



## City Council Staff Report

**From: City Manager**

**Report Type: ACTION ITEMS**

**Lead Department: Planning and Development Services**

**Meeting Date: August 19, 2024**

Report #:2404-2858

### **TITLE**

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

### **RECOMMENDATION**

Staff recommends that the City Council approve the Transportation Demand Management Plan (TDMP) as consistent with the conditions of approval for the Castilleja School redevelopment project.

### **EXECUTIVE SUMMARY**

On June 6, 2022, the City Council approved various discretionary land use entitlements and one legislative text amendment to the zoning code to allow Castilleja School redevelop and expand student enrollment, subject to certain findings and conditions of approval. These actions are memorialized in the City Council adopted record of land use action, or RLUA, which is available online.<sup>1</sup> Condition number 20 in the RLUA required the applicant to prepare a final version of the complete transportation demand management plan (TDMP). TDMP provisions for the project were previously approved by the City Council and included components from the following documents:

- Castilleja's prior TDMP;<sup>2</sup>
- An enhanced TDMP prepared by transportation consultant Nelson\Nygaard for Castilleja;<sup>3</sup>

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<sup>1</sup> City Council approved record of land use action, dated June 6, 2022:

<https://www.cityofpaloalto.org/files/f65eb77d-4d17-41a6-8158-44f1df3b649f/Casti-Signed-ROLUA-and-Exhibit.pdf>.

<sup>2</sup> This is summarized in the Nelson\Nygaard memo (next footnote)

<sup>3</sup> Nelson\Nygaard enhanced TDMP, dated June 9, 2016:

- A supplemental, or draft, TDMP previously prepared by the applicant and updated in 2021<sup>4</sup>
- Mitigation measure 7A from the mitigation and monitoring report included in the City’s prepared final environmental impact report;<sup>5</sup>
- Other conditions of approval from the RLUA, notably conditions 20 – 26; and,
- The City Council’s motion from June 6, 2022.<sup>6</sup>

Since the various TDMP provisions were distributed in different source documents, the City Council required a single source compilation that is cohesive, well-organized and indexed. The final form document is subject to the City Council’s approval.

On August 7, 2023<sup>7</sup>, the City Council reviewed the compiled TDMP (Attachment A) and continued its review to a date uncertain. Council directed staff to meet with members of the Castilleja Neighborhood Committee (CNC) and Castilleja to discuss their concerns (5-2, Lythcott-Haims, Tanaka voted against the motion). These meetings occurred on March 28, 2024 and June 27, 2024, respectively.

## ANALYSIS

Summaries of the Council’s and CNC’s comments are listed below. Where responses are not provided in the table, they are discussed in greater detail later in the report.

Council/CNC Comments	Staff Response
<b>Council Comment.</b> How is on-site enrollment limited during construction?	Condition of Approval (COA) #4 states that student enrollment is limited to 416 students, if students remain on the main campus during construction. However, if students are moved off-site during construction, the School may immediately enroll up to 450 students at the off-site location. Once construction is complete, enrollment at the main campus may reach 450 students.

<https://www.cityofpaloalto.org/files/assets/public/v/1/planning-amp-development-services/current-planning/uploads-for-website/castilleja-eir-appendices-b3-through-b7.pdf>.

<sup>4</sup> Applicant’s draft TDMP from 2021: <https://www.cityofpaloalto.org/files/assets/public/v/1/planning-amp-development-services/new-development-projects/1310-bryant-street/castilleja-tdm-operations-manual-updated-2021.pdf>.

<sup>5</sup> Project FEIR Mitigation Monitoring and Reporting Program: <https://www.cityofpaloalto.org/files/assets/public/v/5/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220523/20220523pccsm-revised.pdf>.

<sup>6</sup> City Council action minutes from June 6, 2022: <https://www.cityofpaloalto.org/files/assets/public/v/1/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220606/20220606smccsmct.pdf>.

<sup>7</sup> City Council agenda with staff report: <https://cityofpaloalto.primegov.com/Portal/Meeting?meetingTemplateId=12606>

Council/CNC Comments	Staff Response
	<p>At the time this condition was written, the parties did not contemplate that some but not all students could be moved off site. However, because the CUP is issued for the Bryant Street site, staff interprets this condition to limit enrollment at the Bryant Street campus to 416 students during construction, regardless of additional enrollment at an off-site location. If Castilleja greatly increases enrollment using an off-site campus during construction, it will be up to the school to ensure enrollment at Bryant Street does not exceed 450 after construction. Castilleja has indicated it has no intention on having an off-site campus for the upcoming year and that total enrollment will not exceed 415 students.</p>
<p><b>Council Comment.</b> What are the methods for calculating trips to the site and what is excluded for the purpose of determining ADT?</p> <ul style="list-style-type: none"> <li>• COA #22 says driveway counters will be used but points to COA #24 to calculate ADT; COA #24 does not preclude the use of other sources for ADT.</li> <li>• What about vehicles parking on Castilleja side of street?</li> <li>• What about vehicles dropping off students that do not pass through driveway?</li> </ul>	<ul style="list-style-type: none"> <li>• This is discussed later in the report.</li> </ul>
<p><b>Council Comment.</b> What role does the neighborhood committee have in creating/evaluating the TDMP?</p>	<ul style="list-style-type: none"> <li>• COA #33 details the responsibilities of the CNC. The CNC's responsibilities are to review impacts from events, noise complaints, TDMP performance, and recommend changes to the Planning Director. The Planning Director has the authority to approve increases in event and enrollment based on the performance measures established in the RLUA. The CNC does not have any express role in creating the TDMP.</li> </ul>

Council/CNC Comments	Staff Response
<b>CNC Comment.</b> Concern over limiting ADT counts to the driveway counters; using this method excludes trips made by vehicles parked on same side of street and in neighborhoods;	<ul style="list-style-type: none"> <li>• This is discussed later in the report.</li> </ul>
<b>CNC Comment.</b> Concern that construction and special event trips were excluded from ADT trip counts;	<ul style="list-style-type: none"> <li>• COA #24(b)(ii) expressly excludes construction trips, Special Event and Major Event dates, and non-school days from ADT. The 1,198 ADT baseline was created by measuring days without event or construction trips.</li> </ul>
<b>CNC Comment.</b> Clarification on how peak hour trips are calculated;	<ul style="list-style-type: none"> <li>• The industry standard for determining peak hour trips is to collect data during peak travel hours (e.g. 7:00am-9:00am for the morning, 4:00pm-7:00pm for the evening) and then determine when trips are highest for one hour during that time. As Castilleja's school start time may fluctuate throughout the years, the peak hour may also change.</li> </ul>
<b>CNC Comment.</b> Ensure the availability of raw trip data to CNC.	<ul style="list-style-type: none"> <li>• COA #24 requires Castilleja to provide raw counter data when they provide their monitoring reports to the City and that this information also be posted on their website for the City and public to evaluate. Staff will continue to work with Castilleja to ensure this information is posted in a timely manner when the TDM monitoring reports are provided as well to ensure transparency to the public.</li> </ul>

### *ADT Trips Counts*

Some Council and CNC members raised concerns that the TDMP only counts trips toward ADT if they pass through installed vehicle counters at student drop off locations and entry/exit driveways on private property; as a result, this does not pick up trips generated by students and faculty parking on the streets adjacent to Castilleja. It was noted that COA #22(b), which requires driveway counters, does not expressly rule out other methods for counting ADT and references COA #24 for the ways ADT shall be calculated. Given that the school's enrollment expansion is directly tied to Castilleja meeting its ADT and AM peak hour trip limits, the CNC and some Council members expressed the perspective that these cars represent trips to the school and should be counted.

Although it is true that the RLUA does not state that driveway counters are the exclusive source of data for calculating ADT, it also does not endorse any other means of calculating ADT. COA #24 primarily details the contents of periodic TDMP monitoring reports, and only obliquely references calculation of ADT. The clearest direction on calculation of ADT is in COA #24(b)(ii), that averages shall exclude construction trips, special event days, non-school days, and summer school. COA #24(g) explains that the City will occasionally monitor street frontages with temporary in-street counters, but this data is to inform TDMP changes over time and cannot be a basis for finding a violation of the CUP.

Castilleja's perspective as expressed in its letter dated June 5, 2024 and included as Attachment B, is that ADT and AM Peak is only measured using driveway counters in accordance with the RLUA; trips generated by on-street parking were not analyzed in the environmental impact and traffic impact reports because it was treated as a background condition for analysis; and, because there was no proposed change to that existing condition.

Staff does not necessarily support the Castilleja arguments as presented in the letter. The Final Environmental Impact Report's (FEIR) Traffic Study<sup>8</sup> suggests ADT and AM Peak figures from driveway counters were adjusted based on a student/staff travel pattern surveys provided by Castilleja, and other observations. The FEIR's traffic study, however, did not specify how the figures were adjusted, nor what was included in "other observations." Therefore, it is unclear whether vehicles parked on public streets adjacent to Castilleja were included in the ADT/AM peak hour trip figures.

Ultimately, the record of land use action is unclear on whether vehicle trips generated by students and faculty parking on the school-side of public streets should be counted in calculating ADT and AM peak trips. Council could require the TDMP to include vehicle trips generated by students and faculty parking on the side of public streets immediately adjacent to Castilleja. However, because Castilleja does not agree on this point, and the RLUA does not clearly lay out this expectation, there may be some legal risk in taking this position. Moreover, staff is concerned about the practical implementation of this approach. Castilleja's TDMP is the most complicated of any prior TDMP approved by the City and inclusion of street side parking, if it were the intent, would require a monitoring and tracking scheme that has not been developed. To track and monitor vehicles that are associated with the school, when they arrived, leave or are replaced with another vehicle requires an extensive amount of human resources either by Castilleja staff, hired consultants, or another approach that assumes a certain number trips associated with on-street parking.

Should the City Council decide to include street parking adjacent to Castilleja in ADT and AM Peak counts, staff recommends adopting a rebuttable presumption that 100% of the 60 available street parking spaces count toward ADT (120 trips). To determine what share of those

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<sup>8</sup> W-Trans Traffic Study (2020): [https://www.cityofpaloalto.org/files/assets/public/v/1/planning-amp-development-services/current-planning/uploads-for-website/castilleja-eir-appendix-e-traffic-impact-study-for-the-castilleja-school-expansion\\_july-2020.pdf](https://www.cityofpaloalto.org/files/assets/public/v/1/planning-amp-development-services/current-planning/uploads-for-website/castilleja-eir-appendix-e-traffic-impact-study-for-the-castilleja-school-expansion_july-2020.pdf)

ADT trips apply to AM Peak, staff recommends a proportional share be attributed to the one hour peak period reported in the monitoring reports. For example, if 344 trips arrived in the AM Peak hour, as measured by the driveway counters, compared to 1057 trips over the entire day, AM Peak trips comprise 33% of total ADT. Therefore, 33% percent of the total 120 trips associated with the street parking spaces would be assigned to the one-hour peak time, resulting in 40 additional trips for the AM Peak hour on that given day. For both ADT and AM Peak, the school would be permitted to submit evidence that these assumptions are incorrect. For example, they may show that, on average, only 50 spaces were parked during the reporting period.

Staff believes this approach would reasonably assign street side parking trips to ADT and AM Peak but also acknowledges that this relies upon assumptions rather than hard data. Alternatively, the City could choose not to specify a methodology and simply rely on Castilleja to determine its own approach to capture daily data collection and report findings in the monitoring report. It is worth noting that while Castilleja is precluded from parking or dropping off students outside of designated areas, the public is not precluded from parking on the Castilleja side of the three public streets where parking is allowed.

Alternatively, if the City Council determines that ADT and AM Peak should be determined by use of the driveway counters, no change to the subject TDMP is required.

## **POLICY IMPLICATIONS**

The TDMP, included with this report as Attachment A, was prepared by Castilleja School. It was reviewed by City staff in Planning and Development Services and the Office of Transportation. These two City departments will be responsible for ensuring compliance with various components of the TDMP and the RLUA.

The document identifies performance standards, data collection methodology and reporting requirements, mitigation strategies, fees for City monitoring, information on enforcement and addressing violations, and general oversight. Appendices to the TDMP include all other relevant parking and transportation-related conditions of approval from the RLUA and a TDMP operations guide and program manual that would be shared with enrolled students and their parents.

The City Council's action to approve the document affirms that the TDMP incorporates all relevant transportation-related conditions of approval. Importantly, the TDMP is intended to summarize key requirements and implementation measures, but the RLUA and supporting documents, such as the mitigation monitoring and reporting program, are the official records that govern the TDMP and Castilleja School's operations. In this regard, as the Council has already taken a final action on the project, this review does not present the City Council with an opportunity to add new requirements that were not previously included in the source documents. If, however, the City Council believes the TDMP failed to accurately describe a previously approved requirement or is ambiguous, direction can be given to address such errors in the document.

**FISCAL/RESOURCE IMPACT**

Enforcing compliance with the project's land use entitlements and the TDMP will require City staff time. Castilleja School is required to maintain a deposit balance of \$15,000 with the City to investigate complaints and for ongoing monitoring and reporting. The deposit amount will be replenished when the balance reaches \$5,000. While the City will be compensated for its time engaging with this private development project through permit fees, existing staff resources in several departments are expected to be diverted from other initiatives at times to address the requirements of the RLUA and TDMP. Timely compliance review is key to satisfy the community and target dates for long range planning efforts may be adjusted.

**STAKEHOLDER ENGAGEMENT**

Staff has communicated with representatives of neighbors near Castilleja School to answer questions about the project, the RLUA and its implementation. Staff continues to maintain the project website posting information as it becomes available or relevant.

**ENVIRONMENTAL REVIEW**

The City Council previously certified a final environmental impact report for this project; the recommendation in this report is consistent with the prior review and no further environmental analysis is required.

**ATTACHMENTS**

Attachment A: Castilleja School's Transportation Demand Management Plan

Attachment B: Castilleja On-Street Parking Response

**APPROVED BY:**

Jonathan Lait, Planning and Development Services Director