

ACTION NO. 2024-_____

**RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION
FOR 2501 EMBARCADERO WAY: SITE AND DESIGN REVIEW AND
VARIANCE (22PLN-00367)**

On _____ 2024, the City Council of the City of Palo Alto approved a Site and Design Review and Variance Application to Allow the Construction of a Local Advanced Water Purification System at the Regional Water Quality Control Plant (RWQCP). The Proposed Project Includes the Construction and Operation of a Membrane Filtration Recycled Water Facility and a Permeate Storage Tank at the City's RWQCP to Improve Recycled Water Quality and Increase its Use. The Variance Would Allow for a Taller Wall Within a Required Setback to Provide Screening and Reduce Noise. In approving the application, Council makes the following findings, determinations, and declarations:

SECTION 1. Background. The City Council of the City of Palo Alto ("City Council") finds, determines, and declares as follows:

A. The City of Palo Alto Water Quality Division requests approval of a development project that includes Site and Design Review and a Variance to allow the Construction of a Local Advanced Water Purification System (AWPS) at the Regional Water Quality Control Plant (RWQCP). ("The Project").

B. The project site area currently includes an approximately 10,000 sf area located across two parcels (APNs 008-05-005 and 008-06-001). The project is located within the boundaries of the Regional Water Quality Control Plant. The site is designated on the Comprehensive Plan land use map as Major Institution Special Facilities and is located within the Public Facility (PF) zone district, and Site and Design (D) Combining District.

C. The Planning and Transportation Commission (Commission) reviewed and recommended approval of the Project on _____, 2024. The Commission's recommendations are contained in Staff Report ID# _____ and the attachments to it.

The Architectural Review Board (ARB) reviewed and recommended approval of the Project on _____, 2024. The ARB's recommendations are contained in Staff Report ID# _____ and the attachments to it.

D. On _____, 2024, the City Council held a duly noticed public hearing, at which evidence was presented and all persons were afforded an opportunity to be heard in accordance with the Palo Alto Municipal Code and the Council's Policies and Procedures.

SECTION 2. Environmental Review. The City, as the lead agency for the Project, has determined that the project is subject to environmental review under provisions of the California Environmental Quality Act. Council Previously Adopted an Addendum to the 2015 Environmental Impact Report for the City of Palo Alto Recycled Water Project Which Evaluated the Environmental Impacts of the Proposed Project. It was determined that the current project (22PLN-00367) does not

present the circumstances pursuant to CEQA Guidelines 15162 to warrant the completion of a subsequent Mitigated Negative Declaration or an Environmental Impact Report, and therefore, an Addendum to the previously adopted EIR suffices. Pursuant to CEQA Guidelines 15164 the addendum need not be circulated. However, the addendum shall be considered with the adopted EIR. The City Council considered the Addendum to the EIR at a public hearing on November 18, 2019. The Mitigation and Monitoring Report is attached as Exhibit 1 into the Record of Land Use.

SECTION 3. Site and Design Review objectives.

The design and architecture of the proposed improvements, as conditioned, comply with the Site and Design Objectives as required in Chapter 18.30.060(G) of the PAMC.

A. *Objective (a): To ensure construction and operation of the use in a manner that will be orderly, harmonious, and compatible with existing or potential uses of adjoining or nearby sites.*

The proposed project is located within the boundaries of the existing Regional Water Quality Control Plant and includes the necessary equipment and facilities to treat recycled water. The facilities are designed in a manner that is orderly, harmonious and compatible with the existing RWQCP and surrounding uses. The project would not conflict with the City's airport operations across Embarcadero Road and is consistent with the Airport Land Use Plan. The colors and design of the facilities are consistent with the Baylands Design Guidelines, such as using muted colors. The new screening/sound wall protects surrounding uses for visual and noise impacts from the proposed facilities. The proposed vegetation planting will provide additional long-term visual screening. Light is directed downward, primarily below the canopy, and is expected to be no greater than street lighting. Therefore, the project is consistent with this objective.

B. *Objective (b): To ensure the desirability of investment, or the conduct of business, research, or educational activities, or other authorized occupations in the same or adjacent areas.*

The project is a public facility, consistent with the land use designation and zoning, and provides treatment of recycled water to the city and surrounding communities. The project would not affect existing or potential future uses within the surrounding area including the plant operations, the adjacent airport, nearby office uses, and/or recreational use of the Baylands. The project is within the boundaries of the existing RWQCP. A component of the project includes repaving and re-landscaping the walking path leading out to the Baylands along Embarcadero Road.

C. *Objective (c): To ensure that sound principles of environmental design and ecological balance shall be observed.*

The project is consistent with the Baylands design guidelines in that it utilizes muted colors and the equipment/facilities are consistent with the height of the existing RWQCP buildings and equipment. Lighting is designed and conditioned to not shine onto the adjacent properties. The project will implement green building measures as required by the Palo Alto Municipal Code and, in itself, allows for the increased reuse of recycled water within the City of Palo Alto and surrounding communities.

D. *Objective (d): To ensure that the use will be in accord with the Palo Alto Comprehensive Plan.*

The project is consistent with the following Comprehensive Plan land use designation, goals, and policies:

Land Use Designation: Major Institution/Special Facility	This land use designation includes governmental and community service uses and lands that are publicly owned such as the subject property. The proposed advanced water purification system within the area of the RWQCP boundaries is consistent with the Comprehensive Plan Land Use.
Natural Element	
Policy N-4.17: Improve source control, treatment, and distribution of recycled water, including reducing the salinity of recycled water, to maximize its use.	This project is specifically intended to implement this policy in order to reduce the salinity of recycled water in order to maximize its use.
<p>Policy N-2.2: Use the UFMP, as periodically amended, to guide City decisions related to all elements of Palo Alto's urban forest, from its understory habitat to canopy cover.</p> <p>Policy N-2.3: Enhance the ecological resilience of the urban forest by increasing and diversifying native species in the public right-of-way, protecting the health of soils and understory vegetation, encouraging property owners to do the same and discouraging the planting of invasive species.</p> <p>Program N2.7.3: Actively pursue funding for tree planting to increase canopy cover significantly across the city, avoid a net loss of canopy at the neighborhood level and attain canopy size targets in parks, open space, parking lots and City rights-of-way.</p>	The project includes removal of 35 trees that are primarily non-native, invasive species, and their replacement with 36 trees that are native as well as the addition of understory vegetation for landscape screening along the public ROW.
Policy N-4.1: Maintain a safe, clean and reliable long-term supply of water for Palo Alto	The project improves the reuse of recycled water, improving the City's long-term supply of water for Palo Alto.
Policy N-4.4: Manage water supply and water quality to reflect not only human use but also the water needed to sustain plant and animal life.	The project improves the ability to use recycled water to sustain plant life by reducing the salinity so that the water is more suitable for commercial and public facility use, consistent with this policy.
Policy N-6.12: Ensure compliance with the airport related land use compatibility standards for community noise environments, shown in Table N-1, by prohibiting incompatible land use development within the 60 dBA CNEL noise contours of the Palo Alto airport.	The project is a compatible land use with the airport.
Policy N-7.5: Encourage energy efficient lighting that protects dark skies and promotes energy conservation by minimizing light and glare from	The lighting for this project is shielded and directed downward, providing the minimum required lighting necessary for operation of this

development while ensuring public health and safety.	facility. The project does not include windows that would create glare.
Land Use Element	
Policy L-1.2: Limit future urban development to currently developed lands within the urban service area. The boundary of the urban service area is otherwise known as the urban growth boundary. Retain undeveloped land west of Foothill Expressway and Junipero Serra as open space, with allowances made for very low-intensity development consistent with the open space character of the area. Retain undeveloped land northeast of Highway 101 as open space.	The project includes development within the boundaries of the existing RWQCP consistent with this policy.
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 to ensure a compact, efficient development pattern.	The project is compatible with its surroundings in that it's similar in height to other buildings/equipment within the RWQCP and meets the applicable height restrictions within the Airport influence area.
Policy L-1.6: Encourage land uses that address the needs of the community and manage change and development to benefit the community	The need for improved recycled water has been previously identified by Council and in the City's Comprehensive Plan. The project addresses the need to improve recycled water quality to allow for increased reuse, benefiting the community.
Policy L-6.2: Use the Zoning Ordinance, design review process, design guidelines and Coordinated Area Plans to ensure high quality residential and commercial design and architectural compatibility.	The project utilizes the design review process to ensure high quality design and architectural compatibility.
Policy L-10.2: Regulate land uses in the Airport Influence Area to ensure consistency with the Palo Alto Airport Comprehensive Land Use Plan and the Baylands Master Plan.	The project complies with the Airport Comprehensive Land Use Plan and the Baylands design guidelines and Master Plan.

SECTION 4. Architectural Review Findings.

1. *The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan, Zoning Code, coordinated area plans (including compatibility requirements), and any relevant design guides.*

This finding can be made in the affirmative because the project is consistent with applicable Comprehensive Plan goals and policies as summarized above in Section 3, Site and Design Findings. The requested variance is allowed in accordance with Chapter 18. XX of the municipal code and the relevant findings can be made in the affirmative. The project is consistent with the Baylands Design Guidelines, as applicable to the proposed project, in that the project uses muted colors and the height of the new AWPS facility is consistent with the surrounding buildings at the RWQCP and would not be visible from the Baylands or otherwise create new obstructions to views of the Baylands.

2. *The project has a unified and coherent design, that:*

- a. *creates an internal sense of order and desirable environment for occupants, visitors, and the general community,*
- b. *preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant,*
- c. *is consistent with the context-based design criteria of the applicable zone district,*
- d. *provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations,*
- e. *enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.*

The project is located within the boundaries of the RWQCP which is not accessible to visitors/the general community, as is appropriate for the proposed type facility. The project is designed in a manner that allows for maximum efficiency and future planned needs of the RWQCP. Although the project includes the removal of a number of trees, including protected trees, these trees are primarily non-native, invasive species. Replacement landscaping perimeter planting is proposed to provide long-term screening of the AWPS and existing RWQCP. The project complies with the contextual design criteria set forth in PAMC 18.24, which applies to most zone districts, including the Public Facility Zone District, as detailed below. The project is consistent with the mass and scale of the RWQCP facilities, which generally has 2 and 3-story equivalent buildings and equipment. There are no residential areas on or near the facility.

The project is consistent with the following context-based design criteria:

1. Public Realm/Sidewalk Character (18.24.020)

To create an attractive and safe public realm and sidewalk space for pedestrians and cyclists through the implementation of design, landscaping, and infrastructure.

The project is a public facility located wholly within the boundaries of the existing RWQCP. Due to the nature of this facility as critical infrastructure, protective fencing is required along the boundaries of the facility. However, the project screening wall, which protects the facility, provides screening from equipment, and serves as a sound wall for the project, is designed to provide an attractive and safe public realm along the adjacent sidewalk, creating a desirable place to walk. Landscaping is also provided along the public ROW to provide screening and shade, enabling comfortable pedestrian passage. Therefore the project is consistent with this design criteria.

2. Site Access (18.24.030)

To provide facilities and accommodations for pedestrians, vehicles, cyclists, and transit users to safely and efficiently access and circulate both within individual sites and in the site's surrounding context.

The project is located within the existing RWQCP in a location that does not affect the current circulation within the plant. The system would be maintained by existing plant personnel; no additional parking is proposed for this self-operating system. The project maintains and improves the existing walking path along Embarcadero Road, and does not include any changes to the existing bicycle path or roadway. Therefore, the project is consistent with this design criteria. The project meets the required setbacks or seeks relief from the setbacks to comply with easement requirements and to be consistent with the surrounding properties. Relief is sought for the “build-

to-line” setback along Embarcadero Road and given the opportunities and constraints of the site, adherence to the requirement does not create a better project layout. Additionally, the project includes varied materials such as metal, stucco, glass with contrasting colors providing visual interest. The two-story building is horizontally oriented consistent with the Baylands design guidelines.

3. Building Orientation and Setbacks (18.24.040)

To create a coherent and active interface between private development and the public realm that contributes to the sense of place and structure of the neighborhood and enhances the public's experience. Site design that responds to the orientation of adjacent uses and creates opportunities for landscaping and usable open space.

The project includes setbacks from Embarcadero Road to allow a buffer between the roadway and pedestrian path, landscape screening between the pedestrian path and the screening wall, and further setbacks to the buildings. These setbacks and the provided screening create a separation between the public realm and RWQCP facilities as is appropriate for this type of use and consistent with this requirement.

4. Building Massing (18.24.050)

To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features.

The project includes equipment for the purification of recycled water and is not intended to have a human-scale to the design that is inviting/interfaces with the public realm. However, the project meets this requirement by providing appropriate setbacks and screening from the public realm and providing high quality materials for the sound wall that will be visible from the pedestrian perspective.

5. Façade Design (18.24.060)

To create cohesive and well-crafted building façades with human-scaled details that incorporate textures, colors, and other details that are compatible with and enhance the surrounding area.

The proposed equipment is set back from the public ROW and is screened from view, as is appropriate for equipment versus a traditional building façade. The proposed colors of the canopy cover on the equipment and the reverse osmosis tank, which would be visible from public ROW, are compatible with the Baylands Design Guidelines and enhance the surrounding area. The screening wall will be the primary feature viewed by the public. The wall has been designed to provide variation through stepbacks as well as through color. Therefore, the project is consistent with this criterion.

6. Residential Entries (18.24.070)

Private entries into ground floor residential units shall be designed to provide (1) human-scaled detailing; (2) enhanced pedestrian experience; (3) transition between public and private space; (4) spaces for residents to gather and spend time outdoors; (5) resident privacy

The project does not include a residential use; therefore this design criteria does not apply.

7. Open Space (18.24.080)

To ensure that residents and visitors have access to usable open space and common facilities that provide recreational opportunities, promote a healthy environment, and enhance the experience of living in Palo Alto.

The project maintains or otherwise improves the public ROW. The project is located within the RWQCP boundaries which is not accessible to the public and does not include open space or common facilities. Therefore, this criteria does not apply to the project.

8. Materials (18.24.090)

To promote the use of high quality, durable, sustainable, and attractive materials that exhibit a sense of permanence and contribute to the aesthetic quality of the development and to the urban design fabric of the community.

The proposed materials for the buildings are pre-fabricated and include primarily non-reflective metal or steel, as is appropriate for a tank and equipment cover. Therefore, the project is consistent with this design criteria.

9. Sustainability and Green Building Design (18.24.100)

To incorporate sustainability, green building, and environmental considerations into the project design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials.

The project provides increased opportunities for use of recycled water and therefore is inherently a project to increase sustainability initiatives set forth by the City. The project also provides low water use, native plantings for landscape screening areas, replacing primarily non-native, invasive species.

3. *The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.*

The project includes muted colors that complement the surroundings and are appropriate to the proposed equipment/use. The project proposes a high-quality screening/sound wall that provides variation in colors and depth as well as quality, native, landscaping that maintain the high-quality experience along Embarcadero Road for all modes of transportation.

4. *The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g. convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).*

The project is designed to maintain the same private access to the plant and maintains the existing pedestrian path connecting Embarcadero Road out to the baylands. The AWPS would be operated by existing employees at the plant and no additional parking is proposed.

5. *The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes to the extent practical, regional indigenous drought resistant plant material capable of providing desirable habitat that can be appropriately maintained.*

Landscaping is provided along the perimeter of the site. The landscape palette uses drought tolerant, native species.

6. *The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.*

The project itself is designed to improve the reuse of recycled water within the City of Palo Alto and neighboring jurisdictions, primarily Mountain View, and creates opportunities for future phase expansion to maximize recycled water use. The project provides lighting only to the degree necessary to provide for safe operation of the facility. Landscaping includes low-water use, native landscaping that is consistent with the Baylands.

SECTION 5. Variance Findings

1. *Because of special circumstances applicable to the subject property, including (but not limited to) size, shape, topography, location, or surroundings, the strict application of the requirements and regulations prescribed in this title substantially deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district as the subject property. Special circumstances that are expressly excluded from consideration are:*

A. *The personal circumstances of the property owner, and*

B. *Any changes in the size or shape of the subject property made by the property owner or his predecessors in interest while the property was subject to the same zoning designation.*

The applicant requests a variance from PAMC 16.24 (fences) to allow for a screening wall that varies from 9.5 to 10 feet tall, where an 8-foot fence/wall is allowed in accordance with 16.24.030 (security fences). The project site is located adjacent to dissimilar land uses that do not perform similar functions. The RWQCP is a public facility serving the region in a unique environment that provides important habitat and recreational opportunities. In this sense, the RWQCP is a unique land use that is inherently different from its neighbors and is of more critical importance for the services it provides. The proposed sound/screening wall will protect the quality of surrounding uses will allowing for the site to continue to serve the needs of the region.

2. *The granting of the application 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 and in the same zoning district as the subject property, and*

The project will comply with other development standards except for the wall height requirements. The granting of the variance would not be considered a grant of special privileges inconsistent with the limitations upon other properties within the PF Zone District given the unique use of the proposed facility. A variance was also previously granted for the airport fence height in order to comply with FAA regulations for security.

3. *The granting of the application is consistent with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning), and*

The project is consistent with the Palo Alto Comprehensive Plan as discussed in Section 3 of this record of land use action and the use is consistent with the purposes of the zoning code.

4. *The granting of the application 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.*

The granting of the variance would not negatively affect public health, safety, general welfare, or convenience or be detrimental to the property or improvements in the vicinity in that the project proposes to construct an advanced water purification system within the boundaries of the existing RWQCP and provides information to support the conclusion that the project would not result in impacts on noise or lighting in the area that could affect the natural or built environment. A condition of approval has been added to require a County Airport Land Use Commission Consistency Analysis to ensure compatibility with the airport. The project is consistent with the Airport Land Use Plan as incorporated into the City's Comprehensive Plan.

SECTION 6. Conditions of approval

PLANNING DIVISION

1. CONFORMANCE WITH PLANS. Construction and development shall conform to the approved plans entitled, "City of Palo Alto Regional Water Quality Control Plant Advanced Water Purification System Architectural Review Submittal" stamped as received by the City on February 6, 2024, on file with the Planning Department, 250 Hamilton Avenue, Palo Alto, California except as modified by these conditions of approval.
2. BUILDING PERMIT. Apply for a building permit and meet any and all conditions of the Planning, Fire, Public Works, and Building Departments.
3. BUILDING PERMIT PLAN SET. All Department conditions of approval for the project shall be printed on the plans submitted for building permit.
4. PROJECT MODIFICATIONS. All modifications to the approved project shall be submitted for review and approval prior to construction. If during the Building Permit review and construction phase, the project is modified by the applicant, it is the responsibility of the applicant to contact the Planning Division/project planner directly to obtain approval of the project modification. It is the applicant's responsibility to highlight any proposed changes to the project and to bring it to the project planner's attention.
5. INDEMNITY. To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
6. LIGHTING. The owner or designee shall ensure that lighting is the minimum necessary and shielded downward to avoid light spillover as shown in the approved plan set.

7. NOISE THRESHOLDS ON COMMERCIAL PROPERTY. In accordance with PAMC Section 9.10.040, No person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight dB above the local ambient at any point outside of the property plane.
8. NOISE REPORT AT BUILDING STAGE. At the time of building permit issuance for new construction or for installation of any such interior or exterior mechanical equipment, the applicant shall submit an acoustical analysis by an acoustical engineer demonstrating projected compliance with the Noise Ordinance. The analysis shall be based on acoustical readings, equipment specifications and any proposed sound reduction measures, such as equipment enclosures or insulation, which demonstrate a sufficient degree of sound attenuation to assure that the prescribed noise levels will not be exceeded.
9. NOISE REPORT PRIOR TO INSPECTION. Where the acoustical analysis projected noise levels at or within 5 dB less than the Noise Ordinance limits, the applicant shall demonstrate the installed equipment complies with the anticipated noise levels and the Noise Ordinance prior to final Planning inspection approval.
10. MITIGATION MONITORING AND REPORTING PROGRAM. To the extent applicable, the project shall comply with mitigation measures set forth in the 2015 EIR for the City of Palo Alto Recycled Water Project.
11. FINAL INSPECTION. A Planning Division Final inspection will be required to determine substantial compliance with the approved plans prior to the scheduling of a Building Division final. Any revisions during the building process must be approved by Planning, including but not limited to; materials, landscaping and hard surface locations. Contact your Project Planner, Claire Raybould Claire.Raybould@cityofpaloalto.org to schedule this inspection.

BUILDING DEPARTMENT

12. A building permit is required for this project. Submit all plans listed on sheet G-00-002. Include a soil report and supporting structural calculations for the new building and non-building elements (i.e., tank, pipes and their supports, equipment, etc.). Include all MEPs plans, grading and drainage, and complete construction documentation.

PUBLIC WORKS ENGINEERING DEPARTMENT

13. PUBLIC WORKS APPLICATIONS, FORMS, AND DOCUMENTS. Applicant shall be advised that most forms, applications, and informational documents related to Public Works Engineering conditions can be found at the following link: <https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Forms-and-Permits>
14. STREETWORK PERMIT. The applicant shall obtain a Streetwork Permit from the Department of Public Works for all public improvements.
15. FLOOD ZONE. This project is in a FEMA Special Flood Hazard Area and shall comply with the requirements in Palo Alto Municipal Code Chapter 16.52
16. ENCROACHMENT PERMIT: Prior to any work in the public right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department for any work that encroaches onto the City right-of-way.
17. GRADING PERMIT. A Grading Permit may be required per PAMC Chapter 16.28. The permit application and all applicable documents (see Section H of application) shall be submitted to Public

Works Engineering if required.

WATER QUALITY

18. Include the Storm Water Pollution Prevention plan sheet (Public Works)
 - <http://bit.ly/PASstormWaterPollution>
19. All Bay Area Municipal Regional Stormwater Permit requirements shall be followed. Refer to the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Handbook (download here: http://scvurppp-w2k.com/c3_handbook.shtml) for details.
20. Stormwater quality protection:
 - o Temporary and permanent waste, compost and recycling containers shall be covered to prohibit fly-away trash and having rainwater enter the containers.
 - o Drain downspouts to landscaping (outward from building as needed).
 - o Offsite downgrade storm drain inlets shall also be identified on this plan set and protected. If City staff removes protection from an inlet in the ROW during a rain event, the contractor shall replace the inlet protection by the end of the following business day.

ZERO WASTE

21. SALVAGE SURVEY. A Salvage Survey for reuse is not required. However, the highest source separation of any materials removed is still required.

PUBLIC WORKS URBAN FORESTRY

The following conditions and/or standard Municipal Code requirements are provided for supplemental guidance, recommendation and/or best practices. Any applicable items shall be addressed in any permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc.

22. TREE PROTECTION COMPLIANCE. The owner and contractor shall implement all protection and inspection schedule measures, design recommendations and construction scheduling as stated in the Sheet T-1 and is subject to code compliance action pursuant to PAMC 8.10.080. The required protective fencing shall remain in place until final landscaping and inspection of the project.
23. PLAN CHANGES. Revisions and/or changes to plans before or during construction shall be reviewed and responded to by the (a) project site arborist, or (b) landscape architect with written letter of acceptance before submitting the revision to the Development Services Department for review by Planning, PW or Urban Forestry.
24. TREE DAMAGE. Tree Damage, Injury Mitigation and Inspections apply to the Contractor. Reporting, injury mitigation measures and tree protection inspection schedule apply. Contractor shall be responsible for the repair or replacement of any publicly owned or protected trees that are damaged during the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code.
25. URBAN FORESTRY GENERAL. The following general tree preservation measures apply to all trees to be retained: No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground under and around the tree canopy area shall not be altered. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.

26. EXCAVATION RESTRICTIONS APPLY. Any approved grading, digging or trenching beneath a tree canopy shall be performed using 'air-spade' method as a preference, with manual hand shovel as a backup. For utility trenching, including sewer line, roots exposed with diameter of 1.5 inches and greater shall remain intact and not be damaged. If directional boring method is used to tunnel beneath roots, then CPA Standard Detail #504 shall be printed on the final plans to be implemented by Contractor.

27. PLAN SET REQUIREMENTS. The final Plans submitted for a building permit shall include the following information and notes on relevant plan sheets:

- a. SHEET T-1, The building permit plan set will include the City's full-sized, Sheet T-1 (Tree Protection-it's Part of the Plan!), available on the Development Center website. A certified arborist shall complete and sign the Tree Disclosure Statement.
- b. TREE PROTECTION FENCING, The Plan Set (esp. site, demolition, grading & drainage, foundation, irrigation, tree disposition, utility sheets, etc.) must delineate/show the correct configuration of Type I, Type II or Type III fencing around each Protected Tree, using a bold dashed line enclosing the Tree Protection Zone (CPA Standard Detail #605).

SECTION 7. Term of Approval.

1. Site and Design Approval. In the event actual construction of the project is not commenced within two years of the date of council approval, the approval shall expire and be of no further force or effect, pursuant to Palo Alto Municipal Code Section 18.82.080.

2. Variance. The time limits for any Variance shall be the same as the time limits for the accompanying design review approval.

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

City Manager

Assistant City Attorney

Director of Planning and Development Services