



CITY COUNCIL SUMMARY MINUTES

Regular Meeting
August 7, 2023

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

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

Present Remotely:

Absent:

SPECIAL ORDERS OF THE DAY

1. Neighbors Abroad and Chris Cummings Presentation on Recent Activities with Palo Alto Sister City Tsuchiura, Japan

CLOSED SESSION

2. CONFERENCE WITH LABOR NEGOTIATORS City Designated Representatives: City Manager and his Designees Pursuant to Merit System Rules and Regulations (Ed Shikada, Kiely Nose, Sandra Blanch, Tori Anthony, and Molly Stump) Employee Organization: Service Employees International Union, (SEIU) Local 521, Utilities Management and Professional Association of Palo Alto (UMPAPA), Palo Alto Peace Officers' Association (PAPOA), Palo Alto Police Management Association (PMA), International Association of Fire Fighters (IAFF) local 1319, Palo Alto Fire Chiefs' Association (FCA); Authority: Government Code Section 54957.6 (a)
3. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION Claims pursuant to Public Contract Code 9204 related to construction of the Public Safety Building from Swinerton Builders; Pacific Structures, Inc.; Commercial Controls Corporation; Walters & Wolf; WSA Compliance, LLC; Helix Construction Company; Broadway Mechanical Contractors, Inc. (BMC); Sandis; and Northern Services, Inc. Authority: Government Code Section 54956.9(d)(3)

MOTION: Vice Mayor Stone moved, seconded by Council Member Burt, to go into Closed Session.

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MOTION PASSED: 7-0

Council went into Closed Session at 6:00 P.M.

Council returned from Closed Session at 7:20 P.M.

Mayor Kou announced nothing to report.

STUDY SESSION

4. 4075 El Camino Real (23PLN-00391): Request for Prescreening of a Proposal to Modify an Existing Planned Community (PC) to Allow 14 Additional Senior Convalescent Units, Including an Increase in the FAR, Lot Coverage, Density, and Height Within the Daylight Plane. Environmental Assessment: Not a Project. The Formal Application Will be Subject to California Environmental Quality Act (CEQA) Review.

Emily Kallas, Project Planner, described the Council prescreening process. This prescreening proposes to add 14 additional units to an existing 121-unit assisted living and memory care facility. Assisted living is considered a commercial use. The units do not have kitchens and do not qualify as housing units. She showed conceptual plans demonstrating the daylight plane encroachment, which varies from 6 to 12 feet. PC projects are required to have a public benefit, and this would provide additional housing for seniors. The project deviates from development standards in that it encroaches into the daylight plane adjacent to single-family houses, increases the density by 14 units, and reduces the parking ratio, though parking on site is sufficient. Staff recommended that Council conduct a prescreening to provide informal comments, which are not considered binding.

Steve Sandholtz, CEO of WellQuest Living, believed this was an important project that would help maintain the viability of Palo Alto Commons for a long time. He reviewed the project information and showed the zoning map, landscape plans, and effects on the daylight plane. There is a renovation in progress currently to modify some of the common areas. The next phase would be this unit expansion, followed by exterior improvements.

Council Member Burt stated his biggest concern was the impact on the daylight plane. He stated the project was originally designed with the step-downs at the rear specifically to respect the daylight planes. He asked if the applicant had looked at adding the additional square footage to the three-story units in the front or to the surface parking area. He also questioned the current staff-to-resident ratio and the impacts on parking for additional staff.

Mr. Sandholtz stated they had not looked at those alternatives. It would be difficult to cover the parking lot because of the flow of traffic to the front door. It was felt the proposed option had minimal impact and was the most viable to create the least disruption to residents through

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construction. The added units would be staffed at 1:8 to 1:10, so another 1 to 2 staff would be added. Most of the employees use public transportation, and the parking is underutilized.

Council Member Lythcott-Haims noted this does not have an affordable component and PC zones require 20% affordable.

Jonathan Lait, Planning Director, explained the distinction between this prescreening idea and a planned home zoning application. The PC is not subject to the PHZ additional threshold standards of 20% inclusionary and more housing units than jobs generated.

Vice Mayor Stone had concern around the daylight plane. He felt it would be better to move the units to the front if possible but that there was an important benefit to 14 additional units. He asked if there would be displacement of residents during the time of construction.

Mr. Sandholtz hoped displacement would be minimal. The current construction of the common areas is significantly more disruptive. The second phase will be done from the outside in and not disrupt services in the building. The plan was to retain vacant units leading up to that so any residents displaced by the construction could be kept in the community.

Council Member Veenker asked about the need in the community for additional assisted living space.

Mr. Sandholtz explained that most residents are admitted after they have had a change in condition and need to move in quickly. It is not common to have a long waitlist for these units because it is need based, but this facility stays full and the units are filled quickly.

Council Member Veenker was also concerned about the daylight plane. She wondered if some areas of the building that would impact the daylight plane could stay at two stories. She noted she would be receptive to adding a fourth floor toward El Camino if feasible even though it would exceed the height limit. She was interested in hearing more about options and impacts on the residents and neighbors. She noted adding bicycle parking for visitors would be nice.

PUBLIC COMMENT:

1. Aram James (Zoom) related his experience with his mother in assisted living. He was interested in whether the applicant would be receptive to offering a few affordable units even though it is not required.
2. Mona He, property owner at the corner of the new proposal, stated the current property already casts a huge shadow in her backyard. She was concerned about the effect of the loss of daylight if another one to two stories were added. She felt it was unfair to Wilkie residents.

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3. Shashank Divekar, 405 Wilkie Way, behind Palo Alto Commons, echoed Ms. He's remarks and concerns, including the loss of property values and privacy. He strongly opposed this expansion.
4. Burt Davies, resident on Wilkie Way, agreed with the previous two commenters and felt the building was already a huge tower behind where he lives. He remarked on the loss of privacy and property value.

Council Member Tanaka suggested that the developer speak to the neighbors and hear the impacts. He asked about the feasibility of adding a fourth story.

Mr. Sandholtz stated they were happy to host an open house for people to come and talk about their concerns and to communicate further to find a win-win solution. He stated adding a fourth story had not been explored due to the height limitation, but it was also significantly more expensive due to the infrastructure required. He doubted it would be financially feasible but it would be explored.

Council Member Lauing described his experience with a family member in the Commons and the difficulty with visitor parking. He felt it would help to have more visitor parking available. He noted concern with the daylight plane and that that was the reason for the step-downs. He also agreed that, while affordable housing units are not required, the City would like that and encouraged flexibility with the numbers of units. He stated the exterior renovation was a plus for the neighborhood.

Council Member Veenker also felt that affordable housing would be very well received as assisted living can be very expensive.

Council Member Lythcott-Haims supported the idea of four stories on the El Camino side. She felt this part of the City needed a facelift and was excited about the exterior remodel.

Council Member Burt questioned if there was discretion as a PC amendment to put a condition that there be some level of affordable units.

Director Lait responded that his previous comments were focused more on the application process but that having affordable housing units would qualify as a public benefit for the Council's consideration.

Mayor Kou was interested in a TDM for this as a commercial property. She was also interested in a town hall or community meeting and felt that it was important to involve all the neighbors and residents.

NO ACTION

AGENDA CHANGES, ADDITIONS AND DELETIONS

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City Manager Ed Shikada stated that Staff had modified and then subsequently reverted to the original recommendation on Item 10.

NO ACTION

PUBLIC COMMENT:

1. Katie Rueff speaking on behalf of Larry Klein (in-person), Andrea Gara (in-person), Hilary Glann (in-person), Willa Bednarz (online), Kristy Rueff (online), of 350 Silicon Valley and the Palo Alto Student Climate Coalition, stated there have been record-high temperatures, flooding, and wildfires this summer. She felt that everyone needed to be active in the community to make sure the policies support all citizens. She noted some key things to work toward, including reaching the 80x30 goal with room to spare, equitably electrifying, approving dense housing, and fostering a city that encourages youth climate advocates.
2. Leland Francois, Ravenswood Industrial Park and KI6AWN, stated he has been attempting to incorporate Bay Area radio operators to help meet some of the local municipalities' demands in the areas of residential transitional response. He hoped to mobilize some local radio operators in this cause.
3. Annette Glanckopf (Zoom) noted Midtown's need to keep Mike's Diner Bar open, stating the key problems not adequately addressed in the Economic Strategy Report were the demand for increased rent, increasing operating costs, and inability to get adequate staff. She felt the City needed to be more aggressive in its actions to preserve and revitalize retail.
4. Justin Harper spoke on behalf of the homeless community. He stated each person living on the street has a unique story and extending a helping hand can empower them to rebuild their lives. Homelessness is not a reflection of personal failure but a symptom of systemic shortcomings. A challenge faced by the homeless community is the issue of proper trash disposal. He wanted local authorities, organizations, and individuals to work together to explore innovative ways to address this challenge.
5. Angelina Rosh, member of PASCC, asked the City Council to declare a climate emergency to show the community that the City recognizes the imminent threat to climate change and will further its pledges to commit to mitigating the impacts of this emergency. She believed Palo Alto was capable of surpassing the benchmarks established in previous years to fulfill the ambitious goals set long ago.
6. Maya Perlash, member of PASCC, stated she has researched how different states have handled the transition from gas to electric appliances and learned that aggressive action, with proper incentives and measures, was necessary to see any significant change in electrification. She felt it was crucial that Palo Alto prioritize the gas sunset date and asked the Council to recognize this opportunity and urgency in consideration of the 2030

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goal as any action not taken now will have an exponentially larger impact in the years to come.

7. Julia Zeitlin, co-founder of PASCC, asked the Council to reinforce prioritization and support of bold climate action for the remainder of 2023 and beyond. She and her colleagues supported the expansion and investment in the City's Office of Sustainability and the declaration of a climate emergency by the Council. PASCC supported further investment in green jobs training such that the City can train more contractors to become experts in electric installations. She asked the Council to set a date to phase out the use of natural gas in Palo Alto.
8. Talya Schube, member of PASCC, expressed support for Palo Alto's sustainability and climate action plan. She stated the most important step was to electrify and eventually shut off natural gas. In order to electrify on the necessary scale, installations must be accessible and equitable. She urged the Council to consider working with organizations like JobTrain and increase the number of contractors trained in electric installations.
9. Phoebe Mota-Judges, member of PASCC, urged the Council to invest more resources, staff, and time into the Office of Sustainability to ensure the City has the capacity to meet its goals. She felt sustainability must be prioritized and coordinated through departments across the City.
10. Sophia Lee, member of PASCC, wanted to ensure the future is bright for all residents of Palo Alto regardless of economic status. She believed the SCAP was a huge step toward progress in regard to sustainability and implementing key action. She stated it was surprising there were few staff members leading the office of sustainability and asked for a drastic change in those numbers. She felt more staff, resources, and money needed to be dedicated solely to sustainability efforts.
11. Antonia Minion, member of PASCC, felt it was urgent that Palo Alto adopt an official climate emergency declaration as an important step in making sure the City becomes truly sustainable. She gave the example of a Public Works Department choosing to use asphalt that would minimize the urban heat effect and help with flood prevention rather than the cheapest option.
12. Caitlin Hopkins, member of PASCC, noted that Palo Alto has, through the Green Building reach codes, committed to heighten the efficiency of local construction. The need for workers trained to make electric installations is bound to increase, and she asked that the Council establish a partnership with a job training organization to prepare contractors.
13. Emily Linder, member of PASCC, noted that only a few of the intended 1000 gas-powered water heaters in Palo Alto homes have been electrified. To sooner reach Palo Alto's goal, PASCC urged investment in public awareness campaigns to inform the community of the importance of electrification.

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14. Jeannette Cosby planned to complete an electrification project but noted the approval for this project was rescinded due to a code change in Palo Alto. The panels conforming to the new code do not exist and will not be available until 2024. She stated this project was being held hostage to a code change that no manufacturer can yet meet, and there has been considerable time and financial resources invested.
15. Aram James (Zoom) stated he did not want police to have canines or tasers. He did not want racial profiling by police and did not want police to maintain a military arsenal. He encouraged members of the community to observe what they see regarding how the police treat people of color.
16. Albert Lustre, Carpenter's Union Local 405, wanted to see labor standards in future projects in the city of Palo Alto, such as apprenticeship, local hire, healthcare, and a livable wage. He listed the benefits of these items.
17. Tim Lynch noted the City did a good job of quickly patching up the recent water leak on Byron. He discussed unlicensed and uncontracted work being done on the weekend and asked to have code enforcement out during that time. He also mentioned dumping at 3087 Alexis and the property below 2838 Story Hill Lane and wanted to ensure it was being dealt with correctly.
18. Cedric (Zoom), in response to Mr. Harper's comments, described a group in Los Angeles called Hope Vibes that offers a mobile hygiene service to provide access to showers and laundry to the homeless population. He felt it would be helpful if local cities would cooperate to offer such a service. He also noted the difficulty of loss of possessions that homeless individuals may experience if they are arrested or hospitalized. He suggested police and code enforcement coordinate with each other and the jails to locate and hold belongings for people to retrieve.

CONSENT CALENDAR

5. Approval of Minutes from June 12, 2023, and June 19, 2023, Meetings
6. PUBLIC HEARING: Adoption of an Ordinance Amending Section 9.68.010 (Purpose) and Section 9.68.040 (Just Cause Evictions Required) in Palo Alto Municipal Code Chapter 9.68, Rental Housing Stabilization, to Reduce the Minimum Time Period Required for Renters to Qualify for Just Cause Eviction Protections. CEQA status—exempt under CEQA Guidelines Section 15061(b)(3).
7. Adoption of a Resolution Establishing Fiscal Year 2024 Property Tax Levy for General Obligation Bonds (Measure N Libraries)

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8. Approval of Contract Number C23187501 With Palo Alto Housing Corp (PAHC) Housing Services, LLC for a Not-to Exceed Amount of \$356,556 to Provide Administration and Consulting Services for the City's Below Market Rate Housing Program for a Term of Two-years through June 2025 and Approve an FY 2024 Budget Amendment in the Residential Housing In-Lieu Fund. CEQA Action: Agreements are not subject to CEQA.
9. Approve Amendment No. 1 to Contract C21181034 with Rincon Consultants, Inc. for the Continued Work on the Housing Element Update, and Approval of a FY 2024 Budget Amendment in the General Fund for the Reappropriation of funds from FY 2023 to FY2024. Environmental Review: Agreements are not subject to CEQA.
10. Approval and Authorization of the City Manager to Execute a Contract with Allied Universal Technology Services (AUTS) (C24187696) in an Amount Not-to-Exceed \$778,275 over 5 years and one month period ending June 30, 2028 to provide Intrusion Detection System (IDS) monitoring and notification services. CEQA status - not a project.
11. Direction to Evaluate with Caltrain the Viaduct Alternative and Defer Review of the Trench Alternative at the Meadow Drive and Charleston Road Crossing as Recommended by the Rail Committee; CEQA status – categorically exempt per Regulation 15262.
12. Approval of FY 2024 Budget Amendment in the Residential Housing In-Lieu Fund for the Reappropriation of \$3.0 million from FY 2023 to FY 2024 for 231 Grant Avenue Loan Agreement; CEQA – Not a Project
13. SECOND READING: Adopt an Ordinance Amending Palo Alto Municipal Code (PAMC) Section 9.10.060 (f) and Adoption of a Resolution to Modify the Administrative Penalty Schedule Related to Enforcement of the City's Gas-Powered Leaf Blower Ban. Environmental Analysis: Not Subject to CEQA Review in Accordance with CEQA Guidelines 15061(b)(3). (FIRST READING: June 19, 2023 PASSED 7-0)
14. Approval of a General Services Contract with All City Management Services in an Amount not to Exceed \$3,920,865 Over a Five Year Term, for Crossing Guard Services; and Approval of a FY 2024 Budget Amendment in the General Fund (2/3 vote required); CEQA status - not a project.

PUBLIC COMMENT:

1. Ben Cintz was concerned about Item 6 and felt that for the City to impose a requirement greater than the State, there should be an established need. He felt this ordinance imposed a burden on property owners that did not need to exist.
2. Anil Babbar, California Apartment Association, was also concerned with Item 6. He stated AB 1482 was a well-debated and well-researched piece of legislation that went through a lot of deliberation at the state level and that it was decided 12 months was sufficient

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before Just Cause comes into place as it provides the tenant and property owner time to determine if it is the right situation. He felt imposing a six-month term would conflict with the minimum lease term requirement.

3. Jennifer L. (Zoom), small housing provider in Palo Alto, was strongly against the strict Just Cause eviction ordinance, Item 6. Housing providers count on rent to pay for their mortgage, property tax, insurance, and maintenance, and changing tenants often means leaving the house vacant for months while painting and doing repairs. She stated there was no reason to evict tenants unless something was seriously wrong, and it was beneficial to both tenants and housing providers if tenants can stay for a long time. Having stricter policies against housing providers will discourage people from building ADUs to rent out.
4. Min (Zoom) also opposed Item 6, which is stricter than what the State already has in place. She questioned the number of renters in Palo Alto and how many were asked by landlords to move out in a very short period of time, asking the reason the City wanted to adopt this restriction. She stated it made her more hesitant about building an ADU.
5. Aram James (Zoom) was in favor of good tenant protections while being cognizant of landlords' concerns. He recommended landlords deal with property managers who know all the current regulations.
6. Peter (Zoom) also spoke about Item 6. He stated people have little incentive to rent their house if they cannot evict tenants or get it back when they need it for themselves. The end result would be to defund housing, create a housing shortage, and inflict great harm to the community.
7. Cedric (Zoom) spoke in favor of Item 11. He felt the viaduct being placed back under consideration as an option was a good thing. He stated the underpass was terrible for bicycle traffic and the trench was too expensive, with permanent impacts to hydrology and ecology. He hoped the Council would support the viaduct.
8. Mac (Zoom) asked if the City Council had the eviction data for last year. He did not want Palo Alto to copy other cities' eviction policies that lead to high rents, increased homeless population, and divided communities. He felt people in Palo Alto deserved better and urged sticking with the existing eviction clauses in AB 1482.

MOTION: Council Member Veenker moved, seconded by Council Member Lythcott-Haims, to approve Agenda Item Numbers 5-14.

Mayor Kou registered a no vote on Agenda Item Number 11.

Council Member Tanaka registered a no vote on Agenda Items Number 6 and Number 12.

MOTION PASSED ITEMS 5, 7-10: 7-0

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MOTION PASSED ITEM 6, 12: 6-1, Tanaka no

MOTION PASSED ITEM 11: 6-1, Kou no

Council Member Tanaka, regarding Item 6, stated the State had debated the topic many times and concluded 12 months was sufficient. He felt the 6-month requirement conflicted with the requirement of a 12-month lease. He noted some landlords were taking properties off the market due to this restriction, so this would actually hurt tenants, leading to less availability and higher rents. On Item 12, he was concerned that the benefits Palo Alto was getting were not proportional to other cities. He felt Palo Alto should be getting more dedicated housing for teachers, as the City is running a budget deficit.

Mayor Kou, speaking on Item 11, stated the viaduct had been eliminated by Council for further consideration, and she did not believe there was enough notification or communication with residents living near the railroad tracks.

CITY MANAGER COMMENTS

Ed Shikada, City Manager, listed some upcoming summer fun activities and events. He noted the Palo Alto Unified School District was back in school this week and referenced a resources for back-to-school safety and wellness tips. He spoke about the prohibition of gas-powered leaf blowers, with fines beginning early 2024. He also listed notable upcoming Council items.

The Council took a 10-minute break, returning at 9:47 P.M.

ACTION ITEMS

15. PUBLIC HEARING: Adoption of Resolution Confirming the Weed Abatement Report and Ordering Abatement Costs to be a Special Assessment on the Properties Specified in the Report

Chris Rocha, Santa Clara County Consumer and Environmental Protection Agency Weed Abatement Inspector, explained that a fee assessment was done in July and August, with all properties being charged the \$92 fee and any other contractor fees that were applied. In January and February, there would be an assessment hearing for properties being added onto the program for charge fees.

MOTION: Council Member Lauing moved, seconded by Council Member Burt, to adopt a resolution confirming the report and ordering abatement costs to be a special assessment on the properties specified in the report.

MOTION PASSED: 7-0

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

Director of Planning and Development Services Jonathan Lait summarized that the City Council had requested as part of the conditions of approval of the project last June that the compilation of a transportation demand management plan be prepared in one document. This action was a reflection of a decision the City Council has already taken, not an opportunity to add new conditions or regulations.

Council Member Burt asked for Staff's perspective on the issue of moving students off site during construction and whether increasing enrollment was consistent with the intent of the motion. He questioned if electronic driveway counters was the only method of counting trips being used.

Director Lait recalled that the condition was not explicitly clear to address the number of students on campus but that it was not a violation of the condition. He stated the condition was that ADT was measured through the trip counters at the driveway entrances and exits. The three-times-a-year reporting also required information about parking on the surrounding streets. He reviewed the language in the condition.

Council Member Lauing asked if the intent was to have a specific person in the Transportation Department to be a liaison with the School Committee, for continuity. He questioned why construction vehicles would not be counted as trips.

Director Lait responded that a liaison had not been discussed. He stated ADT was based on the number of trips generated by the School at a certain point in time. The construction trips were explicitly excluded from ADT.

Vice Mayor Stone asked if the City had the right to access the raw data from the vehicle counters. He questioned whether the specification that the PTC will determine whether the condition is necessary after 15 years was a condition of approval.

Director Lait stated that both of those items were conditions of approval.

Vice Mayor Stone was concerned about the language regarding only using vehicle counter devices to determine peak trips, as his original interpretation was that those devices would be used without precluding other methods being used as well.

Council Member Lythcott-Haims questioned the role of the Neighborhood Committee in getting to this point.

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Director Lait stated the committee had not met in a capacity that responds to the conditions of approval. Nothing had been transmitted to them yet.

Council Member Veenker noted that the record from October 2020 mentioned driveway counters as "part of the monitoring." She quoted Condition 22B, "Data from permanent driveway counters placed at all entrance and exit driveways will be used to calculate ADT," going on to say, "Refer to Condition 24 regarding the monitoring report for the ways ADT shall be calculated." She noted Condition 24 was not specific but did not say it was exclusive use of the driveway counters. She felt the ambiguity should be resolved before this was finalized and believed the public anticipated that ADTs would count all daily trips.

Mayor Kou also wondered why parked cars as well as people dropping off and picking up were not counted. She questioned the second bullet point on page 209 regarding the descriptions of TDM strategies.

Chief Transportation Official Philip Kamhi stated the TDM was set up to use technology, typically through on-campus drop-off and pick-up. The concept of monitoring an entire neighborhood gets into privacy issues, surveilling streets, and difficult ongoing monitoring, which would be very unusual for TDM monitoring.

Mayor Kou appreciated that but felt it was not then a complete TDM plan that mitigates impacts to the neighborhood.

PUBLIC COMMENT:

1. Mary Sylvester noted that Mitigation Measure 7A stated the driveway counters are part of the monitoring, not the only monitoring, yet the School interpreted it to mean only driveway counters can count car trips. It was confusing in that some trips are counted and others are not. Many students and staff park throughout the neighborhood.
2. Alan Cooper recalled the Council made a very clear and explicit statement that moving all students off campus would allow the School to increase to 450 students. He believed it was unethical for the School to increase enrollment because some students had been moved off campus. He asked Council to clarify the intent.
3. Rob Levitsky noted there were criteria that must be met for initiating or exiting an RPP but that it was against procedure for Castilleja to agree to be excluded from any future RPP programs as noted in the TDM. He felt the neighbors should have been consulted regarding the traffic safety warning device to be used at the garage exit.
4. Hank Sousa asked City Council to direct the Transportation Department to name a liaison or contact for the Neighborhood Committee; to direct the School to provide the committee with a handbook in order to see what the School tells the parents regarding parking and traffic; and to leave open the possibility of making adjustments to this document as neighbors pinpoint impacts during and after the construction period.

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5. Andie Reed addressed traffic impacts to the neighborhood, asking for clarification to the language of the TDM to ensure all car trips are being counted as car trip caps only work if all car trips are being counted. She presented a graph showing the difference between the reported A.M. peak traffic versus the actual raw data and the additional street parking. She asked Transportation Staff to review and audit the numbers to ensure accurate counting in the future.
6. Neva Yarkin asked for consideration of the impacts the area will have to endure during the construction phase before approving this plan for expansion. With major impacts on surrounding streets, exact traffic headcounts will not be possible when people will need to park several blocks away to avoid the construction. Safety in a construction zone should be the highest priority for Castilleja when remodeling.
7. Nelson Ng wanted to ensure the TDM was really guarding against Castilleja's traffic impact to the neighborhood. He doubted the parking lot counters would count 100% of the traffic and would like the Staff to work with the neighbors also and not just the School.
8. Mindie Romanowsky, land use attorney on behalf of Castilleja, noted that the Council had approved this project, including the TDM, last June. The only question tonight was whether the TDM incorporates the measures. She highlighted that in addition to counting driveway trips, there was monitoring in the neighborhood. She urged Council to approve the TDM plan in accordance with the Staff's recommendation.
9. Matt Francois, Rutan and Tucker, co-counsel for Castilleja, again noted that Council had granted final discretionary approval for the project last June and it was past the point to impose additional conditions. He explained that driveway counts were not the exclusive means of counting trips, as Condition 22-gauge states, "The School, in consultation with the Director, shall install temporary vehicle counter devices in the public rights of way at locations determined by the Director that will be collected for no less than seven consecutive days." He stated the next TDM plan would go to the Neighborhood Committee for review and input to the Director.
10. Carla Befera (Zoom) asked the TDM be pulled off for additional study and asked that an independent traffic monitoring company be hired by the City of Palo Alto and paid for by the School to track and report findings directly to the City and the Neighborhood Committee, rather than the School hiring its own firm to monitor traffic, with data reviewed and shared by the School itself. She felt there was much ambiguous language in the TDM.
11. Matt Glickman (Zoom) asked that the Neighborhood Committee be included and relied upon as a resource to help do something that works for the School and for the neighbors. He felt a resolution could easily be achieved by including both the neighbors and the School in the process.

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12. Bruce McLeod (Zoom) stated that it had been an integral component of the project to have a robust enforceable TDM to protect the neighborhood from excessive impacts, and he felt this document was neither robust nor enforceable. It was complicated and imprecise and in many cases had conflicting information that was open to interpretation. He asked the Council continue action on the TDM to a date certain as needed for adequate review and to collect comments and suggestions from neighbors.

Director Lait noted the first monitoring report had some errors due to a faulty counter device. He believed that was the report Ms. Reed had referenced in her comments. Staff had requested and received an updated report on that information, which is currently being reviewed. He stated there was no intention not to be transparent, and Staff was happy to share more information and be engaged in the process. He provided clarification on the monitoring of A.M. peak and average daily trips. He stated if something is not working, there was always the option to go to the Planning and Transportation Commission for guidance and solutions.

Mayor Kou asked why the TDM was not worked out with the Neighborhood Committee's consideration or involvement.

Director Lait explained the role of the Neighborhood Committee was not to review this document but to review the TDM monitoring reports submitted three times a year.

Mayor Kou felt there was more that needed to be worked out and that the corrected raw data should be provided to the neighbors for review. She questioned what would trigger a violation being reported to the Planning Director for it to get to the Planning and Transportation Commission for review.

Director Lait stated if the Neighborhood Committee found a violation in the monitoring report, their role would be to flag that for his attention. If Staff validated that finding, they would reach out to Castilleja to remedy it. The PTC would get involved if an issue was unable to be resolved. He further described the process of what occurs in the event of a violation as stipulated in the Record of Land Use Action.

Vice Mayor Stone stated the TDM was meant to begin to rebuild trust between the neighborhood and the School. He stated the draft minutes from the June 6, 2022, meeting were very explicit regarding some of the issues regarded as ambiguous during this meeting. He quoted, "Many of the council members were interested in making sure that all trips are counted, not just the trips to campus. Dropping off or parking in the neighborhood and then walking to campus undermined the intent of the TDM Plan." He felt it was clear that Council was able to modify the language to make sure trips in the surrounding neighborhood would be counted and felt there were ways to accomplish this without relying only on the stationary traffic counters.

Director Lait explained that there had been deliberation with positions changing or being refined in order to address a compromise and that he needed to use the conditions of approval as adopted by the City Council. He also noted it was reflected in the Council's motion that they

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did not want students parking in the neighborhood. The TDM plan includes explicit language reaffirming Castilleja's commitment and obligation to park on site, on street adjacent to their property, or in satellite parking. If neighbors observe students parking off site and walking to school, that is a violation he would expect to be notified of. He also noted that Condition 25 states that school personnel shall monitor parking on site and on surrounding public streets once per day and notify any violators to move their cars, with disciplinary actions for students and parents who do not comply with parking requirements.

Council Member Burt noted that the motion stated, "If students are on the Casti campus during construction, maintain enrollment at 416." Under this proposal by Castilleja, students will be on campus. He also quoted 4B of the Council motion, "The three-person Neighborhood Committee will make recommendations to the Planning Director regarding the School's compliance with community conditions of approval," and felt that should have included the TDM.

Director Lait did not have the impression on reading the motion that this item was subject to the Neighborhood Committee. This was intended to be a summary accessible to the public, Castilleja, and Staff, but there was also a note to revert back to the source documents for areas of disagreement, ambiguity, or question.

Council Member Burt questioned who drafted the document.

Director Lait responded that Castilleja prepared the document, which reflects, through the many public hearings on this topic, refinements made to the TDM plan by Nelson/Nygaard, through Planning and Transportation Commission meetings, and through City Council. Staff reviewed the document for consistency and compliance with all of the source documents and transmitted it to Council for this Public Hearing once it was felt to be accurate.

Council Member Veenker asked where in Condition 24 it showed the ways that ADT shall be calculated.

Director Lait noted that it lists some parameters by which it will be used: the driveway volume counts are in 15-minute increments; ADT excludes construction trips, special events, and major events; school and summer school shall be counted separately. This provides clarity when making the determination of compliance so that these factors are not included. It does not get into the technical way in which a traffic engineer would measure ADT.

There was further discussion about how ADT is determined.

Council Member Lauing felt that since there was not agreement on what the document says, it needed more work before handing it over to the community. He wanted to continue this for further discussion.

ORIGINAL MOTION: Council Member Tanaka moved, seconded by Council Member Lythcott-Haims, to approve the transportation demand management plan as consistent with the

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conditions of approval for the Castilleja School redevelopment project and come back to Council in six months.

Council Member Tanaka stated that six months' worth of data would inform a lot and allow corrections to be made if necessary.

Council Member Lythcott-Haims felt that the discussion had veered off of the agenda item. She believed the applicant had compiled the TDM from the other documents as requested.

SUBSTITUTE MOTION: Mayor Kou moved, seconded by Council Member Lauing, to continue the Item, and Staff reach out to the Neighborhood Committee and School to formulate a draft TDM plan to bring back to Council.

City Manager Ed Shikada felt this was problematic as the Neighborhood Committee is subject to the Brown Act. A meeting would need to be established, and as framed, the Committee would be advisory to the Council and therefore unable to speak outside of that meeting.

There was further discussion about this, with amendments suggested and discussed.

Mayor Kou stated she believed the decisions of June 6 had been misinterpreted and felt there were a lot of inaccuracies and ambiguity in the TDM. She also wanted to move forward with establishing trust with the different stakeholders, which needed to start with City Council and Staff making sure everything is transparent.

Council Member Lauing felt the school wanted a permanent roadmap and there would be no difference in that by waiting six months.

Vice Mayor Stone stated he supported the motion and wanted to direct Staff to include all trips when determining how ADT is calculated.

There was discussion on amendments to and wording of the motion.

Council Member Tanaka asked the impact on Castilleja of accepting the substitute motion and delaying approval of the TDM.

Director Lait did not believe there was any impact to their schedule.

FINAL MOTION: Mayor Kou moved, seconded by Council Member Lauing, to continue the Item and reach out to the Neighborhood Committee and School to review and provide comments to Staff regarding the transportation demand management (TDM) plan.

AMENDMENTS INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER

MOTION PASSED: 5-2, Lythcott-Haims, Tanaka no

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17. Designation of Voting Delegate and Alternate(s) for the League of California Cities Annual 2023 Conference, to be held September 20-22, 2023, in Sacramento, CA

MOTION: Vice Mayor Stone moved, seconded by Council Member Lauing, to designate Mayor Kou as the voting delegate, and designate Council Member Veenker as the alternate voting delegate for the 2023 League of California Cities Annual Conference.

MOTION PASSED: 7-0

COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Council Member Burt requested to agendize an opportunity to provide assurances to the neighbors of Fletcher School in Terman Park about access of the neighbors to the land if a land transfer with the School District occurred.

Mayor Kou encouraged everyone to support local arts organizations, such as Palo Alto Players, West Bay Opera, Children's Theatre, and TheatreWorks, which is celebrating its 20th anniversary with the New Works Festival from August 11-20, 2023, at the Lucie Stern Theater.

ADJOURNMENT: The meeting was adjourned at 12:14 A.M.