENDA ITEMS 1-9, 11, 12: 7-0

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MOTION PASSED FOR AGENDA ITEM 10: 6-1, DuBois No

Council Member DuBois wanted the City to stop using the Palo Alto Police Department for downtown enforcement but rather use a contractor to for enforcement.

Action Items

13. 1310 Bryant Street (Castilleja School Project) PUBLIC HEARING/QUASI JUDICIAL/LEGISLATIVE: Certification of an Environmental Impact Report (EIR) and Approval of Applications for (1) a Conditional Use Permit (CUP) Amendment to Increase Student Enrollment Initially to 450 Students Followed by Phased Conditional Increases to 540 Students; (2) a Parking Adjustment to Enable On-Site Parking Reduction; (3) a Variance to Replace Campus Gross Floor Area; (4) Architectural Review of Campus Redevelopment. Additionally, (5) Adoption of a Zoning Text Amendment Exempting Some Below-Grade Parking Facilities from Gross Floor Area. Zone District: R-1(10,000). Environmental Review: Final Environmental Impact Report (EIR) Published July 30, 2020; Draft EIR Published July 15, 2019

Mayor Burt shared the procedure that the item would follow and disclosed that the item may be continued to a date uncertain.

Director Planning & Community Environment Jonathan Lait reported that at the March 2021 City Council meeting the Council directed Staff to explore amendments to the Zoning Code that would allow some of the below-grade parking to be exempt from Gross Floor Area (GFA) based on criteria. Also, to explore a reduction in the size of the below-grade parking garage, re-study the Conditional Use Permit (CUP) conditions for the Traffic Demand Management (TDM) plan, increases in student enrollment, improve tree preservation, consult with Architectural Review Board (ARB) and the Planning and Transportation Commission (PTC) on specific matters and prepare a report comparing the project with other Bay Area schools. Council directed Staff to explore a Text Amendment as the mechanism to exempt a portion of the below-grade parking garage from the GFA. As a majority, the PTC could not support a recommendation on the matter. One Commissioner proposed an alternative option to Staff's recommended Text Amendment and Staff requested the Council considers both options. With respect to the below-grade parking garage, Staff supported Option E because it fulfilled the Council's direction that no more than half of the parking spaces be below grade. The ARB and PTC also supported Option E for the parking garage. Option E contained 24,294 square feet with 52 parking spaces below grade and 37 spaces above grade with a 14 percent reduction. With respect to

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enrollment, the Council requested that the PTC and Staff consider enrollment to begin at 450 students. Then have a phased-in approach to increase enrollment to a maximum of 540 students. The PTC recommended the school increase to 450 students but only increase after construction was completed with CUP amendments. The City Council requested that the applicant consider preserving more trees with the below-grade garage. Option E of the proposal provided substantial setbacks from the tree protection zone. Also, further protections for Trees 87 and 89 were accomplished by shifting the pool location and access stairs. Tree 155 was retained by eliminating the access ramp to the below-grade service area. Staff recommended that the Council certify the Environmental Impact Report (EIR), approve the ordinance amending Title 18 and approve the components of the Record of Land Use action. To maintain transparency, the City provided a website dedicated to the project as well as an email distribution list. All of the recommendations made by the PTC were incorporated in the Record of Land Use except for the PTC's recommendation regarding enrollment. Staff felt that the PTC's recommendation was not consistent with Council's March 2021 direction.

Architectural Review Board Chair Osma Thompson summarized that the ARB reviewed the front facade along Kellogg Avenue with the understanding that Council was seeking more variation in the architecture. ARB moved that the Council consider a hybrid option for the Kellogg Avenue facade. While the ARB did support Option E for the below-grade parking garage. There was also a strong preference for creating a hybrid with the garage from Option D and the tree preservation from Option E.

Planning & Transportation Commission Member Carolyn Templeton noted the PTC made their final motions when one Commissioner was absent and one was recused. PTC did not recommend a Text Amendment due to the unintended consequences. There was a significant amount of debate about phased-in enrollment which resulted in the majority favoring having 450 students fixed in the CUP with the possibility to amend the CUP after construction. The minority was concerned about a CUP amendment process would take a long time and became a significant cost to the City. With respect to events, PTC supported allowing 50 events with five major events.

Council Member DuBois announced he recently met with the applicant and a group of residents. Each group underlined their key concerns but no new information was shared.

Council Member Cormack shared she met with Castilleja School administrators on May 14th, 2018, met with Preserve Neighborhood Quality of Life (PNQL) on August 11, 2018, an individual meeting on October 2, 2020 with Matt Glickman who opposed the project, a zoom meeting with supporters of the

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project on October 20, 2020, an individual meeting with October 27, 2020 with Sarah Sands who supported the project and a Zoom call with PNQL January 15, 2021. She disclosed she declined all formal meetings with the applicant. A member of the opposition met with her during office hours but no new information was shared.

Council Member Stone met with the applicant on May 13th and held a meeting with members of PNQL in the past week. No new information was shared in the meetings.

Mayor Burt reported he met with the Head of School of Castilleja School 4-months ago. He attended several meetings recently with neighbors who opposed the project.

Vice Mayor Kou received a binder from PNQL.

Council Member Filseth announced he had no meetings with either side of the project since the beginning of the COVID-19 pandemic.

Council Member Tanaka disclosed he held numerous office hours with both sides of the project. Those meetings were live streamed as well as recorded. Everything that was discussed was already in the public record.

Nanci Kauffman, Head of School of Castilleja, summarized that the discussion about the proposal had been focused on Building Codes, Zoning Laws, floor plans and parking spaces. The focus should be on providing a facility that could provide an education for more young women. Many of the classrooms had not been updated for over 50 years with some being converted from old dormitories. The project advanced the City's sustainability goals and provided a facility that allowed the school to grow enrollment to 540 students over 7-years. Increased enrollment would be accomplished without an increase in traffic with a robust TDM. The triggers, remedies and consequences were built into the plan if the school could not meet the car trip cap. The school recently submitted a petition with over 600 names of residents in support of the project. The school had answered every question and had made countless concessions. She strongly requested the Council approve the project.

Adam Woltag, WRNS Studio, stated the proposed design was built upon the existing setbacks, respected the existing height limits of the neighborhood and built off the existing park-like setting on the campus. The proposed plan had a reduced footprint of the building on the interior side of the library on all three floors. Also, the floor area was revised to not count the 2nd level decks and lastly, the 2nd level meeting room was changed from interior space to an open deck. Per ARB's recommendation, the Kellogg Avenue facade included breaks in the massing, a warmer material palette and other additional

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changes. An acoustic wall was being proposed along Emerson Street with Option E for the below-grade parking garage. With respect to daylight, the three levels of campus were stitched together with skylights, open staircases and double-height program spaces. The campus would be a low-carbon campus with induction kitchens, heat pumps and other sustainable components.

[A video was played of the street facades along Embarcadero Road, Bryant Street, Kellogg Avenue and Emerson Street].

Council Member Cormack requested Staff address the discrepancy between the TDM numbers in the Record of Land Use and the Mitigation and Monitoring Reporting Program (MMRP).

Mr. Lait explained the MMRP reflected an earlier iteration of the project. The numbers in the TDM reflected the PTC's recommendation of no net new trips. The numbers in the Conditions of Approval were stricter than the MMRP.

Council Member Stone applauded the applicant's effort to make the facility a green building. He noted the construction process will create significant Greenhouse Gas (GHG) emissions through concrete pouring and impacts on the water table. He inquired how many years it will take for the benefits of the green building to offset the environmental impacts from construction.

Mr. Lait explained there was no baseline data for cement or excavation emissions.

Council Member Stone asked who decided who was appointed to the TDM Committee and how the group would be structured.

Mr. Lait answered the Director of Planning and Development Services would appoint the Committee members. The makeup of the group was envisioned to have two members from Castilleja and two members from the public in opposition to the project.

Council Member Stone inquired what the definition of a trip was in the TDM.

Mr. Lait explained going to school and leaving the school counted as two trips.

Council Member Stone pressed whether the trip had to be to campus or where outside drop off/picks ups in the neighborhood considered as a trip.

Mr. Lait noted there would be monitors set up at all of the driveway entrances and exits. If a student were dropped off in the neighborhood, those trips would not be counted towards car trips to the school.

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Council Member Stone wanted to understand why those trips would not be included in the trip count.

Mr. Lait shared that during one reporting cycle, street car counters would be placed in the neighborhood street to count trips. There was no way to separate out trips to the school and normal neighborhood traffic. The intention was to monitor the traffic and determine if there was an increase in traffic as enrollment increased.

Mayor Burt asked if public art would be accessible to the public.

Mr. Lait shared the art was proposed to be placed at the corner of Embarcadero Road and Bryant Street.

Mayor Burt requested a further explanation about possible drop-offs in the neighborhood.

Mr. Lait added if complaints were received that students were being dropped off in the neighborhood. Staff would hold a conversation with the school to mitigate the issue.

Mayor Burt asked who selected the TDM monitor.

Mr. Lait noted the data from the car counters at the driveways would be submitted to the City daily. City Staff from the Office of Transportation as well as Planning and Development Services would review the data.

Council Member DuBois asked what the concern was regarding the Level of Service (LOS) in the Final EIR.

Chief Planning Official Amy French stated the City could no longer use LOS to determine environmental impacts caused by the project. The Final EIR identified an impact to the LOS for the intersection of Kingsley Street and Alma Avenue.

Council Member DuBois wanted to understand more about existing enrollment.

Ms. French answered that currently the school had 422 students enrolled but the existing CUP capped enrollment at 415.

Mr. Lait understood if the project were approved, the school would be allowed to increase enrollment to 450 students immediately.

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Council Member DuBois inquired if the proposed ordinance change would allow underground garages in the R-1 Zone but only if the garage were counted towards the floor area.

Mr. Lait answered no and that was governed by another section in the Municipal Code.

Council Member DuBois remarked the proposed language implied that below-grade garages were allowed in the R-1 Zone.

Mr. Lait suggested incorporating language explain that non-residential uses were allowed to have below-grade parking facilities.

Council Member Tanaka inquired how real-time noise would be monitored.

Mr. Lait stated if noise complaints were received, a condition allowed the City to require the school to install noise monitors. Also, some conditions allowed the PTC to discuss noise complaints and determine whether additional mitigations are needed.

PUBLIC COMMENT

Alan Cooper urged the Council to implement mandates that balanced the neighbor's desires with the school's desires. He requested that the neighbor's quality of life be protected, that parking be restricted, that events be limited, that setbacks be preserved and that student drop-off and pickup be restricted.

Neva Yarkin was concerned about the square footage giveaways and traffic.

Jamaica Kreps requested that the school be allowed to increase enrollment to 540 students. She believed that could be accomplished with the traffic cap.

Sulev Suvari believed the Council's direction to limit the number of cars that could be placed underground was only appeasing a small group in opposition to the below-grade parking garage. He supported the ARB's recommendation of a hybrid option comprised of Option D and Option E.

Kimberley Wong supported the PTC's recommendation to restrict enrollment to 450 students until the school could prove it could keep car trips below the cap.

Nelson Ng emphasized that Castilleja had been over enrolled for years.

Jim Fitzgerald supported the project and believed it would provide wealth and benefits to the community. The proposal focused on reducing impacts on all

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fronts and the Council should make its decision based on the facts presented in the EIR.

Kathy Burch mentioned the PTC's recommendation to cap enrollment at 450 was not the direction the Council gave to the PTC, nor was it studied in the EIR. PTC's recommendation to limit events to 50 was unfair compared to other City schools that had unlimited events. She urged the City to approve the proposal as presented by the applicant.

Bill Burch highlighted the compromises the school had already implemented to ease concerns from neighbors. He encouraged the Council to consider the facts and approve the project.

Lorraine Brown requested the Council approve an enrollment cap of 540 students.

Hank Sousa commented that many neighbors supported an enrollment increase of 8 percent. The school could make small changes to the three existing surface parking lots and still be able to fully park the school. Neighbors also supported leaving the pool in its current location to help mitigate noise.

Daniel Flath stated the proposed CUP provided the roadmap for Castilleja to reach its desired enrollment of 540 students without causing impacts on the neighborhood. He did not support PTC's recommendation regarding enrollment and felt it would be a waste of City resources.

Lesley King speaking on behalf of Christina Gwin, Joel Brown, Laura Zappas, Nadia Johnson, Josee Band, lived across the school and supported the hybrid underground parking garage proposed by the ARB. Moving cars off the street and out of sight improved the neighborhood. Kol Emeth built an underground garage without issue and the same process should have been applied to Castilleja. She found it unfair that Castilleja was required to provide real-time traffic counts to the City. An unfair condition that only applied to one other entity in the City. She urged the Council to revisit the excessive reporting conditions within the TDM.

Barbara Hazlett shared she lived near the school and supported the school's application. Schools, churches and libraries are crucial civic elements. The application removed parked cars off the street, reduced daily car trips, increased the tree canopy and provided many other benefits to the neighborhood.

Leila Moncharsh speaking on behalf of Jo Ann Mandinach, Annette Ross, Chuck Karish, Terry Holzemer (**69), represented PNQL and believed the process

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had been lengthy due to the absence of goodwill on behalf of Castilleja. Increasing enrollment to 540 students would be the conclusion and the City would never be able to reduce the number of students once the maximum was reached. She supported PTC's recommendation for a modest increase and then allow time to identify impacts. There was no agreement from Castilleja that it would abide by the conditions in the CUP and she did not support self-reporting as proposed. She urged the Council to improve the TDM, the penalty section of the TDM and enrollment.

Rob Levitsky supported the City's Department of Urban Forestry which supported Option E for the underground parking garage. He did not support Castilleja's plan to place 40 percent of its classrooms below ground without windows, sunlight and natural ventilation. He stated that money was why the school continued to over enroll every year.

Maya Bluuenfeld announced her full support for Castilleja's proposals. The Council could approve opening more opportunities for young girls with no risk of increased traffic based on the no net new trips provision. She urged the Council not to support PTC's recommendation that the school return for a CUP amendment for increases to enrollment.

Bill Ross associated his comments with the written comments that questioned Staff's analysis regarding the Variance. The PTC did not completely analyze Section 18.76.030 of the Municipal Code and the City could not reverse a definitive statutory requirement as indicated in the Staff report. He concluded that recommendations made by Staff in Attachments C1 and C2 did not comply with the law.

Cindy Chen was a neighbor who supported Castilleja's proposed underground parking garage as well as the ARB's recommendation to place 69 parking spaces below ground. She encouraged the Council to think about the process and help the City come to a solution.

Eduardo Llach supported the project because it included a sustainable campus, improved aesthetics to the neighborhood, it did not add above-ground square footage and it could enroll more girls without increasing traffic. He echoed the earlier comment regarding unjustified real-time traffic monitoring.

Kerry Yarkin relayed that John Lusardi, the prior Planning Director, stated 22 years ago that the City would not favorably agree to allow Castilleja to increase its enrollment. She did not support the City in rewarding the school with an increase in enrollment when they had lied and had misrepresented their true enrollment figures for the past 15 years.

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Rita Vrhel Speaker on behalf of Atsuko Bennett, Irene Kane, Joe Hirsch, Chris Robell, Subhash Narang agreed with Ms. Yarkin and added that if any of the prior CUPS were violated. There was supposed to be a meeting and no meeting was ever occurred. She mentioned she wrote a letter to the Council discussing Dudek's 11/17/2021 Castilleja School's building and gross area floor assessment report. Over the past 5-years, the Council, ARB and PTC's recommendations were based on grossly inaccurate and false GFA that was supplied by Castilleja but never verified by Staff. She recommended the Council rescind its 3/29/2021 motion about Castilleja's underground garage and associated square footage. Every Variance, Text Amendment and/or encroachment given to Castilleja reduced neighbor's rights, property values and quality of life.

Andie Reed speaker on behalf of Pam McCroskey, Wally Whittier, Diane Rolfe, Joe Rolfe, Vic Befera reported she, along with several other neighbors, opposed the scope of the project but did not oppose the school itself. She aligned her comments with Mr. Ross regarding the Variance and Ms. Vrhel's comments regarding square footage.

Greg Sands confessed he was confused about why the Council was still discussing the project. He encouraged the Council to follow the law, the regulations and precedent to decide. He recommended the Council approve a path for the school to reach a maximum enrollment of 540 students.

Erin Holsinger shared she was a parent of a Castilleja student as well as a substitute teacher at the school. She remarked that Castilleja's education should be made available to as many students as possible.

Tony Hughes announced his support for Castilleja and found their project unwavering. He strongly encouraged the Council to approve the Variance with no Text Amendment and to review the split votes and recommendations made by the PTC and ARB through a lens of common sense. He did not support enrollment increases being subject to a CUP review and that the school be limited to 50 events per year.

Kathleen Foley-Hughes requested the Council support Castilleja's proposal under the letter of the law and also in spirit. She expressed concern about real-time traffic monitoring and found the condition out of scale and unsustainable. She strongly recommended the Council oppose the proposal to limit the events to 50.

Julia Ishiyama speaker on behalf of Anne Rubin, Sue Kim, Jill Lee, Lauren Heysse, Steve Dowling, remarked the discussion came down to trust and accountability. Holding Castilleja accountable by requiring that the school keep its promises regarding increased enrollment would rebuild trust in the

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community. She fully supported the proposal for Castilleja to grow by 25 to 27 students per year contingent upon no increases in daily trips as well as the penalties if traffic did increase. Opposing Castilleja's project would stop construction selectively with a degree of scrutiny that no other project in the City had faced.

Leannah Hunt supported the project as proposed and the underground garage.

Barbara Gross echoed that the school could open more educational opportunities without creating traffic and she recommended the Council support the project.

Rebecca Eisenberg agreed that Castilleja should be allowed to do everything it was legally allowed to do on the land. The site was zoned for housing and not for a school. She concluded that the laws should apply to Castilleja as they do to everyone in the community.

Catherine Ross Stoll remarked that after 35-years there was still a question of whether or not the school should be allowed to renovate or replace the buildings. She urged the Council to support Castilleja's proposal.

Jochen Profit found the debate over Castilleja's proposal to be the definition of nimbyism. He requested that the Council approve the project.

Nancy Tuck stated the Council was still discussing a problem that did not exist. Through their efforts, the school eradicated traffic issues by reducing car flow by 30 percent. A misdirected decision may be the tipping point for Castilleja to sell their land to a developer.

Carolyn Schmarzo remarked the proposal offered zero benefits to the community. There were no facilities available for music, art, sports and no taxes were collected. There was no offer to pay for the destruction of publicly owned infrastructure from construction.

Deborah Goldeen expressed confusion why the Council was concerned about specific issues when the City could not enforce its Noise Ordinance or the increased traffic due to delivery services. She stated she was embarrassed and ashamed by how the City had treated Castilleja School.

Jeff Levinsky summarized the letter he submitted to the Council that detailed seven problems with the proposed Castilleja compliance plan.

Diane Morir cautioned the Council on making a decision that was based upon confirmatory bias. The school was a treasure to the City and the Council should allow the school to modernize its campus.

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Stewart Raphael (Online) believed the Variance was another example of excessive hurdles. The facts remained that with car trips capped the school would not increase traffic and the proposal supported the City's sustainability goals. He expressed that Council should support and approve the project.

Roger McCarthy, speaker on behalf of Kiley Gilbuena, Megan Gilbuena, Emily McElhinney, Elke Teichmann, Jody Lieb shared he had no affiliation with Castilleja School but supported the school's proposal. He stated that the representation of women in the science, technology, engineering, and mathematics (STEM) fields was urgently needed. Studies had proven that girls graduating from same-sex schools were six times more likely to consider majoring in STEM and three times more likely to go into engineering. CUPs were not intended to drive away educational and cultural assets. Many of the conditions in the CUP only applied to Castilleja and not to other schools, museums, libraries and churches. The City should review the facts and data and rely on the facts and data to make the right decision.

Mary Sylvester urged the Council to clearly demonstrate fairness, transparency, and adherence to the City's codes and ordinances. She supported the PTC's recommendation regarding enrollment. She urged the Council not to approve the Variance and to review the proposal's sustainability components.

Roy Maydan was grateful for the City and Council's attention to the project throughout the years. He supported finding a path for the school to increase enrollment to 540 students. The facts supported the investment in the City and he urge Council to approve the project.

Tom Shannon referenced an email he sent that outlined his concerns with the CUP conditions. He expressed concerns about the destruction of the existing streets during construction.

Aram James opposed the project due to promises made by Castilleja that were never upheld. He suggested the school be converted to an all-black educational institution so that Palo Alto could be the leader in reparations in the country.

Glow Chang shared she is a direct neighbor to Castilleja and announced every neighbor on her block of Bryant Street supported Castilleja's project. The school had been a fantastic neighbor by reducing traffic through their mitigations. The Council must do its civic duty to promote education and allow students to learn in a modern environment.

Keith Bennett with Save Palo Alto's Groundwater summarized the written and oral communications that were provided to the Council and the PTC in

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December of 2021 that were related to specific environmental impacts of the project.

Jim Poppy remarked the City should not automatically approve what Castilleja proposed but rather consider a compromise for square footage and enrollment. He supported the PTC's recommendation to limit enrollment to 450 students until construction was completed and the school had demonstrated compliance. Also, all traffic within a three-block radius should be measured to create a complete picture of the impacts.

Anu Priyadarshi stated it was unfair to have two different standards for schools that were roughly a mile from each other. She appreciated the ARB's review of the facts and their recommendation.

Trisha Suvari wholeheartedly supported Castilleja and their proposal. The PTC's recommendations regarding events and enrollment went against the conclusions in the EIR.

Carla Befera believed that the construction of the new campus would cause extraordinary disruptions to the neighborhood for 3- to 5-years. She requested that the PTC be tasked with approving a construction plan before the CUP was granted. Also, the school should be required to move to a temporary campus during construction. Also, most private schools required students not to drive to school.

Stephen Band stated that the City's handling of Castilleja's project had been a display of failing governance in terms of timeliness, overreach and equal treatment.

Arthur Keller announced his support for the PTC's recommendation with respect to enrollment.

Lian Bi supported the project because it removed cars from the streets and improved the aesthetics of the neighborhood. She believed that R-1 zoning rules and regulations should not be applied to the site. She urged Council to approve the Variance.

Rebuttal: Mindie Romanowsky remarked that Castilleja should be allowed to hold 70 events, be treated equally and that the Council should not make an arbitrary decision. Through the copious amounts of public outreach and community meetings the school revised its plans to mitigate concerns while achieving its goals. With respect to square footage, the square footage was verified by laser counters by an independent consultant that was hired by the City. Conditions #22G and #24B addressed data collection in the public rights of way. Though the Conditions of Approval were highly stringent, the school

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was committed to compliance because the education of more young women depended on it.

[The Council took a 10-minute break]

City Manager Ed Shikada announced that Staff was available to help guide the Council's discussion based on the motion made in March of 2021.

Mayor Burt invited a round of questions from the Council Members.

Council Member Cormack wanted to understand the interaction between B and D in the Record of Land Use.

Mr. Lait explained if approved the school would be allowed to increase to 450 students immediately. Three consecutive reports with no violations were needed to increase enrollment in the proceeding years. He acknowledged the applicant's recent letter requesting that the language be improved for letter D and agreed to that request.

Council Member Cormack referenced Ms. Bilips' letter from May 20th that included a Fehr and Peers study that mentioned the school would take advantage of the City's Embarcadero shuttle. The shuttle had not been in operation for several years and she inquired if that inclusion was relevant.

Mr. Lait articulated that Staff requested that the applicant remove the Embarcadero shuttle from the TDM plan.

Council Member Cormack understood that the applicant would pay to have the four roads surrounding the school to be repaved.

Mr. Lait confirmed Condition #26 required that the applicant shall repave the four streets.

Council Member Cormack understood there would be an additional increase of 10 staff members at the school with the enrollment maximum of 540 students.

Council Member Stone wanted to understand the legal complexities of reducing enrollment if the school was found out of compliance.

City Attorney Molly Stump explained Staff did not foresee there being issues with enforcement of the CUP.

Council Member Stone asked if Development Fees would be collected on all the replaced GFA.

Mr. Lait answered no.

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Council Member Stone wanted to understand how the net GFA increase was calculated.

Mr. Lait explained the intention was to be consistent with current practice got calculating GFA. One area where there may be a net increase was in the garage and the Council should decide whether to impose Impact Fees or not.

Council Member Stone indicated he could not find in the proposal anything that addressed Item A ii in Council's last motion.

Mr. Lait noted some of those conditions were included in the remedies if the applicant was found out of compliance for average AM peak and average daily trips.

Council Member Stone asked how many properties would the alternative ordinance apply to.

Mr. Lait estimated 15 properties.

Vice Mayor Kou inquired if Castilleja's current enrollment was following their existing CUP.

Mr. Lait confirmed Castilleja currently exceeded the enrollment cap for their existing CUP.

Vice Mayor Kou asked how the City managed over enrollment in the past.

Mr. Lait mentioned the agreement with the prior Planning Director was to scale back enrollment by four to six students per academic year. The agreement was established in the year 2013.

Vice Mayor Kou articulated that past efforts have proven that enforcement of the proposed CUP will be difficult.

Mr. Lait clarified that the proposed CUP clearly identified the penalties for violations. He acknowledged that three reports of violations were needed to reduce enrollment and alternatively it took time to hold a public hearing with the PTC for violations.

Vice Mayor Kou wanted to know if the EIR considered the extra square footage that the Dudek appraiser report identified.

Mr. Lait restated many of the changes had to do with volumetric space. He concurred other square footage was more than what was reported on the plans.

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Vice Mayor Kou stated that the ARB, the PTC and the Council were not fully aware of the exceedance due to incorrect square footage figures being shared by Staff.

Council Member DuBois asked if Staff or the applicant explored exiting traffic onto Embarcadero Road rather than Emerson Street.

Mr. Lait commented that the Embarcadero exit was not included in Council's last motion for Staff to explore.

Council Member DuBois inquired about what traffic patterns would be at the ramp onto Melville Avenue.

Ms. French concurred the Draft EIR considered right turns out of the driveway which became a Tire Index impact. The dispersed drop-off alternative was introduced to mitigate the impact.

Council Member DuBois wanted to know how much space was needed for construction parking.

Ms. French declared the logistic plan was a Condition for Approval from the Public Works Department.

Council Member DuBois understood the Council only received the Conditions of Approval for the CUP and not the Conditionals of Approval for the project.

Ms. French clarified the Record of Land Use action had Conditions of Approval for the CUP as well as for the architectural review components. She emphasized typical practice was to submit a logistic plan with the Building Permit.

Council Member DuBois asked when the TDM would be implemented.

Ms. French answered the monitoring reports would begin immediately.

Mr. Lait added that counters would be installed at the existing driveways and construction traffic would be separated from the AM Peak and average daily trips.

Mayor Burt recalled the prior proposal in the year 2000 was to expand the constrained acreage and that it did not anticipate future enrollment increases. He wanted to know Staff's interpretation of 1B of the Variance findings and how that correlated with the expansion project done in the year 2000.

Assistant City Attorney Albert Yang answered changes in the shape or size of the property by the property owner were excluded from consideration as

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reasons for granting the Variance. The property needed a Variance because the property had a certain amount of square footage for historical use and maintenance of that use required a Variance.

Mayor Burt challenged how did maintenance of the use require a big expansion in enrollment.

Mr. Yang noted the Variance was not for enrollment but for maintaining the square footage.

Mayor Burt inquired when would the school be allowed to increase enrollment to 450 students.

Mr. Lait restated immediately upon approval.

Mayor Burt recalled the motion was vague on when enrollment increases should start and agreed there was a dilemma with construction impacts.

Mr. Lait reminded the Council that the original Staff recommendation was to begin enrollment at 426 students and then use a phased-in approach that was tied to the construction schedule.

Mayor Burt inquired what the penalties were for enrollment violations.

Mr. Lait explained three consecutive violations would require a reduction to the incoming class of at least five students.

Vice Mayor Kou asked why the PTC was not allowed to revisit the Variance with the new GFA analysis.

Mr. Lait explained the PTC was not precluded from discussing the Variance but Staff had addressed the issue with the ARB.

Vice Mayor Kou believed it was important for the PTC to know about the changes because they were reviewing the Text Amendment, the Variance and the CUP. She inquired why the Staff report did not propose that the new building be built to be conforming as required by the Municipal Code.

Mr. Lait concurred that the removal of the existing non-conforming floor area could not be replaced and that was the reason Castilleja was seeking a Variance.

Vice Mayor Kou asked how many vehicle entrances and exits will be.

Mr. Lait requested additional time to answer the question.

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Vice Mayor Kou wanted to know if Castilleja had entrance exams and interviews before accepting students.

Ms. Kauffman answered students are required to apply and have an interview.

Vice Mayor Kou acknowledged the comments about comparing Castilleja to City public schools. Public schools must accept all students without an interview.

Council Member Cormack wanted to know the cost of real-time traffic monitoring.

Chief Transportation Official Philip Kamhi announced he would need some time to search for the answer.

Council Member Cormack understood the first ordinance would apply only to Option E for Castilleja's underground garage and would apply to two parcels in the City that had a historic resource. The alternative ordinance applied to any underground parking garage option for Castilleja and would apply to 16 parcels in the City without the requirement of a historic resource.

Mr. Lait confirmed that is correct.

Council Member Cormack wanted to understand the implications of the alternative ordinance.

Mr. Lait explained the alternative ordinance provided a context-based analysis of a proposal instead of arbitrarily setting a series of standards.

Ms. Kamhi mentioned the cost for real-time traffic monitoring equipment would cost several thousand dollars but depended upon what equipment was used.

Council Member Cormack commented that the project before the Council was responsive to the concerns that were expressed about trees, design, public art and other items.

Council Member Stone inquired what the timeline would be if PTC's recommendations regarding enrollment was adopted.

Mr. Lait believed the process to amend the CUP to increase enrollment would be a quick process. Staff was concerned about opening up discussions about all of the items in the CUP.

Council Member Stone wanted to know if the CUP could be discussed in a public forum every 2- to 3-years.

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Mr. Lait acknowledged there was no sufficient data on private schools and that type of process. He requested some time to explore it further.

Council Member Stone inquired if the school could increase enrollment up to 25 students if they were found in compliance with their CUP.

Mr. Lait understood the school would be granted an immediate increase of 25 students with no violations.

Council Member Stone suggested the language be up to 25 instead of an immediate 25 to make it fair. He inquired how frequently was the pool loudspeaker used.

Ms. Kauffman shared it was used during swim meets where multiple schools attend and water polo. The speaker was not used during practices.

Council Member Stone was surprised to see only five athletic events listed on the event list.

Ms. Kauffman explained that the other athletic events were under 50 participants.

Council Member Stone asked what the rationale was to have the pool below grade.

Ms. Kauffman indicated it helped reduce noise and allowed the pool to be adjacent to the fitness center.

Council Member Stone pressed if noise impacts from a below-grade pool had been studied.

Ms. French answered the environmental review process included a noise report and that was included in the Draft EIR.

Mr. Lait added that noise from the pool was identified as having a less than significant impact. He noted the City could require noise monitors if complaints were received.

Council Member DuBois asked if the City could require construction to be completed in 21 months rather than the proposed 34-month construction period.

Mr. Lait indicated that the 21-month construction period required Castilleja to find an alternative campus. For environmental purposes, the City would have to know the location of the alternative location to understand the impacts.

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The topic was discussed with the ARB and the applicant disclosed that they had not found a site for a temporary campus.

Council Member DuBois affirmed that the application process had been long but the school was asking for many changes. There was a history of code violations with the school and the Council was trying to establish a process that rebuilt trust. He struggled with the reassurance that the school would comply if the Variance and other changes were approved. He requested the Council simplify the enforcement conditions in a way that was independently verified.

Mayor Burt agreed the proposal was for an exceptionally dense school population located in an R-1 neighborhood. There had been an understanding between the school and the City that the school would not expand further after the acreage was expanded in the year 2000. Any additional expansion was not a right of the school but a discretionary decision of the City. He requested Staff review Condition #22G and return with an explanation. He inquired whether an egress for the garage was evaluated for Embarcadero Road.

Ms. Romanowski commented she was waiting on an answer from Fehr and Peers.

Mayor Burt asked what percentage of students were from Palo Alto and East Palo Alto.

Ms. Kauffman answered that 25 to 27 percent were from Palo Alto. She requested more time to find the figures for East Palo Alto.

Mayor Burt wanted to know if the TDM Plan allowed junior and senior students to drive to the school.

Ms. Kauffman indicated there was no parking for junior and senior students.

Mayor Burt responded that students could park in the neighborhood and walk to the school.

Ms. Kauffman agreed.

Mayor Burt wanted to know if there should be a condition of enrollment that junior and senior students shall not be allowed to drive themselves individually.

Ms. Kauffman mentioned many students traveled from outside of Palo Alto and they carpooled.

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Mayor Burt rephrased that the school cannot prohibit students from driving themselves to the school.

Ms. Kauffman responded that to meet the TDM requirements a mitigation measure could be implemented that junior and seniors shall not drive to school.

Mayor Burt emphasized that there was evidence that students were being dropped off at satellite parking lots or parking in the neighborhood. Those trips would not be counted in the monitoring reports and that was a concern.

Mr. Lait reviewed Condition #22G as well as reviewed the correspondence from the attorney. He determined that the condition and other conditions did not address parking in the neighborhood. The Council could explore establishing a Residential Parking Program (RPP) but that was not recommended by the PTC.

Mayor Burt confirmed that would address parking in the neighborhood but not drop offs.

Council Member Filseth commented that this was the most important issue with the proposal that needed to be resolved. He mentioned there were little studies done on the encroachment into the easement along Melville Avenue.

Mr. Lait indicated that the Public Works Department reviewed the plan and found that the easement adjustment would not impact operations.

Council Member Filseth agreed that the discussion was about what constraints should be enforced for a dense area that was located in the middle of a residential neighborhood. He was concerned about traffic, traffic monitoring and enforcement as well as noise and construction impacts. There was progress made on the aesthetics and tree preservation. He commented that establishing and maintaining an RPP was a cumbersome process and should be avoided if possible. He agreed the rederrick had not been helpful and was not furthering the process.

Vice Mayor Kou aligned her comments with Mayor Burt and Council Members DuBois and Filseth. She inquired why there were concerns about Council setting a directive for maximum build-out.

Mr. Yang emphasized it was hard to imagine what the maximum build-out would be because any action taken by the Council could be overturned for a future Council.

Vice Mayor Kou understood the Council could require a maximum build-out.

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Mr. Yang wanted to understand what maximum build-out meant but the Council could state their intention in the Record of Land Use action.

Vice Mayor Kou explained that maximum build-out could include the maximum number for enrollment.

Mr. Yang concurred but restated he wanted to understand the specific proposal and explore its implication.

Vice Mayor Kou emphasized the question was raised in the last motion and was disappointed that Staff did not return with the implications. She commented that the facts and studies have shown that the GFA was currently in exceedance, that enrollment was currently out of compliance and that the TDM was not robust and could not accurately be monitored. Another fact was the existing CUP disallowed events to be held on Sunday and on May 15th there was an event at the school. With that said, the Council must decide on how to move forward and allow the applicant to rebuild trust with the community.

Council Member Tanaka acknowledged the length of the process and the many public meetings held on the matter.

MOTION: Council Member Tanaka moved, seconded by Council Member Cormack to:

- A. Adopt a resolution certifying the subject project's environmental impact report (Attachment B); and,
- B. Adopt an ordinance on first reading amending Title 18 to exempt certain below grade parking structures from the definition of gross floor area in low-density residential zones (Attachment C2); and,
- C. Direct staff to update the record of land use action to amend Condition #6 to limit the maximum number of events in a calendar year to 70 with no more than 32 of those events occurring after 6pm; and,
- D. Adopt a record of land use action approving a conditional use permit for a private school in the low-density residential zone; a variance to replace existing non-conforming floor area; architectural review for new academic buildings, site redesign and phased construction; and, a 14.4 percent parking adjustment (Attachment D).

Council Member Tanaka agreed that continuing the process was toxic for the City, the Staff, the community and the applicant. Now was the time to move forward.

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Council Member Cormack reported she could make the findings for the EIR. She proposed several amendments to the motion which the maker agreed to.

Mayor Burt requested the seconder explain her rationale to include Attachment C2 in the motion.

Council Member Cormack recalled that the PTC did not provide a recommendation for the Record of Land Use action and so Staff provided two options. The alternative Record of Land Use action applied to 16 parcels within the City that were 2 acres or more and provided more flexibility for the below-grade parking garage.

Council Member DuBois could not support the motion. He supported the narrower Record of Land Use action that only applied to two parcels in the City. He supported the PTC's recommendation with respect to events but still had concerns about the TDM process and specific Conditions of Approval.

Mayor Burt asked for a follow-up answer to whether the egress was explored for Embarcadero Road.

Ms. Romanowski confirmed the analysis studied ingress and egress. The City's traffic engineer believed that an un-signalized entrance would not work due to safety for both ingress and egress.

Mayor Burt indicated he also wanted to have additional discussions on the TDM and other Conditions of Approval. He struggled with the issue of when the enrollment would go up in relation to construction and why enrollment should increase before construction.

Council Member Stone echoed the concerns of Mayor Burt and Council Member DuBois. He believed it would better serve the community and the school to find a temporary location during construction. He suggested increasing enrollment to 450 students if a temporary campus is found and if not, then enrollment would be capped at the existing level until after construction. After reviewing the list of events provided by the applicant, many of the events were for adults and not for current students. He had no interest in limiting true student events and he supported PTC's recommendation on the matter. He encouraged the Council to consider Chairperson Lauing of the PTC's idea about having the TDM Committee reevaluate events annually to ensure the process was working for the school. He inquired if the motion included Option E for the underground garage.

Council Member Tanaka answered yes.

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Council Member Stone believed independent monitoring of the TDM was very important and was concerned about limiting the monitoring to the driveways of the parking garage. He stated the project was greatly improved from the previous version but he could not support the motion.

Council Member Filseth asked if the motion included a path for the school to reach its desired maximum enrollment of 540 students.

Council Member Tanaka answered yes.

Council Member Filseth recommended the Council consider PTC's recommendation that Castilleja move to 450 students enrolled and then return later for CUP amendments for enrollment.

Vice Mayor Kou declared she had concerns about exempting the below-grade parking square footage. She agreed there should be more discussion about the TDM and that it should include mandatory programs. She could not support the motion.

MOTION FAILED: 5-2, Burt, DuBois, Filseth, Kou, Stone no

Council Member DuBois asked what the process would be if monitors were set up on a two blocks radius in all directions of the school.

Mr. Lait requested to explore it further offline.

Council Member DuBois asked if the TDM included a report on mode sharing.

Mr. Lait confirmed that was included in the TDM plan.

Council Member DuBois inquired if there was a performance target for mode sharing.

Mr. Lait explained it was tied to the school's trip production but that did not address the concerns of students being dropped off or parking in the neighborhood.

Council Member DuBois predicted it would be hard to measure trips to the school with an increased enrollment to 450 students when construction was happening.

Mr. Lait understood that the school will have 418 students for the current academic year. If the CUP were approved, the school would increase up to 450 students for the following academic year. After three consecutive reports with no violations then enrollment could increase by another 25 students.

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Council Member DuBois restated he wanted to understand what happened when construction began.

Mr. Lait indicated there would be traffic counters at all drop-off locations. He noted that Council had the authority to not authorize an increase in enrollment until after construction was complete.

Council Member DuBois wanted to understand if enrollment would be stopped if there were other violations of conditions outside of the TDM. He supported the PTC's recommendation to complete construction, determine if the TDM was working and build up a track record as the school increased enrollment to 540 students.

Mayor Burt wanted evidence there was compliance with the TDM before enrollment was increased beyond 450 students. With that said, he did not support having the applicant come back for CUP amendments. He was interested in having an agreement between the City and the applicant that 540 students was the maximum build-out of the site. The project did not provide many benefits to the public and he believed that it would serve the community better if a larger percentage of students were required to be from Palo Alto and East Palo Alto.

Ms. Kauffman provided that 4 percent of students reside in East Palo Alto.

Mayor Burt found it appropriate to limit the events to 50 on-site and encouraged the school to hold offsite events. He strongly believed the trips to Palo Alto must be included in the TDM program, not just the trips to campus. If there were no rules and penalties for parking in the neighborhood. Students, parents and the facility would continue to do so. He was interested in having a prohibition on students driving to Palo Alto and a prohibition of parents dropping off outside of the school campus except at satellite locations. He supported enrollment increases to follow the phases of construction and supported Council Member Stone's proposal with respect to the temporary campus.

Council Member DuBois wanted to see more rigorous ways to verify that students were using different mode shares to come to campus.

Mr. Lait reported the school had data on mode share and the City would continue to require that information. He did not know of a way the City would independently verify the information.

Council Member DuBois understood the details of the TDM program would come later.

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Mr. Lait responded that the TDM plan before the Council contained all the details. Staff would make refinements if directed by Council.

Council Member DuBois suggested that Council approve everything with the understanding that a detailed TDM plan would return to Council at a later time. He asked if there had been any additional discussion about more satellite parking.

Mr. Lait reported Staff requested that the applicant identify more satellite parking sites but no site had been identified.

Council Member DuBois inquired if maps for the shuttle routes would be included in the TDM plan.

Mr. Lait answered Staff did not know the specific routes.

Council Member DuBois inquired how the TDM Committee would work.

Mr. Lait explained that any violations found in the monitoring reports would be reviewed by the TDM Committee. They would provide recommendations to the Director of Planning and Development Services and Chief Transportation Official.

Council Member DuBois wanted to understand why Castilleja would be on the TDM Committee.

Mr. Lait remarked Castilleja had a vested interest in solving the problem and they may have insight into how to solve the problem.

Mayor Burt asked what items were on the June 6th, 2022 agenda.

Mr. Shikada listed the suspension of the downtown business improvement district, the continued temporary ban on the eligibility of parking in lieu and the Tree Ordinance.

MOTION: Mayor Burt moved, seconded by Council Member DuBois to continue the public hearing to June 6, 2022 at 5:00 p.m.

Council Member Cormack could not support the motion.

MOTION PASSED: 6-1, Cormack no

Council Member Questions, Comments and Announcements

Vice Mayor Kou asked for more details about Bay Area Water Supply and Conservation Agency (BAWSCA) lawsuit.

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Council Member Cormack answered the budget included an increase in the assessment of the rates but that did not affect the rates of the folks living in Palo Alto.

Mayor Burt inquired if the City continued to oppose BAWSCA's position in the lawsuit.

Council Member Cormack reported she had not voted on the Bay Delta Lawsuit during the time she had been serving as the representative.

Adjournment: The meeting was adjourned at 11:50 P.M.