

From: [RICH STIEBEL](#)
To: [Planning Commission](#)
Subject: Redefine "Affordable Housing"
Date: Friday, September 25, 2020 4:37:28 PM

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

Attention Ed Lauing

Hi Ed,

I sent the following letter to the present city council members. Since I expect that you will be on the council after the election, I'm sending you a copy. Your comments are invited.

Rich

P.S. We are displaying your lawn sign.

Voting for Affordable Housing as X% of Market Rate sounds good on one's political record, but what has it really accomplished?

We need to redefine Affordable Housing in terms that really matter. What is the salary of a beginning teacher, of a starting Stanford janitor who keeps the hospital clean and germ free, of a fire fighter who just finished her/his training?

With the cost of housing continuing to rise, we need to redefine Affordable Housing in terms of what these and similar workers can afford to pay, irrespective of Market Rate. We need these people to be a part of our community.

Developers are in business to make money. Giving them concessions in parking, building height, and zoning so they will build a few pseudo- Affordable Housing units affects our citizens who live in the neighborhoods in which they build.

The city needs to buy the land and build real Affordable Housing. The city could sell bonds to raise the money for this important project. It's the city's job to take care of its workers.

Rich Stiebel
840 Talisman Drive
Palo Alto, CA 94303-4435

From: [Bob Kocher](#)
To: [Planning Commission](#)
Subject: Support for Castilleja
Date: Thursday, September 24, 2020 9:53:01 AM

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

September 24, 2020

Dear Planning and Transportation Commission,

Thank you for the time you have taken to review and consider Castilleja's application for a new Conditional Use Permit and new Project Alternative. As a resident of Palo Alto and a neighbor of the school, I am writing to share my steadfast support of the proposal, which is 100% compliant with Palo Alto's Comprehensive Plan, and I hope you will support it as well.

Castilleja was founded only a few years after Palo Alto was founded. They have been here since the beginning and have evolved together. Preserving the history of one requires preserving the history of the other as well.

I do hear people who believe that the parking structure will bring more traffic to the neighborhood, and I want to reiterate that this is an illogical argument because the daily car trips are capped. The structure simply moves cars below ground. The school cannot and will not permit more trips to campus. If trips increase, the school will not be permitted to increase enrollment, so the accountability is built into the proposal. Therefore, Castilleja is hugely incentivized to make sure that there will be no new trips since they will depend on the tuition revenue that they generate.

I hope that you have noted that FEIR prefers the underground parking structure over street parking for many reasons. First of all, it restores the neighborhood feel by placing cars below ground. As a body concerned with preserving the history of the City, this change is one that aligns with your goals. More important, though, Palo Alto's Comprehensive Plan, the City's guiding tool for preservation and development prefers underground parking to street-level parking. This is the option that the City has carefully considered and decided is superior.

The structure will be single lane and thus smaller and less prominent than other facilities. It will also be carefully landscaped, to improve upon current conditions, especially on Emerson where there is now a street-level parking lot. This is a solution that was built in response to neighbors who insisted upon it as a condition for moving forward, and as a neighbor, I fully support the underground parking structure as well.

Sincerely,

Bob Kocher, MD

Adjunct Professor, Stanford Medicine

Emerson Street Resident, Palo Alto

From: [Andie Reed](#)
To: [Planning Commission](#)
Cc: [French, Amy](#)
Subject: Corrections to Staff Report
Date: Wednesday, September 23, 2020 7:35:45 AM
Attachments: [EventsCityPNQLCasti2018.pdf](#)

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

Dear Planning Commissioners:
(CC Amy French)

Having had a chance to review the staff report from the Sept 9, 2020 PTC meeting, we find it necessary to call out a few misstatements.

1. Pg 10: Staff response, bottom half of page ".....the 1,477 daily trips that some commenters **erroneously** reference." Commenters are not mistaken in stating **1,477 car trips** are proposed with the new enrollment request, as that number is stated on Table MR5-2, pg 2-76, of the EIR (as well as in many other places).
2. Pg 11: part IV. This discussion indicates that the reduction in student enrollment upon being caught over-enrolled was merely a process issue, agreed to by the City. The City eventually gave in to a "pause", as it is referred to here, but in fact, the school just stopped reducing enrollment. The planning director at the time, Steven Turner, threatened revocation of the use permit (see our packet sent to you on Sept 7, #2 "Enrollment History"). Then he left employment with the City of Palo Alto. The school didn't begin reducing again until the neighbors' attorney letter encouraged City Manager Keene to enforce the school's CUP.
3. Pg 12: The school is out of compliance with the number of events allowed, which is indisputably "5 major and several other" (#27 and 28 of CUP). Former Planning Director Gitelman's correspondence with the school and with PNQL attorney Moncharsh states the intent of the Condition was to limit events, and she encouraged the school to get back into compliance. I attach those letters. The school is out of compliance with consecutive days and weekends of the CUP (#25 and 26). Neighbors provided City staff with a tracking excel spreadsheet for years 2016-2017, 2017-2018 showing the non-compliance. Please consider this in your deliberations. Sept 9 deliberations appeared to ignore the fact that the school, under the current leadership and since 2010, intentionally disregards their Conditions.
4. Pg 17: The report states that "The 2000 CUP includes a long list of types of "other" events. Based on that list it is clear more than just a handful or a literal meaning of several was intended" (my underline). That is an absurd misreading of the intent, and a poorly disguised acknowledgement of the school's departure from logic and reasoning in order to rationalize non-compliance with the agreement they made with the City in 2000 (see Gitelman letters again). It is unsettling that the City staff report only reflects the school's perspective and not the neighbors', despite many years of meetings with them with documentation of events' non-compliance.
5. Where is the discussion of the "green-ness" of the underground garage? I believe it was Chair Templeton's question.

It would seem the Planning Commission would strive to study both sides of this controversial project. The September 9 meeting provided a showcase for Castilleja, from using the school's attorney to define an underground garage as a basement against all reasonable analysis of the Code, to allowing only the school to speak despite our attorney

asking to speak, to having one commissioner openly making misstatements that are word-for-word party lines we have been hearing from the school for years.

Who is looking out for the residents?

Thank you for your attention to this matter.

Andie Reed
PNQL

--

Andie Reed CPA
160 Melville Ave
Palo Alto, CA 94301
530-401-3809

DONNA M. VENERUSO (d.'09)
LEILA H. MONCHARSH

LAW OFFICES
VENERUSO & MONCHARSH
5707 REDWOOD ROAD, SUITE 10
OAKLAND, CALIFORNIA 94619
TELEPHONE (510) 482-0390
FACSIMILE (510) 482-0391

January 21, 2018

to HG Gitelman

Hillary Gitelman
Planning Director
City of Palo Alto
250 Hamilton
Palo Alto, CA 94301

hillary.gitelman@cityofpaloalto.org

Re: Castilleja School – Complaint for Enforcing 2000 CUP

Dear Ms. Gitelman:

As you may recall, I am the land use attorney retained by Protect Neighborhood Quality of Life Now (PNQL), a group of neighbors living in the vicinity of Castilleja School. This is to follow up on the Complaint filed with your department on March 25, 2017, regarding the institution's violations of the CUP. One issue we raised concerned Castilleja's failure or refusal to accurately list its proposed events on its website so that the neighbors could plan around them. The number of events also exceeded the number allowed under the use permit and therefore violated the CUP. My clients appreciated your efforts to work with them and the school to understand the CUP language with regard to the events condition in the CUP. However, the violations are continuing without any specific abatement order from the City.

There are three sets of data regarding after-hours and weekend events at Castilleja. There is the public "Event Calendar" that the school has on their website. According to CUP Condition 28, the school is required to give public notice regarding events. This Event Calendar continues missing many events. The second set of data is collected by the neighbors who live across the street from the school, and other neighbors, who keep track, and in many cases, videotape event traffic (Emerson Street Event Tracker). PNQL provided you that list of events, and I believe you provided it to the school. The third set of data is Castilleja's Event List, which they provided privately to you and you provided to PNQL.

The City asked Castilleja to compare the three sources of information regarding their events and explain the differences. The subsequent correspondence between the City and Castilleja fails to explain the differences and the City has not yet issued an abatement order to assure that only the number of events allowed under the CUP are occurring and that these events are accurately included on the institution's website.

According to my clients, during the current school year from August 2017 through Jan 6, 2018, the Castilleja Event Calendar on their website showed 19 fewer events than actually took

Hillary Gitelman
250 Hamilton
Palo Alto, CA 94301
Re: Castilleja Events
January 21, 2018
Page 2

place, and four of those were not listed on the private list they supplied to you. Attached is the PNQL color-coded excel spreadsheet.

The Complaint is nearly a year old and at this point, the City should issue an abatement order requiring that Castilleja cease and desist holding more events than they are allowed under their CUP and ordering them to accurately list the events on their website Event Calendar. As PNQL has explained, Castilleja's events negatively impact the neighbors' quiet enjoyment of their own homes during evenings and weekends. They are poorly monitored, generate excessive noise inconsistent with public or private schools, cause traffic congestion, and at night, they create glare directly into adjacent homes. Please issue an abatement order, enforce it, and assist the community by making sure that this repetitive issue is finally resolved in any future use permits.

Thank you for your timely attention to this matter.

Very truly yours,

Leila H. Moncharsh

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

LHM:lm

Enclosure - spreadsheet

cc: James Keene
Molly Stump
Client



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PLANNING & COMMUNITY ENVIRONMENT

250 Hamilton Avenue 5th Floor
Palo Alto, CA 94301
650.329.2441

*from Hillary re Events
(enrollment handled by JK)
Event tracker?*

March 1, 2018

Leila H. Moncharsh
Veneruso & Moncharsh
5707 Redwood Road, Suite 10
Oakland, CA 94619

RE: Castilleja School Compliance with Conditional Use Permit Conditions 25-28

Dear Ms. Moncharsh,

This letter is in response to the complaint you provided on March 25, 2017 regarding conditional use permit (CUP) violations by Castilleja School. The School's violations related to student enrollment are widely known, are the subject of a pending application for a new CUP, and have been addressed in correspondence between the City and the School which is available on the webpage we've set up for the CUP process: http://www.cityofpaloalto.org/gov/topics/castilleja_school/default.asp. As a result, this letter does not address enrollment further, and focuses instead on the complaints you provided regarding events at the school (e.g. Conditions 25-28). The City's code enforcement team has been investigating these complaints and we wanted to summarize our conclusions thus far.

Your letter states that Conditions 25 and 26 are "routinely violated" because there have been events on consecutive nights and weekends and you provide suggestions as to how events could be "greatly reduced," and scheduled to avoid certain days, like Sundays, etc. You also suggest that the School is holding events on campus unrelated to school activities in order to generate revenues.

First, the School has denied that the School is holding any events that are unrelated to its mission and purely for the purpose of generating revenues, and the City does not have evidence to the contrary. Further, the mandatory phrases in Conditions 25 and 26 require the School to review its event schedule and its calendaring process, and develop procedures "to more strategically plan" events so they do not become bunched on consecutive nights or occur on consecutive weekends. Given the specific language of these conditions, which does not state that events on consecutive nights and weekends are prohibited, the City does not intend to initiate an enforcement action based on the School's past events on consecutive nights and weekends; the condition requires a demonstration of good faith efforts to strategically plan events and the School's events calendar to avoid bunching of events in this manner.

Your letter also states that the School is in violation of Conditions 27 and 28 because events have become a nuisance to residents and because CUP conditions "were designed to limit the number of events" and their "intent appears to be that the school would be limited to 5 large events per year and 'several' smaller ones." We agree that the apparent intent of the conditions was to limit the number and size of events. However, recognizing that there is some ambiguity in the phrasing of the conditions, the City has determined not to pursue immediate enforcement and instead has put Castilleja on notice of the City's interpretation of the conditions so that Castilleja can come into full compliance.

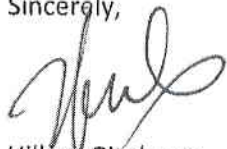
We have, however, issued a notice of violation to Castilleja regarding failure to use traffic monitors at a recent event. We will continue to monitor compliance with all conditions of approval and are still reviewing the school's response to your recent inquiry about events that occurred, according to residents, but did not appear on the 2017-2018 list or on Castilleja's web page.

NOTICE
of
violation

Please see enclosed the City's response dated February 28, 2018 to Castilleja which provides further discussion with regard to the City's conclusions and course of action with respect to this matter.

Please call me at 650-329-2321 if you or your clients would like to talk about these issues.

Sincerely,



Hillary Gitelman

cc. City Manager James Keene
City Attorney Molly Stump
James Stephens/File



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PLANNING & COMMUNITY ENVIRONMENT

250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
650 329 2441

February 28, 2018

Mindie Romanowsky
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94026

RE: Castilleja School Compliance with Conditional Use Permit Conditions 25-28

Dear Ms. Romanowsky,

Thank you for your correspondence of August 31 and December 4, 2017 responding to our requests for additional information about Castilleja School's compliance with Conditional Use Permit (CUP) Conditions 25-28 regarding events. As you know, the City has been investigating alleged violations of these conditions of approval and we wanted to communicate the results of our review of the CUP and investigation thus far. This letter also communicates the City's interpretation of relevant conditions of approval and requests that Castilleja take specific actions to bring their events into conformance with these conditions.

First, I have enclosed a Notice of Violation associated with a February 15, 2018 event at Castilleja. When code enforcement staff visited the site on this date intending to ascertain Castilleja's compliance with CUP conditions #25 and 28, there were no traffic monitors present as required. We do not know at this time if this represents a unique occurrence or a recurring violation, but we ask for immediate resolution of this issue as explained in the Notice of Violation.

Second, as we have discussed, the CUP acknowledges and implicitly allows the continuation of two types of events that were occurring at Castilleja at the time the CUP was approved in 2000. Specifically, the CUP allows for 5 *major school functions*, which are those specific events named in Condition 27 "that will bring almost all students and parents to the Castilleja Campus." The CUP also allows for several *other events* "that require groups of from 50 to 100." Examples include "volunteer meetings, student seminar evenings, parent receptions, open houses, parent group meetings, guest speakers, dances, school performances, sports events, science exhibitions, etc." (Condition 28). The CUP does not specify the number of such "other events," but reflects the intent that the number be limited to no more than those existing in the year 2000 and reduced over time.

The CUP imposes the following requirements¹ with respect to these two types of events:

- Major School Functions – Traffic monitors and maximization of off-street parking are required. (Condition 27)
- Other Events – Annual publication and distribution to neighbors and City of a complete list of these events including date, time and number of expected attendees is required. Similar traffic monitoring and parking requirements also apply. (Condition 28)
- For all events, Castilleja shall plan events so they do not occur on consecutive nights or weekends, reduce the number of events over time, and eliminate non-school events. (Conditions 25 and 26)

Based on your correspondence and discussions at our meetings, it appears that Castilleja is in compliance with the limit on five “major school functions” and has eliminated non-school events on campus. We also understand that Castilleja has established internal procedures to plan events so as to avoid consecutive nights and weekends up to a point, and Castilleja has provided the City with an annual list of events for academic years 2016-2017 and 2017-2018 as called for in Condition 28. This data shows that Castilleja has reduced the number of large events (for over 100 people) by four events in the last year period. The City is still reviewing Castilleja’s February 22nd response to a recent inquiry from nearby residents that the City conveyed to Castilleja about events that occurred, according to residents, but did not appear on the 2017-2018 list or on Castilleja’s web page.

More importantly, the City does not agree with Castilleja that the CUP allows an unlimited number of events of over 100 people, so long as attendance is short of a “major school function.” We do not believe this is a reasonable interpretation of the CUP conditions. While the CUP does not expressly acknowledge or even refer to events of a size that is larger than 100 attendees and less than a major school function, it is our view that the absence of reference to these events in the CUP reflects the Council’s intent not to allow events substantially larger than a range of 50-100 attendees, which were not occurring to the Council’s knowledge at the time that the CUP was approved.

The City, however, acknowledges that there may be some ambiguity in the conditions, and therefore, does not intend to find Castilleja in violation of the CUP for its past conduct in relation to events of over 100 people or require immediate cessation of such events. We are however requesting that Castilleja take the following actions to address compliance on a going forward basis:

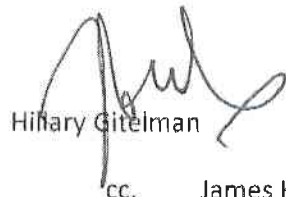
1. Amend the pending application for a new CUP to explicitly define the number and size of any events Castilleja is proposing to conduct on an annual basis in addition to the five major school functions identified in Condition 27. This will allow the City to understand and evaluate Castilleja’s wishes and ultimately to craft more detailed and comprehensive conditions of approval.

¹ This is a summary only. Please refer to the CUP for the full text of conditions 25, 26, 27, and 28.

2. Continue to reduce the number of events involving over 100 people (other than "major school functions") each school year. Based on our review of the data submitted, we believe there were approximately four fewer such events in 2017-2018 than in the prior year and request similar reductions in future years.
3. Ensure that events of over 100 people (including "major school functions") in 2018-2019 and later years are scheduled so as not to occur on consecutive nights and weekends.
4. Provide a complete list of events to the City and neighborhood residents, as required by Condition 28, and if on occasion events are added after the annual list is published, disseminate an updated list to the City and neighborhood residents immediately.

Please provide confirmation within the next 30 days that Castilleja will be complying with these remedial actions and let us know if you have any questions regarding this request or the issues discussed in this letter. We await a separate and immediate response to the enclosed Notice of Violation. We will continue to review compliance with related conditions on an ongoing basis, and investigate complaints we receive.

Sincerely,



Hilary Gitelman

cc. James Keene, City Manager
Molly Stump, City Attorney
James Stephens/File

Enclosure



CITY OF
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PLANNING & COMMUNITY ENVIRONMENT

250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
650.329.2441

NOTICE OF VIOLATION

Pursuant to Palo Alto Municipal Code Section 1.12.030

February 28, 2018

Nanci Kauffmann, Head of School
Castilleja School
c/o Mindie Romanowsky
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA

SUBJECT PROPERTY: Castilleja School

APN: 197-07-015

RE: Municipal code violations at Subject Property

Ms. Kauffman,

The City of Palo Alto's Code Enforcement Division received a complaint regarding use of the subject property for events in violation of conditions of Conditional Use Permit (CUP) 00-CUP-23, approved on November 2, 2000. A code enforcement officer conducted an inspection on February 15, 2018 from approximately 5:45 to 6:15 PM and found that traffic monitors were not present for the event scheduled that evening as required by CUP conditions 25 and 28. The officer observed more than 50 people present at the event.

As the entity occupying the Subject Property, you are hereby notified that a Palo Alto Code Enforcement Officer, pursuant to the authority in Section 1.12.030 of the Palo Alto Municipal Code ("PAMC"), has determined that the absence of traffic monitors during a scheduled event at the Subject Property is a violation of the following provisions:

- Sections 18.01.030 and 18.01.080 **Compliance with Zoning Regulations Required:** No person shall use land in violation of any provision of Title 18 (Zoning) of the PAMC.
- Section 18.12.030 **Land Uses; Permitted and Conditional R-1 Residential Uses:** Private Educational Facilities are permitted within the single family residential district with the issuance of, and in compliance with, a Conditional Use Permit.

You are hereby notified to correct the deficiency witnessed at the February 15, 2018 event and provide traffic monitors for all events of over 50 people, using the traffic monitors to direct as much traffic as possible onto the school site, using assisted tandem parking, allowing students to use 411 lots after hours (as opposed to just the student lots), using the day-time loading zones for parking, and utilizing all resources to minimize impact to street parking.

This notice is not a citation. However, failure to comply as described above may result in an administrative citation and/or a notice to appear at a predetermined time and place in Palo Alto City Hall to object to any and all of the following:

- 1) the determination that a violation has occurred;
- 2) that a violation continues to exist;
- 3) that you are not responsible for the violation.

The administrative penalty for the listed violations may be imposed on a daily basis in the following amounts:

PAMC Section and Title	Penalty Amount
18.01.080 <u>Violation of Zoning Laws</u>	1. Listed Penalty: \$500
18.12.030 Noncompliance with site's CUP required in the applicable zoning district	2. 2 nd Violation w/in 36 months: \$750
	3. 3 rd & subsequent violations w/in 36 months: \$1,000

For questions or concerns regarding the abatement of the above-mentioned violations please contact:
James.Stephens@CityofPaloAlto.org

Sincerely,



James Stephens
(650) 329-2428

DONNA M. VENERUSO (d.'09)
LEILA H. MONCHARSH

LAW OFFICES
VENERUSO & MONCHARSH
5707 REDWOOD ROAD, SUITE 10
OAKLAND, CALIFORNIA 94619
TELEPHONE (510) 482-0390
FACSIMILE (510) 482-0391

January 21, 2018

to HG Gitelman

Hillary Gitelman
Planning Director
City of Palo Alto
250 Hamilton
Palo Alto, CA 94301

hillary.gitelman@cityofpaloalto.org

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Very truly yours,

Leila H. Moncharsh

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

LHM:lm

Enclosure - spreadsheet

cc: James Keene
Molly Stump
Client



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*from Hillary re Events
(enrollment handled by JK)
Event tracker?*

March 1, 2018

Leila H. Moncharsh
Veneruso & Moncharsh
5707 Redwood Road, Suite 10
Oakland, CA 94619

RE: Castilleja School Compliance with Conditional Use Permit Conditions 25-28

Dear Ms. Moncharsh,

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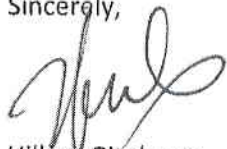
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Sincerely,



Hillary Gitelman

cc. City Manager James Keene
City Attorney Molly Stump
James Stephens/File



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February 28, 2018

Mindie Romanowsky
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
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Dear Ms. Romanowsky,

Thank you for your correspondence of August 31 and December 4, 2017 responding to our requests for additional information about Castilleja School's compliance with Conditional Use Permit (CUP) Conditions 25-28 regarding events. As you know, the City has been investigating alleged violations of these conditions of approval and we wanted to communicate the results of our review of the CUP and investigation thus far. This letter also communicates the City's interpretation of relevant conditions of approval and requests that Castilleja take specific actions to bring their events into conformance with these conditions.

First, I have enclosed a Notice of Violation associated with a February 15, 2018 event at Castilleja. When code enforcement staff visited the site on this date intending to ascertain Castilleja's compliance with CUP conditions #25 and 28, there were no traffic monitors present as required. We do not know at this time if this represents a unique occurrence or a recurring violation, but we ask for immediate resolution of this issue as explained in the Notice of Violation.

Second, as we have discussed, the CUP acknowledges and implicitly allows the continuation of two types of events that were occurring at Castilleja at the time the CUP was approved in 2000. Specifically, the CUP allows for 5 *major school functions*, which are those specific events named in Condition 27 "that will bring almost all students and parents to the Castilleja Campus." The CUP also allows for several *other events* "that require groups of from 50 to 100." Examples include "volunteer meetings, student seminar evenings, parent receptions, open houses, parent group meetings, guest speakers, dances, school performances, sports events, science exhibitions, etc." (Condition 28). The CUP does not specify the number of such "other events," but reflects the intent that the number be limited to no more than those existing in the year 2000 and reduced over time.

The CUP imposes the following requirements¹ with respect to these two types of events:

- Major School Functions – Traffic monitors and maximization of off-street parking are required. (Condition 27)
- Other Events – Annual publication and distribution to neighbors and City of a complete list of these events including date, time and number of expected attendees is required. Similar traffic monitoring and parking requirements also apply. (Condition 28)
- For all events, Castilleja shall plan events so they do not occur on consecutive nights or weekends, reduce the number of events over time, and eliminate non-school events. (Conditions 25 and 26)

Based on your correspondence and discussions at our meetings, it appears that Castilleja is in compliance with the limit on five “major school functions” and has eliminated non-school events on campus. We also understand that Castilleja has established internal procedures to plan events so as to avoid consecutive nights and weekends up to a point, and Castilleja has provided the City with an annual list of events for academic years 2016-2017 and 2017-2018 as called for in Condition 28. This data shows that Castilleja has reduced the number of large events (for over 100 people) by four events in the last year period. The City is still reviewing Castilleja’s February 22nd response to a recent inquiry from nearby residents that the City conveyed to Castilleja about events that occurred, according to residents, but did not appear on the 2017-2018 list or on Castilleja’s web page.

More importantly, the City does not agree with Castilleja that the CUP allows an unlimited number of events of over 100 people, so long as attendance is short of a “major school function.” We do not believe this is a reasonable interpretation of the CUP conditions. While the CUP does not expressly acknowledge or even refer to events of a size that is larger than 100 attendees and less than a major school function, it is our view that the absence of reference to these events in the CUP reflects the Council’s intent not to allow events substantially larger than a range of 50-100 attendees, which were not occurring to the Council’s knowledge at the time that the CUP was approved.

The City, however, acknowledges that there may be some ambiguity in the conditions, and therefore, does not intend to find Castilleja in violation of the CUP for its past conduct in relation to events of over 100 people or require immediate cessation of such events. We are however requesting that Castilleja take the following actions to address compliance on a going forward basis:

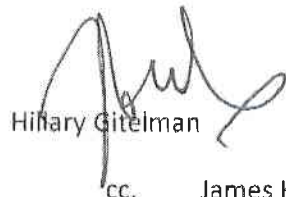
1. Amend the pending application for a new CUP to explicitly define the number and size of any events Castilleja is proposing to conduct on an annual basis in addition to the five major school functions identified in Condition 27. This will allow the City to understand and evaluate Castilleja’s wishes and ultimately to craft more detailed and comprehensive conditions of approval.

¹ This is a summary only. Please refer to the CUP for the full text of conditions 25, 26, 27, and 28.

2. Continue to reduce the number of events involving over 100 people (other than "major school functions") each school year. Based on our review of the data submitted, we believe there were approximately four fewer such events in 2017-2018 than in the prior year and request similar reductions in future years.
3. Ensure that events of over 100 people (including "major school functions") in 2018-2019 and later years are scheduled so as not to occur on consecutive nights and weekends.
4. Provide a complete list of events to the City and neighborhood residents, as required by Condition 28, and if on occasion events are added after the annual list is published, disseminate an updated list to the City and neighborhood residents immediately.

Please provide confirmation within the next 30 days that Castilleja will be complying with these remedial actions and let us know if you have any questions regarding this request or the issues discussed in this letter. We await a separate and immediate response to the enclosed Notice of Violation. We will continue to review compliance with related conditions on an ongoing basis, and investigate complaints we receive.

Sincerely,



Hilary Gitelman

cc. James Keene, City Manager
Molly Stump, City Attorney
James Stephens/File

Enclosure



CITY OF
**PALO
ALTO**

PLANNING & COMMUNITY ENVIRONMENT

250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
650.329.2441

NOTICE OF VIOLATION

Pursuant to Palo Alto Municipal Code Section 1.12.030

February 28, 2018

Nanci Kauffmann, Head of School
Castilleja School
c/o Mindie Romanowsky
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA

SUBJECT PROPERTY: Castilleja School

APN: 197-07-015

RE: Municipal code violations at Subject Property

Ms. Kauffman,

The City of Palo Alto's Code Enforcement Division received a complaint regarding use of the subject property for events in violation of conditions of Conditional Use Permit (CUP) 00-CUP-23, approved on November 2, 2000. A code enforcement officer conducted an inspection on February 15, 2018 from approximately 5:45 to 6:15 PM and found that traffic monitors were not present for the event scheduled that evening as required by CUP conditions 25 and 28. The officer observed more than 50 people present at the event.

As the entity occupying the Subject Property, you are hereby notified that a Palo Alto Code Enforcement Officer, pursuant to the authority in Section 1.12.030 of the Palo Alto Municipal Code ("PAMC"), has determined that the absence of traffic monitors during a scheduled event at the Subject Property is a violation of the following provisions:

- Sections 18.01.030 and 18.01.080 **Compliance with Zoning Regulations Required:** No person shall use land in violation of any provision of Title 18 (Zoning) of the PAMC.
- Section 18.12.030 **Land Uses; Permitted and Conditional R-1 Residential Uses:** Private Educational Facilities are permitted within the single family residential district with the issuance of, and in compliance with, a Conditional Use Permit.

You are hereby notified to correct the deficiency witnessed at the February 15, 2018 event and provide traffic monitors for all events of over 50 people, using the traffic monitors to direct as much traffic as possible onto the school site, using assisted tandem parking, allowing students to use 411 lots after hours (as opposed to just the student lots), using the day-time loading zones for parking, and utilizing all resources to minimize impact to street parking.

This notice is not a citation. However, failure to comply as described above may result in an administrative citation and/or a notice to appear at a predetermined time and place in Palo Alto City Hall to object to any and all of the following:

- 1) the determination that a violation has occurred;
- 2) that a violation continues to exist;
- 3) that you are not responsible for the violation.

The administrative penalty for the listed violations may be imposed on a daily basis in the following amounts:

PAMC Section and Title	Penalty Amount
18.01.080 <u>Violation of Zoning Laws</u>	1. Listed Penalty: \$500
18.12.030 Noncompliance with site's CUP required in the applicable zoning district	2. 2 nd Violation w/in 36 months: \$750
	3. 3 rd & subsequent violations w/in 36 months: \$1,000

For questions or concerns regarding the abatement of the above-mentioned violations please contact:
James.Stephens@CityofPaloAlto.org

Sincerely,



James Stephens
(650) 329-2428

From: slevy@ccsce.com
To: [Planning Commission](#); [North Ventura Coordinated Area Plan](#)
Subject: Fwd: Agenda item 8 on inclusionary requirement analysis
Date: Monday, September 21, 2020 2:32:46 PM

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

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

Subject: Agenda item 8 on inclusionary requirement analysis
Date: 2020-09-19 12:53
From: slevy@ccsce.com
To: City Council Palo Alto <city.council@cityofpaloalto.org>
Cc: Ed Shikada <ed.shikada@cityofpaloalto.org>, Jonathan Lait <jonathan.lait@cityofpaloalto.org>

Dear Mayor Fine and council members,

I support the staff and consultant finding that costs matter for the feasibility of all kinds of housing and that reducing costs can greatly improve the likelihood that we will achieve a goal all of us support--to increase the number of low and moderate income housing units in Palo Alto.

This finding is consistent with the testimony at the CASA (Committee to House the Bay Area) hearings, and the findings of the Turner Commission.

Both investors and lenders have rate of return requirements for investing in housing and these cannot be ignored or denied if we wish to increase our housing stock particularly if we wish market rate projects to include more low and moderate income units.

Council and staff have discussed and are familiar with cost reducing policies including lower parking and retail requirements, density bonuses, increased FAR and more speedy and certain approval processes.

Cost reducing policies are even more important in light of our greatly increased RHNA targets.

On Friday the ABAG RHNA allocation committee made their final recommendation to the board.

Palo Alto's allocation is 10,050 units with 2,570 very low income units, 1,480 low income, 1,670 moderate income and 4,330 above moderate income units.

Achieving these targets will be challenging but a first step is to adopt additional zoning and cost reducing policies to make a broader range of sites feasible for housing including BMR requirements in market rate projects.

I listened to all the committee proceedings and in the end there was broad agreement on allocating a high share of the regional RHNA target to cities like Palo Alto that provide

access to high opportunity areas and proximity to jobs.

In the final round of discussion Friday Palo Alto's target varied only slightly from a low of 9850 units to a high of 10,100 units.

The committee's criteria are supported by a large body of research (much from Stanford) that low income families and children do better if they are able to live in high opportunity areas and the common sense finding that locating housing closer to jobs has environmental benefits and supports more family time.

I am sure staff has all the ABAG documents but I can send to anyone who wished them.

Stephen Levy

Center for Continuing Study of the California Economy and a Palo Alto resident

From: [Palo Alto Forward](#)
To: [Council, City](#); [Fine, Adrian](#); [Filseth, Eric \(Internal\)](#); [Cormack, Alison](#); [Kou, Lydia](#); [Tanaka, Greg](#); [Kniss, Liz \(internal\)](#); [DuBois, Tom](#); [Planning Commission](#)
Subject: Comments on 9/21 Palo Alto City Council Meeting
Date: Sunday, September 20, 2020 11:45:29 AM
Attachments: [#9 - PHZ IZ 2020.pdf](#)
[#8 - IZ Changes 2020.pdf](#)

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

Please see Palo Alto Forward's attached letters for item #8 and #9 at the Monday, September 21st City Council meeting.

Best,
Angie



September 19, 2020

To: Mayor Fine and City Council Members

Dear Mayor Fine and Palo Alto City Council Members,

It is imperative that we increase housing of all types to improve the economic and racial diversity of Palo Alto. We must welcome new neighbors by supporting policies that make housing more affordable. Palo Alto Forward has reviewed the staff and consultant report and supports the staff finding that construction costs matter to the feasibility of housing developments. Cost reductions can improve the likelihood that housing of all types and for all income levels can be built and are necessary if we wish to ask for higher BMR requirements in new housing projects.

The analysis indicates that most prototypes are unlikely to support an increase in BMR requirements without some zoning adjustments to decrease the costs of development. The analysis suggests, and staff supports, adjusting parking and ground-floor retail requirements to increase the likelihood that landowners and developers will pursue multi-family housing and BMR projects in various locations, including NVCAP. For example, adjusting policies to allow for residential parking in public garages and reducing the requirement to 0.25 parking spaces per unit would significantly change the feasibility of a multi-family proposal. The analysis suggests that adjusting these two variables can make more housing likely because it improves economic feasibility. In addition, we would like to see the Council and staff explore changing height limits to 65' and 3.0 FAR to accommodate for more homes.

We recognize the need and deficits in low to moderate income housing; this is an opportunity to take actions that are truly impactful. Please support policies to reduce the time and money it takes to complete these projects so that we can make the space we need for new neighbors.

Sincerely,
Gail Price, Board Chair
Palo Alto Forward



September 19, 2020

To: Mayor Fine and City Council Members

Dear Mayor Fine and Palo Alto City Council Members,

As discussed in Item #8 on the September 21st City Council agenda, in order to create the greatest number of homes at the deepest levels of affordability we must allow for flexibility in our inclusionary policies. Palo Alto Forward supports offering landowners and developers a menu of options that reflect a 10-20% inclusionary zoning requirement. We also believe we must adjust some of our more onerous requirements, like parking minimums, height and FAR limits, as well as the ground-floor retail requirement, in order to make it feasible to construct deeply affordable (<60% AMI) homes.

While it is yet unclear how COVID-19 will impact the supply and demand of housing, we know that we've failed to construct enough homes to meet the need for decades. We expect a regional allocation of 9,850-10,500 new homes and we need to begin to consider how our policies can support the construction of these new homes.

Thank you for taking up this important issue.

Sincerely,
Gail Price, Board Chair
Palo Alto Forward

From: [Mary Jo Pruitt](#)
To: [Planning Commission](#)
Subject: Castilleja School Supporter
Date: Wednesday, September 16, 2020 11:04:40 AM

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

Dear Planning and Transportation Commission,

As a parent of two young daughters, I was thrilled to learn that the PTC endorsed the facts and analyses in Castilleja's Environmental Impact Report. It was an important step in the school's yearslong process, and it's time for our City Council to review the findings as well. I am an ardent supporter of all-girls education; research shows time and again that single sex education for girls can be life changing in terms of confidence building, risk taking, and opportunity creation.

Online forums show that Palo Alto residents don't understand why Castilleja benefits the community. To me, it's simple: Castilleja offers a choice to those who seek this opportunity. In a city that prides itself on education, we should be shouting our approval for the school whose mission is to educate "confident thinkers and compassionate leaders", whose stated goal is to broaden the diversity in their community, who offers over \$3 million in financial aid to families who otherwise couldn't afford the experience, and who has been part of this city almost as long as the city itself has existed. Castilleja has said that they can increase their enrollment and bring no new cars to the neighborhood. Our city has far more important issues to squabble over than whether this school should be allowed to enroll more students with no impact on their neighborhood.

Thank you,
Mary Jo Pruitt

From: [Roy Maydan](#)
To: [Council, City; Planning Commission; Architectural Review Board](#)
Subject: Please Approve the Castilleja Project
Date: Tuesday, September 15, 2020 1:40:08 PM

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

First, I would like to thank the Planning Commission for the vote last week to approve the FEIR for the Castilleja project. I am now writing to encourage all of you to continue the progress and to ultimately approve the project.

I am a 25 year resident of Palo Alto and a 40 year resident of the area. I had friends who went to Castilleja and I am now sending my daughter there. Castilleja is a longtime community asset that adds to the prestige of Palo Alto by providing a strong education for girls and building a diverse group of female leaders. Contrary to what some of the neighbors may say, I have always found the school and its students to be very respectful and mindful of their environment. The school says that they will not increase enrollment in car trips which is something I believe knowing how much emphasis the school places on traffic demand management to all parents.

Thank you for your attention and please support the school's proposal.

Sincerely,
Roy Maydan
131 Byron Street

From: [Planning Commission](#)
To: [Gregory Turnbull](#); [Planning Commission](#)
Subject: RE: Sept. 9, 2020 meeting re Castilleja
Date: Tuesday, September 15, 2020 12:03:30 PM

Good afternoon,

The At Place Memo was posted on the PTC's website at the same time that it was released to the Commissioners.

Link to the agenda here: <https://www.cityofpaloalto.org/civicax/filebank/documents/78347>

Direct link to the At Place Memo here:

<https://www.cityofpaloalto.org/civicax/filebank/documents/78346>

There is no specific period of availability mandated for meeting materials. The Brown Act mandates: 1) that the agenda language be published at least 72 hours in advance of the meeting; and 2) that written materials be available to the public as soon as they are distributed to members of the legislative body. Although we strive to have most meeting materials ready at the same time that agendas are published, it is not uncommon for some materials not to be ready until the time of the meeting.

The next Castilleja hearing is on October 14th. The staff report for the meeting is scheduled for publication on October 9th.

I apologize for any inconvenience.

Kind regards,



Vinh Nguyen | Administrative Associate III
Planning & Development Services

250 Hamilton Ave | Palo Alto, CA 94301

P: 650.329.2218 | **E:** Vinhloc.Nguyen@cityofpaloalto.org

From: Gregory Turnbull <gturnbull10@gmail.com>
Sent: Saturday, September 12, 2020 8:08 PM
To: Planning Commission <Planning.Commission@cityofpaloalto.org>
Subject: Sept. 9, 2020 meeting re Castilleja

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

Two questions, please:

1. When will the last-minute staff report delivered the day of the meeting to the Commission be available to the public?

2. Is there not a mandated period of availability of such material to both the Commission and the public prior to a meeting?

I look forward to your response.

Gregory Turnbull
Resident

From: jfpetrilla@gmail.com
To: [Sheldon Ah Sing](#)
Cc: [Council, City; Planning Commission](#)
Subject: Housing Incentive Program Expansion and 788 San Antonio Road Mixed-Use Project EIR Comments/Questions
Date: Monday, September 14, 2020 3:16:27 PM

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

To: Sheldon Ah Sing

SAhsing@m-group.us

Planning and Community Environment Department_____

Subject: Preparation of Environmental Impact Report and extension of Palo Alto's housing incentive program relative to properties at 788 – 796 San Antonio Road

Dear Mr. Sing

Thank you for providing a copy of the Draft Environmental Impact Report SCH#2019090070 for the Housing Incentive Program Expansion and 788 San Antonio Road Mixed-Use Project. While not able to provide a thorough review, some issues were apparent. Please see the following for my comments, concerns and questions.

These are the first of 18 possible buildings/projects and it should be expected that this project will set the baseline for the follow-on projects. Since it will be difficult to ask the follow-on projects for higher goals, care should be taken such that the project requirements do not compromise a satisfactory result.

Examples of other areas in Palo Alto such that the ability to accommodate this level of density would be valuable. Are there areas with such density?

1) Appendices A-I are listed in the Table of Contents and mentioned throughout the draft but are not found. Please update the draft for these appendices.

2) On Page ES-3 recreation is stated as not impacted. This may be technically true since currently there are no facilities. But shouldn't the addition of 818 units (an estimated 1,881 new residents) call for consideration of addition of such.

3) The GHG-1. Transportation Demand Management Plan (page ES-12) may not be realistic. VTA has dropped bus service on the segment of San Antonio Rd between Middlefield and Charleston. (Perhaps the street width wouldn't support a bus stop and existing traffic lanes.) Why would it be reestablished? Providing on-site bike parking doesn't seem sufficient to have residents actually use bikes for commuting if there're no suitable bike lanes.

4) From Consistency with Plan Objectives (Page 4.1-16 pdf 74)

"The BAAQMD threshold of significance for plans is whether the plan is consistent with the current air quality plan and whether the projected VMT or vehicle trip increase would be less than or equal

to projected population increase. The HIP expansion would reduce overall VMT by increasing mixed use development that includes housing in close proximity to entertainment, retail, visitor lodging, and employment opportunities that could enable residents to live, work, and shop without the use of motor vehicles. The project would be consistent with the goals of the 2017 Plan because it would encourage new development in an area that is served by transit and is conducive to bicycling and walking, thereby reducing emissions of ozone precursors.”

The statement, “The project would be consistent with the goals of the 2017 Plan because it would encourage new development in an area that is served by transit and is conducive to bicycling and walking, thereby reducing emissions of ozone precursors.” seems to ignore that the segment of San Antonio Rd between Middlefield and Charleston is not conducive to bicycling and has no bus service. Regarding the other bus service in the area what good is bus service unless it takes you to somewhere you want to go when you want to go. Further the segment of San Antonio Rd between Middlefield and Charleston doesn’t meet the definition of a Class III bike route and casual observation reveals that most bike travel on that segment uses the sidewalk on the West side of San Antonio. A mix of bicycles and pedestrian on a sidewalk seems hazardous. See page 4.6-8 (pdf page 182) for the criteria of a Class III bike lane, copied below for your convenience.

“Bike Routes (Class III): Class III bikeways are signed bike routes where bicyclists share a travel lane with motorists. Typical applications for Class III bike routes include roadways with bicycle demand but without adequate space for Class II bike lanes, low-volume streets with slow travel speeds, especially those on which volume is low enough that passing maneuvers can use the full street width, and as “gap fillers” for breaks in Class II lanes.”

From South Palo Alto Enhanced Bikeways, "Palo Alto parents note that the current state of bicycle infrastructure (unprotected bike lanes) on these high speed and/or heavily traveled corridors limits growth in the bicycle mode share for school commutes. Parents are unlikely to bike with their children next to multiple lanes of fast-moving traffic (Fabian Way) or in congested school zones (East Meadow Drive) without the protection of buffer zones or physical barriers such as bollards."

5) On page 4.1-16 (pdf 74), the statement, “The TIS estimated that 1,000 jobholders would reside in these residences, which would result in a potential annual reduction of more than 1.5 million miles, attributable to improving the balance of housing to jobs.” seems to assume that the new housing units would be occupied by current or new commuters who would otherwise have commutes longer than Palo Alto residents. This doesn’t seem to consider the reasons why people choose to reside in or commute to/from Palo Alto. Is it dominated merely by the cost of housing? If so, what cost points are needed to attract, e.g. primary and secondary school teachers, or fire and police department personnel? Is there an analysis of who commutes to Palo Alto and why? Is there an analysis of who commutes from Palo Alto and why? In the Greenhouse complex, I’ve had neighbors who moved to Palo Alto for access to the high schools and started commuting to their jobs in San Francisco.

6) On page 4.1-26 (pdf 84) there’s an inconsistency with distance between project boundary and Greenhouse complex: sometimes 130, sometimes 260 page 4.1-9

7) Page 4.2-5 While not in scope for an EIR, it seems worthwhile to say that there’s history worth a

display in the new building, capturing e.g. “Until the early 1950s, the area surrounding the location of the project site was dominated by large agricultural tracts with low density settlement. The building at 788 San Antonio Road was constructed within tract No. 219 of the “Peninsula Garden Farms,” a subdivision that was marketed as early as the mid-1920s for buyers seeking one- to two-acre lots where they could raise market gardens, poultry, or rabbits.

...

In 1953, the California Chrysanthemum Growers Association (CCGA) purchased the lot surrounding the 788 San Antonio Road property for \$3,100 and began constructing their new headquarters. The CCGA was founded in 1932 by Japanese American flower growers in response to the pressures faced by growers after the onset of the Great Depression.

I recommend that CUL-5 (Page 4.2-10, pdf 100) include a small scale historical display in 788 public space, e.g. lobby

8) Page 4.3-3 (pdf 105) may have an inconsistency: Text states “Palo Alto’s 2018 per capita electricity consumption was approximately 0.0128 GWh, or 12,800 kWh.” But Table 4.3.2 lists “County Per Capita Consumption” as 12,800 kWh”. Does Palo Alto’s consumption match the county’s?

9) Page 4.3-13 (pdf 115)

“The proposed project would require energy use in the form of electricity, natural gas, and gasoline consumption.” Why natural gas? Doesn’t Palo Alto have a goal of all electric housing?

10) Page 4.3-17 (pdf 119) Inconsistency

“Location within approximately one-quarter mile of two bus stops servicing four VTA routes for easy public transit access.” But on page 4.6-5 only two routes are identified and one is stated as 0.5 miles. The route within a quarter mile is between the Stanford shopping center and downtown Mountain View that is seems unlikely to attract commuters.

11) Page 4.3-22 (pdf 124) Inconsistency “Policy L-2.2. Enhance connections between commercial and mixed use centers and the surrounding residential neighborhoods by promoting walkable and bikeable connections ...” Without suitable bike lanes, providing on site bike parking will not result in greater use of the so-called bike lane on San Antonio Road. Since more bike commuters may use the sidewalk instead of the bike lane, there appears to be a conflict between “walkable and bikeable connections” as bicyclists and compete for the sidewalk.

12) Page 4.3-23 (pdf 125) “Policy N-7.4 calls for projects to “**Maximize** the conservation and efficient use of energy ...” Isn’t accepting natural gas instead of all electric inconsistent with this policy?

13) The Table 4.3-9 T-FAC-2 entry

“Consistent. The project itself would not expand transit options; however, it is within approximately one-quarter mile of two bus stops servicing four VTA routes. The project would place residences and retail in a transit-accessible area, improving the viability of transit as an option for travel to services in Palo Alto” This statement does not seem justified. On page 4.6-5 only two routes are identified and one is stated as 0.5 miles. The route within a quarter mile is between the Stanford shopping center and downtown Mountain View that is seems unlikely to attract commuters.

14) The Table 4.3-9 T-EV-1 Not applicable. The project does not involve City-based vehicles. However, the project would include EV-ready outlets for future charging stations at 25 percent of parking spaces, among which at least five percent would have charging stations installed” Are five charging stations sufficient? Even with an optimistic 8 hour charging time only 15 vehicles could be fully charged each day.

15) In Table 4.3-9 NG-GAS-1 No justification is given for not accepting the all-electric goal. Further, the 10 percent more energy efficient than the base CALGreen code requirements is not in conflict with all electric. Why not both? Doing both reduces the need for Palo Alto Utilities to buy carbon offsets and future carbon taxes. Buying carbon offsets doesn’t reduce the greenhouse gases in the atmosphere. Not plumbing the building for natural gas may simplify construction and reduce costs. On demand water heaters may be more efficient than centralized hot water tanks and reduce water consumption. From page 4.4-2 “Natural gas is the second largest source, contributing 27 percent of the City’s GHG emissions.” The proposal calls for relaxing the FAR requirement, exceeding the maximum site coverage, allowing rooftop gardens to count toward open space, excluding retail area from parking requirements and exempting subterranean garages from counting towards FAR; an all-electric building as well as increased energy efficient in return seems more than reasonable.

16) Table 4.3-10 Project Consistency with Comprehensive Plan

Regarding “Policy L-1.3. Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city ...”, building 100 units per acre doesn’t seem consistent with the scale of the city. This should be noted. Can an example of a 10 acre site with 818 units be given?

17) Table 4.4-5 page 4.4-17

Regarding item 1, the statement, “reduce regional net VMT by adding housing in a city with a lower per capita VMT rate for employed residents than neighboring cities.” This seems to be the only mention in the EIR that Palo Alto has such a per capita VMT. Unless there’s material to backup this claim it should be deleted. Further there’s no assurance that those who move into the new units will not be trading their current commute for a longer commute, e.g. moving to Palo Alto from San Francisco for the schools but now commuting to their job in San Francisco.

18) Table 4.4-5 page 4.4-17

Regarding item 2, “Adopt green building standards that exceed minimum State building standards for EV-capable parking spaces (e.g., by requiring installation of EV chargers and/or a larger number of EV-capable parking spaces) ...” It seems providing five stations that may only support 15 vehicles a day doesn’t really support this goal.

19) Table 4.4-5 page 4.4-18

Regarding item 3, the statement “the program area is within approximately one quarter mile of two bus stops servicing four VTA routes” or similar appears here and several other places. It is not consistent with the material in 4.6 Transportation sub-section c. Transit Access and Circulation, pages 4.6-5/7 where only two VTA routes are identified and the stop for one of the routes is listed as about 0.5 miles away. Since it’s likely that the material in section 4.6 is more accurate than the

other, the document should be reviewed and edited such that all transit statements are consistent with section 4.6.

20) Table 4.4-5 page 4.4-18

The response to Goal 4: Goal: Accelerate Implementation of Bicycle & Pedestrian Plans is that it's out of scope. Yet relaxing the FAR requirement, exceeding the maximum site coverage, allowing rooftop gardens to count toward open space, excluding retail area from parking requirements and exempting subterranean garages from counting towards FAR are in scope. This seems a little arbitrary.

21) Table 4.4-5 page 4.4-19

The response to Goal 11 neglects to mention the intended compromise of the all-electric goal.

22) Table 4.4-5 page 4.4-19

Regarding the response to Goal 12, since there're continual upgrades in energy efficiency why not have a higher target than 10% more efficient and why not keep the all-electric goal?

23) Table 4.4-6 HIP Expansion and 788 San Antonio Road Project Consistency with S/CAP

Regarding T-FAC-1. Expand bicycle infrastructure; additional bike parking without improving the bike lanes may be futile and doesn't seem to expand bicycle infrastructure.

24) Regarding T-FAC-2. Expand transit option, once again the misleading/likely erroneous statement "it is approximately one quarter mile of two bus stops servicing four VTA) routes" is found. The extent of inclusion of these statement in the EIR is problematic and the EIR should be updated to correct these statements so that they are consistent with the analysis and conclusions in section 4.6 Transportation sub-section c. Transit Access and Circulation, pages 4.6-5/7.

25) Regarding NG-GAS-1, how is "The project would not be all-electric ..." consistent with the goal of "Encourage all electric new buildings"? The response should be changed to Non-consistent.

26) Page 4.5-18 (pdf 170), regarding "the proposed building would be constructed to prevent the exposure of new residents to excessive noise." Measures to enhance noise insulation can also improve thermal insulation. When taken during initial construction, the additional costs of better insulation are often quickly recovered due to lower heating and/or air conditioning operating costs. This may yield an even better than 10% more efficient result.

27) Regarding 4.6 e Bicycling Conditions, the statement, "A Class III bike route is directly accessible from the program area on San Antonio Road, extending between Charleston Road and Middlefield Road" ignores that the segment of San Antonio Rd between Middlefield and Charleston is not conducive to bicycling and does not satisfy the "low-volume streets with slow travel speeds, especially those on which volume is low enough that passing maneuvers can use the full street width" criteria of a Class III Bike Route provided in subsection 4.6 e Bicycling Conditions and quoted below.

"Bike Routes (Class III): Class III bikeways are signed bike routes where bicyclists share a travel lane

with motorists. Typical applications for Class III bike routes include roadways with bicycle demand but without adequate space for Class II bike lanes, low-volume streets with slow travel speeds, especially those on which volume is low enough that passing maneuvers can use the full street width, and as “gap fillers” for breaks in Class II lanes.”

While there’s mention that the Comprehensive Plan calls for an upgrade of the bicycle infrastructure on Charleston Road, there’s no mention of an infrastructure upgrade on San Antonio Rd. It should be noted that all three of the intersections in the segment of San Antonio Rd between Middlefield and Charleston currently reach greater than 0.75 V/C (Critical Volume-to-Capacity) ratios during peak hours, morning or evening or both. See Table 4.6-7 HIP Expansion: Intersection Level of Service under Background Plus Project Conditions.

On page 4.6-20 in the Bicycle Facilities section, it’s stated that there are no plans to upgrade the bicycle infrastructure and implies that that’s acceptable. In the following Pedestrian Facilities section it’s stated that “pedestrian facilities in the program area would provide adequate connectivity and safety for new residents” neglecting to mention that the inadequate bicycle infrastructure leads to bicyclists using the sidewalk instead of the so-called bike lane.

In the Impact T-3 section, it’s stated, “THE PROPOSED HIP EXPANSION AND 788 SAN ANTONIO ROAD MIXED-USE PROJECT WOULD NOT INTRODUCE DESIGN FEATURES OR INCOMPATIBLE USES THAT COULD INCREASE TRAFFIC HAZARDS.” This neglects the adverse impact that would result from an increase in bike traffic in the segment of San Antonio Rd between Middlefield and Charleston. One particular hazard is the conflict between the right turn lane on South bound San Antonio and the bike lane at the Leghorn intersection. Increasing traffic in a hazardous situation will likely increase the hazard.

28) Summarizing transit issues, all statements that the program area is within approximately one quarter mile of two bus stops servicing four VTA routes should be deleted.

29) Summarizing bike lane issues, all statements regarding the program being conducive to bicycling and walking should be replaced by a statement that bicycling in the program area may be hazardous and that the hazards may spread to pedestrians.

While I can support a single building 788 San Antonio project, if the draft EIR is updated to correct the various omissions, errors and inconsistencies, approval of the build-out should not be approved until the city approves a plan to upgrade the San Antonio corridor (between Alma and US 101) to support the expected traffic flow, transit stops and Class II bicycle lanes.

Thank you for your attention to this message.

Respectfully,

John Petrilla
777 San Antonio Rd #138
Palo Alto, CA 94303

From: [Janet L. Billups](#)
To: [Planning Commission](#)
Cc: [French, Amy](#); [Yang, Albert](#); [Lait, Jonathan](#); [Kathy Layendecker](#); nkauffman@castilleja.org; [Mindie S. Romanowsky](#); [Leigh F. Prince](#)
Subject: Castilleja School Variance Request [16PLN-00258] [SCH#2107012052] ("Project")
Date: Friday, September 11, 2020 3:02:35 PM
Attachments: [CastiVarResponseLtr.PTC.9.11.2020.pdf](#)

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

Dear Palo Alto Planning Commission,

On behalf of the Castilleja School, please find the Request for Variance regarding the above-referenced project. If you have additional questions or comments please do not hesitate to reach out. We respectfully welcome your support.

Kind regards,

Janet Billups, Legal Assistant to Mindie S. Romanowsky
Jorgenson, Siegel, McClure & Flegel LLP
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September 11, 2020

Sent via Email: Planning.Commission@CityofPaloAlto.org

City of Palo Alto Planning and Transportation Commission
Palo Alto City Hall
250 Hamilton Avenue
Palo Alto, CA 94301

Re: **Castilleja School**
[16PLN-00258] [SCH#2107012052] ("Project")

Dear Honorable Members of the Planning and Transportation Commission,

On March 5, 2018, at the request of the City of Palo Alto ("City") in connection with their pending Project application, Castilleja School ("Castilleja") applied for a variance to maintain the existing above grade floor area at its Property ("Variance Request"). *See attached letter.* The Variance Request outlined special features of the property, including, but not limited to the property size compared to similarly situated parcels in the R-1 Zone. Further, it identified specific reasons that the location of the proposed building and the overall site plan would be beneficial to the community and meet the goals of the City's Comprehensive Plan and Zoning Ordinance. The Variance Request was analyzed in the Environmental Impact Report ("EIR") as part of the Project and also as part of Castilleja's proposed Disbursed Circulation/Reduced Garage Alternative.

Now that the environmental analysis is complete, and the Disbursed Circulation/Reduced Garage Alternative is deemed the environmentally superior alternative, there is further validation and substantial evidence available for the City to make the necessary legal findings to approve the Variance Request. It is noteworthy that the Disbursed Circulation/Reduced Garage Alternative generally includes the same campus redevelopment as the proposed Project (except that the two residential structures on Emerson Street would be retained, the private open space proposed for that portion of the site would not be created, there is no longer a bike pavilion included in the project and the below grade parking facility would be reduced in size). As such, the Variance Request remains applicable and the information and facts that form the substantial evidence in the record, including but not limited to as set forth in the Variance Request materials, the conclusions of the EIR and the strong legal support discussed below, remain valid and support approval.

As Castilleja anticipates the Planning and Transportation Commission's consideration of its Variance Request, it important to address the inaccurate legal assertions contained in the September 18,

2018 letter sent to the City from Preserve Neighborhood Quality of Life (“PNQL Letter”). As communicated in our brief letter to the City on October 8, 2018, we felt it premature to respond to the misplaced claims in the PNQL Letter at that time, largely because the City was embarking on the environmental review of the Project and that no decision would (or could) be made on the Variance Request until after the CEQA process was complete. Now that the final EIR has been published and we have the benefit of the detailed analysis contained therein, we are well poised to respond to the PNQL Letter.

The PNQL Letter declares that the City should deny the Variance Request based on legal assertions that are not directly applicable to Castilleja’s Variance Request. The main case upon which the PNQL relies is *Walnut Acres Neighborhood Assn. v. City of Los Angeles* (2015) 235 Cal.App.4th 1303. First and foremost, the *Walnut Acres* case is not a variance case; rather, it is about a Los Angeles municipal ordinance which governs the permitting process for eldercare facilities. While the eldercare facility ordinance contains language similar to one of the variance findings (i.e. an “unnecessary hardship”), that is where the similarity ends.

In *Walnut Acres*, the applicants “unnecessary hardship” used to support the approval of a larger eldercare facility revolved around the notion that constructing a smaller number of units did not maximize the economies of scale (i.e. an unnecessary *financial* hardship). As this was not a variance request, the applicant did not make any assertions about the special or unique features of the property related to the lot size, shape, topography, location or surroundings. Instead, the applicant focused *only* on the need for more elder housing. Because the applicant did not provide detailed information on the difference in profitability based on size or other evidence to support their claim that a smaller facility presented an unnecessary *financial* hardship the court overturned the city’s decision. It reasoned there was no substantial evidence to support the unnecessary hardship finding.

As described above, the *Walnut Acres* case scrutinizes the City of Los Angeles’ application of an eldercare facility ordinance and the only basis for variation from the strict application of the ordinance was financial hardship. Castilleja’s Variance Request is distinguishable. As detailed in the Variance Request, Castilleja’s application (as required by the City’s Municipal Code) is focused on the physical constraints of the Project site. Indeed, the findings for a variance in Palo Alto do not even consider unnecessary *financial* hardship, which was the key issue considered in *Walnut Acres*.

We are confident that the legal support cited in our Variance Request supports the City’s ability to adopt the necessary findings to approve the variance. The cases we highlight are directly relevant to the City’s parameters for determining whether to grant a variance. Specifically, this case law focuses on the unique physical features of the property, and stands for the principle that an unnecessary hardship occurs when the natural condition or topography of the land places the landowner at a disadvantage vis-à-vis other landowners in the area, such as peculiarities of the size, shape or grade of the parcel and the property which is distinct in character from nearby properties. See *Committee to Save Hollywood Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1183. As outlined in our Variance Request, the large size of Castilleja’s property both makes their property distinct in character from other nearby properties (it is the only one of its size) and deprives Castilleja of an additional 7.2% floor area ratio enjoyed by nearby property owners in the same zoning district. As such, there is substantial evidence in the record supporting the conclusion that the uniqueness of the Property creates an unnecessary hardship and justifies the approval of a variance based on case law precedent.

Both the PNQL letter and our Variance Request refer to another case, *Eskeland v. City of Del Mar* (2014) 224 Cal.App.4th 936, however PNQL has misread the legal underpinnings of that decision. In *Eskeland*, when the city approved the variance, it considered design alternatives and concluded that the design with the variance was “the best alternative.” In upholding the grant of the variance, the court found “the city may consider—among other things—whether there would be an adverse impact on aesthetic goals such as preserving open spaces.” Castilleja has presented a design that provides the best alternative for the surrounding properties by updating the layout, look and feel of the

campus, to complement the residential neighborhood and improve the aesthetic with landscaping and increased open space. The Project with the variance is not only the best alternative aesthetically, but it was also deemed the environmentally superior alternative.

PNQL's assertion that Castilleja's property is not unique is also not supported by case law. Opponents of the variance in the *Eskeland* case argued the property was not unique because other properties in the hilly area of the city faced similar challenges. The court, however, looked at the property and found that it *did* have conditions which were not typical of the other surrounding properties and concluded there was substantial evidence supporting the variance. Here, Castilleja has provided evidence that no other property in the area faces the same constraints on development based on size (or historic use), making Castilleja's Property unique and ripe for a variance to maintain its existing FAR.

Contrary to PNQL's analysis, the precedent from *Eskeland* clearly supports Castilleja's ability to update its school buildings (and maintain their existing above grade Gross Floor Area) without it being a "special privilege." While the opposition in *Eskeland* argued that the existing use was non-conforming and therefore allowing it to be redeveloped with the variance was a special privilege, the court disagreed. Instead, it found that as long as the requirements for a variance are met, the city is not precluded from approving a variance that will expand the degree of nonconformity of a nonconforming structure. Thus, case law supports the City's ability to approve the variance and allow the Castilleja to maintain the floor area it has maintained through its historic use permits and from long standing practice, before the City established a zoning limitation on floor area.

In addition to both the factual and case law support for the Variance Request, the final EIR contains analysis and conclusions which further provide substantial evidence to endorse approval of the variance. The Land Use and Planning Chapter of final EIR, concludes that "the project would result in less-than- significant impacts with regard to conflicts with zoning designations or land use policies," reasoning that "Castilleja School has requested a variance from the City to allow the school to maintain its existing above-grade FAR. This variance would not allow an increase in the project site's FAR compared to existing conditions and thus would not create any new conflicts with the development standards or any associated adverse physical environmental effects." (EIR, Page 4-24).

The final EIR also determined the Project to be consistent with the Palo Alto Comprehensive Plan, as summarized in **Table 4-1** of the final EIR and as prescribed by Palo Alto Municipal Code ('PAMC') Section 18.76.030 (c)(3), to be a required finding for granting a variance. Additional conclusions in the final EIR offer support for the legal finding that "granting of the [variance] will not be detrimental or injurious to property or improvements in the vicinity, nor be detrimental to the public health, safety, general welfare, or convenience" as required by PAMC Section 18.76.030(c) (4). On page 4-25 of the final EIR, the following conclusions are meaningful and important:

"The proposed project would result in less than significant impacts to aesthetics and visual resources. It would reduce the number of structures onsite and increase the amount of open space. The majority of the increase in building area would occur below grade and there would be no increase in the gross floor area (above ground building space). The project would improve the visual character of the site and its compatibility with the surrounding residential neighborhood compared to the existing conditions by reducing the amount of at-grade parking, both on-street and off-street, relocating bus loading and unloading to the Circle... The proposed building plans use materials, colors, and details that are compatible with the existing structures on the site such that the overall campus would have a unified and coherent design. The project design includes pedestrian scale fencing and gates to provide several paths of ingress and egress for students, staff and visitors, including convenient bicycle parking. The project also incorporates elements that meet the City's sustainability goals, such as rooftop photovoltaics, energy efficiency, and water-use efficiency."

Castilleja is confident that the Variance Request and the additional legal support provided in this letter serve as the substantial evidence needed to make the variance findings required by the PAMC. The proposed improvements will not only serve to benefit Castilleja, but also the neighborhood and Palo Alto, as a community. We respectfully request your support.

Sincerely,

Mindie S. Romanowsky

Mindie Romanowsky

Cc: Jonathan Lait, Director of Planning and Development Services
Amy French, Chief Planning Official
Albert Yang, Deputy City Attorney
Nanci Kauffmann, Castilleja Head of School
Kathy Layendecker, Castilleja Associate Head for Finance and Operations

Att: Variance Request Letter, 3/5/2018

ATTACHMENT

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(1932-2017)

March 22, 2018

Ms. Amy French, AICP
Chief Planning Official
Palo Alto City Hall, Planning & Community Environment
250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301

**Re: Castilleja School Request for Variance to Maintain Existing Above
Grade Floor Area at 1310 Bryant Street and 1235, 1263 Emerson
Street, Palo Alto ("Property"); [16PLN-00258] [SCH#2017012052]**

Dear Ms. French:

In connection with the above referenced application, Castilleja School ("Castilleja") seeks to remove five (5) buildings that have outlived their useful life ("Old Buildings") and replace them with an energy efficient, 'net-zero ready' building that will contain updated, seismically sound classrooms and learning spaces intended to be architecturally compatible with the surrounding neighborhood ("New Building"). The Master Plan also proposes for Castilleja to retain its administrative/chapel building and gymnasium, construct an underground parking garage and improve the Property to both offset school related impacts and provide amenities to benefit the community, which include landscaping, the preservation of mature trees, and the construction of a ½ acre community park as well as a public bike pavilion. In demolishing the Old Buildings and repurposing the square footage into the New Building, the resulting above grade floor area of the school will match that which exists today.¹ However, as discussed in this letter, as a result of the unintended consequences resulting from the lower permitted

¹ Based on approved use permits and as-built plans available in the City archives, the current above grade total floor area for the Old Buildings totals 84,572 square feet and the above grade square footage for the New Building is proposed to be 84,572 square feet, as is shown on the proposed Master Plan.

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March 22, 2018
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Floor Area Ratio ("FAR") levels of the current R-1 (10,000) Zone ("Zone") Residential Development Standards, the above grade floor area will exceed the current limit. That said, decommissioning the Old Buildings to create a single New Building will yield increased open space and community benefits at the Property,² as further described below.

On behalf of Castilleja, this letter serves as a formal request for a variance to allow Castilleja to maintain its existing above grade floor area at the Property, by demolishing the Old Buildings and re-purposing the square footage to create a new, seismically sound, 'net-zero ready' energy efficient building with updated classrooms and learning spaces to support girl's education in the City of Palo Alto ("City") for the 21-century learning and beyond.

Unique History of the Castilleja School Property.

The City has historically issued Castilleja use permits to both operate as a school and build the necessary structures and improvements to support school use. Many of the existing structures on campus were built prior to the City's adoption of the current maximum FAR standards. Other structures were constructed after the City's adoption of the current maximum FAR standards, but with a use permit making the additional square footage permissible. The controlling Castilleja use permits allow the school to exceed the maximum FAR for the Zone. Nevertheless, going forward, rather than employ the use permit as a tool to authorize school use and to establish square footage development parameters (as has been the City's historic practice), the City requests that Castilleja apply for a variance as a legal tool under the Palo Alto Municipal Code ("PAMC"), to maintain its existing floor area.

Particular Location of Castilleja's Property within the Neighborhood.

The maximum FAR limitations for the Zone were developed approximately 80 years after Castilleja first occupied their site. By way of background, maximum FAR limitations are generally developed for residential use and do not directly translate to the development of a school with its unique programmatic needs. The same is true of other zoning limitations within the Zone, such as the maximum lot size (19,999 SF), which would not, as a practical matter, support the physical space requirements of any school. Recognizing that school use is compatible with residential use, the Zone prescribes that schools are conditional uses and provides for the approval of the allowable building size or site area to support the needs of a school. That said, modern zoning limitations have brought unintended consequences related to Castilleja's use and development of its site, in that the application of the zoning standards yields disparate treatment of the school site (as discussed below) compared to the surrounding neighborhood, which grew up around Castilleja, over time.

² Current open space at the Property is 116,203 SF and the proposed open space at the Property will be 126,621 SF.

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The application of zoning has the unintended consequence of disproportionately constraining the Property compared to other lots in the vicinity, particularly with regard to the maximum permitted floor area. In addition, the City's past approval of FAR above the residential maximum is a unique circumstance supporting a variance which would permit Castilleja to maintain the status quo related to floor area.

Legal Findings in Support of a Variance.

The variance provisions of PAMC Section 18.76 030 provide an alternative mechanism when strict application of the zoning regulations would subject development of a site to substantial hardships, constraints or practical difficulties that do not normally arise on other sites in the same vicinity and zoning district. Variances may be granted from strict application of zoning regulations, such as the residential FAR limitation for Castilleja, described herein, where specific legal findings can be made. The findings required by the PAMC to grant a variance allowing Castilleja to maintain its existing and permitted FAR, and the basis for making those required findings, are discussed below.

1. "Because of special circumstances applicable to the Property, including, but not limited to, size, shape, topography, location or surroundings, the strict application of requirements and regulations substantially deprives the Property of privileges enjoyed by other property in the vicinity and in the same zoning district."

Castilleja comes to the City with noteworthy circumstances related to the size, location, and surroundings of its Property. The school has occupied its site since 1910, before the present residential neighborhood developed around the school, and prior to the establishment of modern zoning regulations, minimum/maximum lot sizes and/or maximum FAR standards. Since zoning took effect, Castilleja has operated as a conditionally permitted school use, in accordance with the requirements of the Zone. Over time, the surrounding land was subdivided and homes were built, but the size and shape of Castilleja's Property remains particularly unique when compared to the surrounding parcels. To be specific, the Property is 286,783 square feet (6.58 acres), but the maximum lot size in the Zone is 19,999 SF (.46 acres) and the average lot size is much smaller (appearing to range between 8,000-12,000 square feet (.18 - .28 acres). [See map of the Zone, attached as Exhibit A]. It is undisputable that Castilleja's Property is 266,784 square feet (6.12 acres) larger than the prescribed maximum lot size for the Zone and, even from a high-level review of the other properties shown in Exhibit A, the Property is substantially greater in size than any other lot for the entire Zone.

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The case law on the subject of variances prescribes that granting a variance is grounded in conditions peculiar to the specific property, as distinguished from other properties within the zone or vicinity. The cases emphasize the **disparities** between properties, not the treatment of any individual property's characteristics in the abstract. (See *Eskeland*, 224 Cal.App.4th at 951; see also *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 520; see also *Committee to Save Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1182, 1183).

Exhibit A clearly illustrates the Property's unique characteristics as distinguished from other properties within Zone and surrounding vicinity. By way of specifics, the second largest lot within the Zone (after Castilleja's Property) is located at 1140 Cowper Street (currently occupied by a church) with a lot size of 100,188 SF (2.3 acres), less than half the size of the Property. The largest residential lot size in the Zone appears to be located at 537 Coleridge Ave., with a lot size of 50,965.2 (1.17 acres), about 1/6th the size of the Property. The extreme disparity in lot sizes is particularly detrimental to the Castilleja Property because of the formula prescribed by the Zone to calculate permitted FAR. The formula calculates permitted FAR at .45 for the first 5,000 square feet, and then it drops to .30 for additional square feet. As properties increase in size, the maximum permitted FAR decreases. The calculations on the chart below show how this formula creates a disparate hardship unique to the Castilleja Property.

Lot Size	Maximum Permitted SF (5000 *.45) +(Lot Size-5000)* .3)	Maximum Permitted FAR (Maximum Permitted SF/Total Lot SF)
10,000 SF	3750 SF	.375
15,000 SF	5250 SF	.35
20,000 SF	6750	.3375
25,000 SF	8250	.33
50,000 SF	15750	.315
100,000 SF	30750	.3075
200,000 SF	60750	.303
286,783 SF	86,784.9	.3026

As evidenced in the above table, if the average lot size within the Zone is approximately 10,000 SF, the maximum permitted FAR for the majority of lots in the Zone yields a FAR of at least 7.2% more than permitted for the Property. Thus, Castilleja's uniquely large Property yields disparate treatment related to its development, by its very nature.

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March 22, 2018
Page 5

Due to its size and the FAR discrepancies described above, the strict application of the PAMC's site development regulations would deprive Castilleja of privileges enjoyed by other property owners in the Zone. Furthermore, the City has historically and thoughtfully approved FAR above the maximum limits for the school. The strict application of the maximum FAR for the Zone would deprive the school of its longstanding historic and permitted use of its Property.

Taking into consideration the aforementioned unique circumstances, Castilleja has designed a site plan to maintain the current approved floor area at the Property through its proposal to demolish the Old Buildings and repurpose that square footage into the New Building. The New Building will meet current building code and seismic safety requirements. It will also incorporate environmental design standards to promote sustainability. Additionally, the proposed plan increases the amount of open space by over 24,000 SF and improves the residential feel of the school within the neighborhood by removing antiquated institutional buildings and replacing them with an architecturally compatible building, designed to include variegated building facades to break up the bulk and mass of the building, as well as compatible building materials which take cues from and serve to complement the surrounding homes.

2. Granting the variance shall not affect substantial compliance with the regulations or constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity or in the same zoning district.

Granting a variance will not affect substantial compliance with the zoning code as the Master Plan substantially complies with the regulations of the Zone, including the building height, setback, parking, allowable site coverage, and open space requirements. The proposed site coverage is 5% less than the maximum allowable site coverage limitation in the Zone³. The proposed open space will be accomplished by decommissioning the floor area of the Old Buildings and repurposing the square feet into the New Building.

The request to maintain the above grade floor area is not a special privilege rather it is a request to maintain the status quo as it relates to FAR and to improve the open space characteristics of the Property. As described above, the City has historically allowed (via use permits which run with the land) an expanded allowable building site and size to support school use. This variance does not propose an increase to the existing above-grade floor area and all above grade setbacks and other site development standards⁴ are met or exceeded.

³ The allowable site coverage for the Property is 100,374 SF (35%) and the proposed site coverage is 83,043 SF (30%).

⁴ Note: In connection with the proposed underground parking garage, Castilleja has applied for a Variance for below grade setback encroachments.

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3. Granting the variance is consistent with the Palo Alto Comprehensive Plan and purposes of Title 18 (Zoning).

The proposed Master Plan is consistent with certain Land Use Goals and Policies, as set forth in the Palo Alto Comprehensive Plan, as follows:

- **Land Use Goal L-2: “An enhanced sense of ‘community’ with development designed to foster public life and meet citywide needs and embrace principles of sustainability.”**

Certain Master Plan amenities are made possible by decommissioning the Old Buildings and repurposing the floor area into the New Building, allowing for more site improvements and fostering an enhanced sense of community. For example, the Master Plan proposes a public bike pavilion at the corner of Bryant and Kellogg to serve as a way station for bicyclists on the Bryant Bike Blvd with repair tools and other features, which may include water or air stations. Additionally, the school intends to construct a ½ acre community park at Emerson Street and Melville Avenue.

Maintaining the floor area at the Property but repurposing the square footage from the Old Buildings into the New Building allows for the implementation of sustainability measures for the New Building which include extensive façade shading by means of deep roof overhangs and solar shading screens, renewable energy solar panels, high efficiency and noise mitigation glazing, natural lighting for all teaching spaces and shared spaces through skylights or wall glazing, durable and sustainable exterior siding materials, locally sourced interior finishes, water efficient plumbing fixtures, graywater irrigation, and extensive landscaping with water run-off mitigation. As a further way to meet citywide needs, offset Master Plan impacts and embrace sustainability principles, Castilleja will implement a robust and forward-thinking Transportation Demand Management (“TDM”) Program which will not only improve the neighborhood experience by reducing the transportation impacts, but the will serve as a model for reducing citywide traffic and parking concerns.

In order to serve a citywide need of providing a non-sectarian, 6th-12th grade alternative education for girls (whereby 25-30% of Castilleja students reside in Palo Alto), Castilleja must continue to modify and refine its educational curriculum and facilities to grow with the necessary adjustments of middle and high school educational demands. Without the ability to adapt its facilities for increased safety, sustainability and appropriate programmatic space, Castilleja will be hindered from meeting the citywide need to supply a learning environment which enables a single gender non-sectarian 21st century education to members of the Palo Alto community.

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- **Land Use Goal L-3: “Safe, attractive residential neighborhoods, each with its own distinct character and within walking distance of...schools and/or other public gathering places.”**

The design and location of the New Building is envisioned to be compatible with the neighborhood. Specific architectural features include large roof overhangs with exposed wood beams, façades scaled to the size of neighboring residences, trellised patios and outdoor covered areas, and use of exterior materials predominant in the neighborhood. Enabled by the design and location of the New Building, public open space is increased and includes the addition of a community park at Emerson Street and Melville Avenue. The improved seismic and general safety of the New Building renders the school and the surrounding neighborhood, a safer place.

- **Land Use Policy L-6.1: “Promote high-quality design and site planning that is compatible with surrounding development and public spaces.”**

Removing the Old Buildings that are outdated and substantially lower quality than buildings built to current standards will meet the promulgated policy of high quality design and site planning. As is articulated above, the goal of the New Building is to specifically create a design on campus that is more consistent with the surrounding neighborhood look and feel, while meeting the current design guidelines set forth in the PAMC today. Both the concept of the underground garage and its proposed location take the circulation and parking of cars away from the neighborhood such that the school use can be more compatible with its residential neighbors. Furthermore, the demolition of the Old Buildings and the construction of the New Building allows for a site plan which moves bus drop off and pick up internal to the site, and the loading, delivery and trash functions to move off City streets and onto the school Property, below grade, to reduce neighborhood congestion and noise.

- **Land Use Policy L-9.6: “Create, preserve and enhance parks and publicly accessible, shared outdoor gathering spaces within walking and biking distance of residential neighborhoods.”**

Removing the Old Buildings and replacing them with a single New Building allows for the creation of increased public access to the Property, due to the creation of increased open space. The Master Plan adds a new ½ acre community park at Emerson Street and Melville Avenue as well as a public bicycle pavilion. The park and bike pavilion, are intended to be public benefits and will be open and accessible to all members of the community. Castilleja's goal is to create a more welcoming environment with enhanced views and gathering spaces.

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The Master Plan is also consistent with the purpose of the Zone, which is to “create, preserve, and enhance areas suitable for detached dwellings with a strong presence of nature and with open area affording maximum privacy and opportunities for outdoor living and children’s play.” The proposal, with its open campus and creation of a public park and bike amenity will foster areas suitable for outdoor living and children’s play. Further, there has been great emphasis placed on the preservation of mature trees in order to maintain and enhance the strong presence of nature and afford maximum privacy for the surrounding residential neighborhood, which remains suitable for detached dwellings. Another intent of the Zone is to “create and preserve variety among neighborhoods, to provide adequate open area, and to encourage quality design.” The school adds variety to the neighborhood, while providing a green space open to the public as well as high-quality design, as is evidenced in the Master Plan application.

4. Granting the variance will not be detrimental or injurious to property or improvements in the vicinity, will not be detrimental to the public health, safety, general welfare or convenience.

Approving the variance enables the construction of the New Building which is designed to be visually compatible with the residential character of the neighborhood and allows for increased open space, as well as the addition of a community park. Maintaining the existing floor area at the Property will not be detrimental to public health, safety, general welfare, or convenience. To the contrary, the Master Plan has been thoughtfully designed to comply with the parking requirements on site (via an underground parking garage) with circulation having little impact on the surrounding neighborhood. The New Building will be seismically sound bringing safety to the students as well as the surrounding neighborhood. In addition, maintaining the floor area at the Property but repurposing the square footage from the Old Buildings into the New Building allows for the implementation of robust sustainability measures as discussed above, which contributes to the public health and general welfare of the neighborhood.

In totality, a variance to maintain the existing FAR on the Property would not be detrimental or injurious to property or improvements in the surrounding vicinity while ensuring that the Property is not treated disparately from the surrounding property. The location and design of the New Building would allow bus drop-off and pick-up to move internal to the site, and for loading, delivery and trash functions to move off City streets and onto the school Property, below grade, to reduce neighborhood congestion and noise, while enhancing safety in the neighborhood. The protection of mature trees at the Property has been carefully studied and prioritized and the proposed landscaping will be thoughtfully designed for neighborhood compatibility. Taken in totality, Castilleja

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is confident these design considerations will promote public health and safety for the vicinity while enhancing the general welfare of the neighborhood.

For the foregoing reasons, there is substantial evidence by which the City can make the necessary findings to approve the variance to maintain the existing above grade floor area at the Property. Castilleja respectfully requests that the City make the findings and grant the variance.

Sincerely,



Mindie S. Romanowsky

cc: Hillary Gitelman, Director of Planning & Community Environment
Jonathan Lait, Assistant Director of Planning and Community Environment
Nanci Kauffman, Head of Castilleja School
Kathy Layendecker, Associate Head of School for Finance and Operations

Enclosure: Exhibit A [R-1 (10,000) Zone]

Exhibit A
R-1 (10000) Zone

From: [Roger Theit](#)
To: [Planning Commission](#)
Subject: Hechtman is a Castilleja Shill
Date: Friday, September 11, 2020 8:23:39 AM

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

Perhaps Commissioner Hechtman doesn't know that Castilleja serves about 100 students from Palo Alto? 75% of students do not live in Palo Alto.

And Castilleja does not make any of its facilities available to the public, while it consumes city services without paying taxes. And now it wants to compromise the Bryant Bike Boulevard and kill mature oaks and redwoods.

How is Castilleja a resource for Palo Alto, Mr. Hechtman?

And we all know Alcheck is an advocate for Castilleja as he is personal friends with administrators and shares the same lawyer as the school. He's a bad joke.

Very disappointing, PTC!

RTheit

From: [Pauline Bromberg](#)
Subject: Castilleja's Proposal
Date: Friday, September 11, 2020 12:19:36 AM

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

To whomever it may concern,

I am a 2018 graduate from Castilleja School. I am emailing you today in support of the proposal put forth by Castilleja to renovate its campus in order to extend the opportunity for young women to benefit from its outstanding education, all the while taking into consideration the neighborhood's wishes.

Though Castilleja is not a perfect institution and has made mistakes in the past, its commitment to educating young women and empowering them is invaluable. I am personally indebted to Castilleja for teaching me how to advocate for myself and think critically about the world around me. The classmates and teachers I had during my time at Castilleja remain my closest friends and mentors, and I continue to rely and be astounded by the support network I developed.

Castilleja's plan, which has come about after listening and considering multiple points of views, would allow more young girls like myself to benefit from this unique environment. As a community that values education, Palo Alto has supported the modernization and enrollment growth in its other schools - public and private. Therefore, I urge you to allow Castilleja to be allowed the opportunity to do the same.

Best,

Pauline Bromberg