



**City Council
Special Meeting
Monday, June 6, 2022
5:00 PM
Council Chamber & Virtual**

Pursuant to [AB 361](#) Palo Alto City Council meetings will be held as “hybrid” meetings with the option to attend by teleconference/video conference or in person. To maximize public safety while still maintaining transparency and public access, members of the public can choose to participate from home or attend in person. Information on how the public may observe and participate in the meeting is located at the end of the agenda. Masks are strongly encouraged if attending in person.

HOW TO PARTICIPATE

VIRTUAL PARTICIPATION

[CLICK HERE TO JOIN](https://cityofpaloalto.zoom.us/j/362027238) (<https://cityofpaloalto.zoom.us/j/362027238>)
Meeting ID: 362 027 238 Phone:1(669)900-6833

The meeting will be broadcast on Cable TV Channel 26, live on YouTube at <https://www.youtube.com/c/cityofpaloalto>, and streamed to Midpen Media Center at <https://midpenmedia.org>.

TIME ESTIMATES

Time estimates are provided as part of the Council's effort to manage its time at Council meetings. **Listed times are estimates only and are subject to change at any time, including while the meeting is in progress.** The Council reserves the right to use more or less time on any item, to change the order of items and/or to continue items to another meeting. Particular items may be heard before or after the time estimated on the agenda. This may occur in order to best manage the time at a meeting or to adapt to the participation of the public.

REVISED PUBLIC COMMENTS

Public Comments will be accepted both in person and via Zoom for up to three minutes or an amount of time determined by the Chair. All requests to speak will be taken until 5 minutes after the staff's presentation. Written public comments can be submitted in advance to city.council@cityofpaloalto.org and will be provided to the Council and available for inspection on the City's website. Please clearly indicate which agenda item you are referencing in your email subject line.

PowerPoints, videos, or other media to be presented during public comment are accepted only by email to city.clerk@cityofpaloalto.org at least 24 hours prior to the meeting. Once received, the City Clerk will have them shared at public comment for the specified item. To uphold strong cybersecurity management practices, USB's or other physical electronic storage devices are not accepted.

CALL TO ORDER

SPECIAL ORDERS OF THE DAY (5:00 – 5:10 PM)

1. Adoption of Resolution for Sascha Priess Upon His Retirement

AGENDA CHANGES, ADDITIONS AND DELETIONS

PUBLIC COMMENT (5:10 – 5:30 PM)

Members of the public may speak to any item NOT on the agenda. Council reserves the right to limit the duration of Oral Communications period to 30 minutes.

CONSENT CALENDAR 5:30- 5:40 PM)

Items will be voted on in one motion unless removed from the calendar by three Council Members.

2. Approve Minutes from the May 16, 2022 City Council Meeting
3. Adoption of a Resolution Authorizing Use of Teleconferencing for Council Meetings During Covid-19 State of Emergency
4. Approval of the Second Amended and Restated Purchase Order Number 4521000199 with Altec Industries, Inc., to Increase the Purchase Order Amount by \$40,024 to a New Not-to-Exceed Amount of \$707,092, for the Purchase of Two Peterbilt Crane Trucks through a Cooperative Contract, in the Scheduled Vehicle and Equipment Replacement -Fiscal Year 2020 Capital Improvement Project (VR-20000), with the Not-to-Exceed Amount Including \$687,222 for the Two Trucks and a Contingency Amount of \$19,870.
5. Adoption of a Resolution Calling for a General Municipal Election to be held November 8, 2022
6. Approval of Amendment No. 4 to Contract Number C18171717 With Perkins + Will for Preparation of the North Ventura Coordinated Area Plan (NVCAP) for a Term Through December 31, 2023.
7. Adoption of an Ordinance Amending the City's Surveillance and Privacy Protection Ordinance to Exempt the Foothills Fire Early Warning System (PAMC 2.30.680).
8. Adoption of Side Letter of Agreement and Salary Schedule for the Service Employees International Union (SEIU) -Hourly Unit and Adoption of Salary Schedule for Limited Hourlies
9. Approve a Fiscal Year 2023 Program for Domestic Recycling of Mixed Paper and Mixed Rigid Plastics; Authorize Staff to Negotiate a

Q&A

Corresponding Contract Amendment with GreenWaste of Palo Alto for Program Costs in an Amount Not to Exceed \$1.2M

CITY MANAGER COMMENTS (5:40 – 6:00 PM)

Presentation

ACTION ITEMS

Include: Reports of Committees/Commissions, Ordinances and Resolutions, Public Hearings, Reports of Officials, Unfinished Business and Council Matters.

10. PUBLIC HEARING: Adoption of an Ordinance Amending Palo Alto Municipal Code Section 18.52.070 (Parking Regulations for CD Assessment District) to Continue a Temporary Ban on Eligibility of Commercial Office Uses Above the Ground Floor to Participate in the Downtown Parking In-Lieu Program and Making Clerical Amendments to PAMC Section 16.57.010 (Applicability) in Chapter 16.57 (In-Lieu Parking Fee for New Nonresidential Development in the Commercial Downtown (CD) Zoning District) (6:00 PM – 6:30 PM)
11. PUBLIC HEARING: Adoption of a Resolution Providing that the City will Not Levy Assessments for the Downtown Business Improvement District for FY2023 (6:30 pm – 7:00 PM)

Public Letters

12. 1310 Bryant Street (Castilleja School Project) PUBLIC HEARING/QUASI JUDICIAL/LEGISLATIVE: Certification of an Environmental Impact Report (EIR) and Approval of Applications for (1) a Conditional Use Permit (CUP) Amendment to Increase Student Enrollment Initially to 450 Students Followed by Phased Conditional Increases to 540 Students; (2) a Parking Adjustment to Enable On-Site Parking Reduction; (3) a Variance to Replace Campus Gross Floor Area; (4) Architectural Review of Campus Redevelopment. Additionally, (5) Adoption of a Zoning Text Amendment Exempting Some Below-Grade Parking Facilities from Gross Floor Area. Zone District: R-1(10,000). Environmental Review: Final Environmental Impact Report (EIR) Published July 30, 2020; Draft EIR Published July 15, 2019 (Item Continued from May 23, 2022 Meeting) (7:00 – 8:30 PM)

Presentation

13. Adoption of an Ordinance Amending Title 8 of the PAMC to Expand Tree Protection to Include Additional Protected Tree Species, Revise Grounds for Tree Removal, and Make Clarifying Changes and Amending Titles 2, 9, and 18 to make Clerical Updates (8:30 – 10:30 PM) *Supplemental Report Added*

COUNCIL MEMBER QUESTIONS, COMMENTS, ANNOUNCEMENTS

Members of the public may not speak to the item(s)

ADJOURNMENT

INFORMATION REPORTS

Information reports are provided for informational purposes only to the Council and the public but are not listed for action during this meeting's agenda.

OTHER INFORMATION

Standing Committee Meetings

Finance Committee Meeting June 7, 2022

Public Comment Letters

Schedule of Meetings

PUBLIC COMMENT INSTRUCTIONS

Members of the Public may provide public comments to teleconference meetings via email, teleconference, or by phone.

- 1. Written public comments** may be submitted by email to city.council@cityofpaloalto.org.
- 2. Spoken public comments using a computer** will be accepted through the teleconference meeting. To address the Council, click on the link below to access a Zoom-based meeting. Please read the following instructions carefully.
 - A. You may download the Zoom client or connect to the meeting in-browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
 - B. You may be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
 - C. When you wish to speak on an Agenda Item, click on "raise hand." The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak.
 - D. When called, please limit your remarks to the time limit allotted.
 - E. A timer will be shown on the computer to help keep track of your comments.
- 3. Spoken public comments using a smart phone** will be accepted through the teleconference meeting. To address the Council, download the Zoom application onto your phone from the Apple App Store or Google Play Store and enter the Meeting ID below. Please follow the instructions B-E above.
- 4. Spoken public comments using a phone** use the telephone number listed below. When you wish to speak on an agenda item hit *9 on your phone so we know that you wish to speak. You will be asked to provide your first and last name before addressing the Council. You will be advised how long you have to speak. When called please limit your remarks to the agenda item and time limit allotted.

[CLICK HERE TO JOIN](#) **Meeting ID: 362 027 238 Phone:1(669)900-6833**



City of Palo Alto
City Council Staff Report

(ID # 14310)

Meeting Date: 6/6/2022

Report Type: Special Orders of the Day

Title: Adoption of Resolution for Sascha Priess Upon His Retirement

From: City Manager

Lead Department: Police

Attachments:

- **Attachment1.a:** Attachment A: Resolution for Sascha Priess Upon His Retirement



Resolution

EXPRESSING APPRECIATION TO SASCHA PRIESS UPON HIS RETIREMENT

WHEREAS, Sascha Priess served the City of Palo Alto and its citizens as a member of the Palo Alto Police Department for 27 years, first becoming a Police Officer in 1995 and a Police Agent in 2002; and

WHEREAS, Agent Priess has had a remarkable career as a sworn law enforcement officer, including working on all shifts of the patrol schedule, and has worked in many specialty assignments, including Specialized Traffic Accident Reconstruction, Crime Scene Investigation, Field Training, and Designated Rifle Officer; and

WHEREAS, Agent Priess was an accomplished detective, serving 5 years as a financial crimes investigator, during which he solved numerous complex cases involving high-dollar losses and seeing them through to successful prosecution; and

WHEREAS, Agent Priess has a tireless work ethic, one that drove him to always assist his fellow Department members with any task and not stop until the job was completed thoroughly and correctly; Agent Priess supported his coworkers with a high degree of professionalism and respect that is in alignment with the mission of the Department; and

WHEREAS, Agent Priess has served as a mentor to countless current and former officers, during his two stints as a Field Training Officer, his term as the supervisor of the Personnel and Training unit, and the many nights he spent as an instructor to the Explorer and Citizens Academy programs; and

WHEREAS, Agent Priess has earned a long, happy, and healthy retirement, spent with family and friends, for all his years of dedicated service.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Palo Alto hereby commends the outstanding public service of Agent Sascha Priess, records its appreciation, as well as the appreciation of the citizens of this community, and sends its well wishes to his family, upon his retirement.

INTRODUCED AND PASSED: June 6, 2022

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

City Manager

City Attorney



City of Palo Alto
Office of the City Clerk
City Council CAO Report

(ID # 14440)

Meeting Date: 6/6/2022

Report Type: Consent Calendar

Title: Approve Minutes from the May 16, 2022 City Council Meeting

From: Lesley Milton, City Clerk

Staff recommends Council to review and approve the minutes as presented.

ATTACHMENTS:

- **Attachment2.a:** Attachment A: 20220516amCCsm (DOCX)



CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting
May 16, 2022

The City Council of the City of Palo Alto met on this date in the Council Chambers and by virtual teleconference at 5:00 P.M.

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

Absent: Filseth

Closed Session

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Authority: Government Code Section 54956.8 Property: 445 Bryant Street, Assessor's Parcel Number 120-15-107 Negotiating Party: JSRFIT LLC, a California limited liability company d.b.a. Form Fitness City Negotiators: Ed Shikada and Kiely Nose Subject of Negotiations: Lease Price and Terms of Payment

MOTION: Council Member Cormack moved, seconded by Council Member DuBois to go into Closed Session.

MOTION PASSED: 6-0-1 Filseth absent

Council adjourned to Closed Session at 5:00 P.M.

Council reconvened from Closed Session at 6:10 P.M.

There were no announcements for the public.

Special Orders of the Day

2. Proclamation Recognizing National Police Week - May 15-21, 2022 and National Peace Officers' Memorial Day - May 15, 2022
3. Proclamation Recognizing Emergency Medical Services Week May 15-21, 2022

Agenda Changes, Additions and Deletions

The agenda was reordered that Item 13 was moved to the end of the agenda.

Public Comment

DRAFT ACTION MINUTES

Consent Calendar

Council Member Cormack, DuBois registered a no vote on Agenda Item Number 5.

Council Member Tanaka registered a no vote on Agenda Item Number 6.

MOTION: Council Member Cormack moved, seconded by Mayor Burt to approve the Consent Agenda Item Numbers 4-12.

4. Approve Minutes from the May 2, 2022 City Council Meeting
5. Adoption of **Resolution 10037** Authorizing Use of Teleconferencing for Council Meetings During Covid-19 State of Emergency
6. Approval of Amendment One to Six (6) Enterprise System SAP On-Call Professional Services Contracts with: 1) Avertra Corporation, C20174583A; 2) Peloton Group, LLC., C20174583B; 3) Etech-360, Inc., C20174583C; 4) V3iT Consulting, Inc., C20174583D; 5) IT Resonance, Inc., C20174583E; and 6) Techlink Systems, Inc., C20174583F, to Increase the Level of Services that May be Provided and Increase the Combined not-to-exceed Amount from \$350,000 Annually to \$650,000 Annually in Year 2 and \$1,650,000 Annually in each of Contract Years 3 through 5, for all Six (6) Contracts, Bringing the New Contract not-to-exceed Combined Amount Across all Six (6) Contracts to \$5,950,000 Over a Five-Year Period, for provision of Department-Specific SAP Solutions
7. Approval of Contract Number C22183804 With Jacobs Engineering Group, Inc, (Jacobs) in the Total Amount Not-to-Exceed \$880,569 to Provide Engineering Services for the Joint Intercepting Sewer (JIS Rehab.) Rehabilitation (Phase 1) at the Regional Water Quality Control Plant from the Plant Repair, Retrofit, and Equipment Replacement capital project (WQ-19002) in the Wastewater Treatment Fund
8. Approval of Contract No. C22183905 with Prime Government Solutions, Inc. for an Amount Not to Exceed \$136,892 Over a Term of Approximately Five-Years through June 30, 2027 for the Provision of Cloud-based Agenda, Meeting, and Commission Management and Automation Software
9. Adoption of **Resolution 10038** for Senate Bill 1, the Road Repair and Accountability Act, for Fiscal Year 2023, Providing the Street

DRAFT ACTION MINUTES

Maintenance Project List for Capital Improvement Program Project PE-86070

10. Approval of Amendment Number Two to Contract No. C20175911 with Labyrinth Solutions, Inc., to extend the Contract Term through October 21, 2022 at No Added Cost, for Information Technology Professional Services, Cloud Computing Hosting and Support Services, and As-Needed SAP Application Technical / Functional Support Services.
11. SECOND READING: Adoption of **Ordinance 5549** Amending Palo Alto Municipal Code (PAMC) Title 18 (Zoning), Chapters 18.04 (Definitions), 18.16 (Neighborhood, Community, and Service Commercial (CN, CC and CS) Districts), 18.18 (Downtown Commercial (CD) Districts) and 18.30 (A) and (C) the Retail and Ground Floor Combining Districts. Environmental Review: Exempt Under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) until December 16, 2022. (FIRST READING: May 2, 2022: PASSED 7-0)
12. SECOND READING: Parks and Recreation Commission Recommend Adopting **Ordinance 5550** to Amend the Foothills Nature Preserve Attendance Range to 400-600 Guests (FIRST READING: May 2, 2022: PASSED 7-0)

MOTION SPLIT FOR THE PURPOSE OF VOTING

MOTION PASSED Items 4, 7-12: 6-0-1 Filseth Absent

MOTION PASSED Items 5: 4-2-1 Cormack, DuBois No, Filseth Absent

MOTION PASSED Items 6: 5-1-1 Tanaka No, Filseth Absent

City Manager Comments

Action Items

13. Approve a Fiscal Year 2023 Program for Domestic Recycling of Mixed Paper and Mixed Rigid Plastics; Approve a Budget Appropriation in the Refuse Fund Fiscal Year 2023 Operating Budget; Direct Staff to Negotiate a Corresponding Contract Amendment with GreenWaste of Palo Alto for Program Costs in an Amount Not to Exceed \$1.2M

ACTION: Item was continued to a future meeting.

DRAFT ACTION MINUTES

14. Adopt resolutions Authorizing the City Manager to Continue to Close California Avenue from El Camino Real to Park Boulevard, and Ramona Street between Hamilton Avenue and University Avenue Until December 31, 2023 and Direct Staff to Implement Specific Access Lanes and Perimeter Rules

MOTION: Mayor Burt moved, seconded by Council Member Stone to:

- 1) Adopt resolutions extending the City Manager's authority to temporarily close portions of California Avenue and Ramona Street until December 31, 2023; and
- 2) Authorize Staff to implement the following specific access and perimeter rules:
 - a. Implement a dedicated emergency access lane.
 - b. Require the installation of edge treatments around retail or dining spaces that are no taller than 36 inches from the platform or street, whichever is applicable
 - c. Direct staff to work with businesses to eliminate large tents and re-establish an 8-foot sidewalk width as soon as feasible.
 - d. Implement a slow dedicated two-way bicycle lane on Cal Ave.
 - e. Within the California Avenue closure, City staff may install appropriate enhancements or aesthetic elements that will also provide a visible distinction from the emergency access lane and dining areas.
 - f. Within the California Avenue closure, all changes to the interim closed program shall be coordinated with the Urban Village Farmers' Market to accommodate minimum market footprint requirements
 - g. Within Ramona St. closure have city staff develop design requirements for the long-term closure that support the historic district; and
- 3) Direct staff to develop a plan to support retailers on California Avenue, including a marketing program; and
- 4) Direct staff to develop an interim fee structure for Cal Ave and Ramona.

DRAFT ACTION MINUTES

MOTION SPLIT FOR THE PURPOSE OF VOTING:

MOTION: Mayor Burt moved, seconded by Council Member Stone to add item 3. Direct Staff to develop a plan to support retailers on California Avenue, including a marketing program.

MOTION PASSED: 4-2-1, Cormack, Tanaka No, Filseth Absent

MOTION: Mayor Burt moved, seconded by Council Member Stone to include item 2. Authorize Staff to implement the following specific access and perimeter rules:

- d. Implement a slow dedicated two-way bicycle lane.

MOTION FAILED: 3-3-1, Cormack, DuBois, Kou No, Filseth Absent

FINAL MOTION: Mayor Burt moved, seconded by Council Member Stone to

- 1) Adopt **Resolution 10039 and Resolution 10040** extending the City Manager's authority to temporarily close portions of California Avenue and Ramona Street until December 31, 2023; and
- 2) Authorize Staff to implement the following specific access and perimeter rules:
 - a. Implement a dedicated emergency access lane.
 - b. Require the installation of edge treatments around retail or dining spaces that are no taller than 36 inches from the platform or street, whichever is applicable
 - c. Direct staff to work with businesses to eliminate large tents and re-establish an 8-foot sidewalk width as soon as feasible.
 - ~~d. Implement a slow dedicated two-way bicycle lane on Cal Ave.~~
 - e. Within the California Avenue closure, City staff may install appropriate enhancements or aesthetic elements that will also provide a visible distinction from the emergency access lane and dining areas.
 - f. Within the California Avenue closure, all changes to the interim closed program shall be coordinated with the Urban Village

DRAFT ACTION MINUTES

Farmers' Market to accommodate minimum market footprint requirements

- g. Within Ramona St. closure have city staff develop design requirements for the long-term closure that support the historic district; and
- 3) Direct staff to develop a plan to support retailers on California Avenue, including a marketing program; and
- 4) Direct staff to develop an interim fee structure for Cal Ave and Ramona.

MOTION PASSED: 5-1-1, Tanaka No, Filseth Absent

15. PUBLIC HEARING: Adoption of Two Ordinances Implementing the Objective Standards Project, Including: 1) New Chapter 18.24, Contextual Design Criteria and Objective Design Standards; 2) Modifications to Affordable Housing (AH) Overlay District to Eliminate the Legislative Process; 3) Changes to Remove Inconsistencies and Redundancies, and Streamline Project Review Throughout Title 18. (9:15 – 10:45 PM)

ACTION: Item continued to future meeting

Council Member Questions, Comments and Announcements

Adjournment: The meeting was adjourned at 11:13 P.M. in memory of the families and friends affected by the incident in Buffalo, NY.

ATTEST:

APPROVED:

City Clerk

Mayor

NOTE: Action minutes are prepared in accordance with Palo Alto Municipal Code (PAMC) 2.04.160(a) and (b). Summary minutes (sense) are prepared in accordance with PAMC Section 2.04.160(c). Beginning in January 2018, in

DRAFT ACTION MINUTES

accordance with [Ordinance No. 5423](#), the City Council found action minutes and the video/audio recordings of Council proceedings to be the official records of both Council and committee proceedings. These recordings are available on the City's website.



City of Palo Alto
Office of the City Clerk
City Council CAO Report

(ID # 14431)

Meeting Date: 6/6/2022

Report Type: Consent Calendar

Title: Adoption of a Resolution Authorizing Use of Teleconferencing for Council Meetings During Covid-19 State of Emergency

From: Lesley Milton, City Clerk

Recommendation

Adopt a Resolution (**Attachment A**) authorizing the use of teleconferencing under Government Code Section 54953(e) for meetings of the Council and its committees due to the Covid-19 declared state of emergency.

Background

In February and March 2020, the state and the County declared a state of emergency due to the Covid-19 pandemic. Both emergency declarations remain in effect.

On September 16, 2021, the Governor signed AB 361, a bill that amends the Brown Act, effective October 1, 2021, to allow local policy bodies to continue to meet by teleconferencing during a state of emergency without complying with restrictions in State law that would otherwise apply, provided that the policy bodies make certain findings at least once every 30 days.

AB 361, codified at California Government Code Section 54953(e), empowers local policy bodies to convene by teleconferencing technology during a proclaimed state of emergency under the State Emergency Services Act in any of the following circumstances:

- (A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- (B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B) (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. (Gov. Code § 54953(e)(1).)

In addition, Section 54953(e)(3) requires that policy bodies using teleconferencing reconsider the state of emergency within 30 days of the first teleconferenced meeting after October 1, 2021, and at least every 30 days thereafter, and find that one of the following circumstances exists:

1. The state of emergency continues to directly impact the ability of the members to meet safely in person.
2. State or local officials continue to impose or recommend measures to promote social distancing.

Discussion

At this time, the circumstances in Section 54953(e)(1)(A) exist. The Santa Clara County Health Officer continues to recommend measures to promote outdoor activity, physical distancing and other social distancing measures, such as masking, in certain contexts. (See August 2, 2021 [Order](#).) In addition, the California Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) has promulgated Section 3205 of Title 8 of the California Code of Regulations, which requires most employers in California, including in the City, to train and instruct employees about measures that can decrease the spread of COVID-19, including physical distancing and other social distancing measures.

Accordingly, Section 54953(e)(1)(A) authorizes the City to continue using teleconferencing for public meetings of its policy bodies, provided that any and all members of the public who wish to address the body or its committees have an opportunity to do so, and that the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing are protected.

To comply with public health directives and promote public safety, Palo Alto policy bodies have been meeting via teleconference since March 2020. On September 27, 2021, Council considered the format for future Council, committee, and Board and Commission meetings. Council determined that beginning November 1, 2021, Council meetings would be conducted using a hybrid format that allows Council Members and the public to decide whether to attend in person, following masking and distancing protocols, or participate via teleconference. Council directed that Council standing and ad-hoc committees and Boards and Commissions would continue meeting via teleconference through January 2022.

Adoption of the Resolution at **Attachment A** will make the findings required by Section 54953(e)(3) to allow the continued use of teleconferencing for Council meetings (for those Council Members who elect to participate remotely) and for Council standing and ad hoc committees. Each Board and Commission will consider and make similar findings.

ATTACHMENTS:

- **Attachment3.a:** Attachment A: Resolution Allowing Hybrid In-Person and Teleconferenced Meetings under Section 54953(e) (PDF)

Resolution No. _____

Resolution Making Findings to Allow Teleconferenced Meetings Under California Government Code Section 54953(e)

R E C I T A L S

- A. California Government Code Section 54953(e) empowers local policy bodies to convene by teleconferencing technology during a proclaimed state of emergency under the State Emergency Services Act so long as certain conditions are met; and
- B. In March 2020, the Governor of the State of California proclaimed a state of emergency in California in connection with the Coronavirus Disease 2019 (“COVID-19”) pandemic, and that state of emergency remains in effect; and
- C. In February 2020, the Santa Clara County Director of Emergency Services and the Santa Clara County Health Officer declared a local emergency, which declarations were subsequently ratified and extended by the Santa Clara County Board of Supervisors, and those declarations also remain in effect; and
- D. On September 16, 2021, the Governor signed AB 361, a bill that amends the Brown Act to allow local policy bodies to continue to meet by teleconferencing during a state of emergency without complying with restrictions in State law that would otherwise apply, provided that the policy bodies make certain findings at least once every 30 days; and
- E. While federal, State, and local health officials emphasize the critical importance of vaccination and consistent mask-wearing to prevent the spread of COVID-19, the Santa Clara County Health Officer has issued at least one order, on August 2, 2021 (available online at [here](#)), that continues to recommend measures to promote outdoor activity, physical distancing and other social distancing measures, such as masking, in certain contexts; and
- F. The California Department of Industrial Relations Division of Occupational Safety and Health (“Cal/OSHA”) has promulgated Section 3205 of Title 8 of the California Code of Regulations, which requires most employers in California, including in the City, to train and instruct employees about measures that can decrease the spread of COVID-19, including physical distancing and other social distancing measures; and
- G. The Palo Alto City Council has met remotely during the COVID-19 pandemic and can continue to do so in a manner that allows public participation and transparency while minimizing health risks to members, staff, and the public that would be present with in-person meetings while this emergency continues; now, therefore,

The Council of the City of Palo Alto RESOLVES as follows:

1. As described above, the State of California remains in a state of emergency due to the COVID-19 pandemic. At this meeting, the Palo Alto City Council has considered the circumstances of the state of emergency.
2. As described above, State and County officials continue to recommend measures to promote physical distancing and other social distancing measures, in some settings.

AND BE IT FURTHER RESOLVED, That for at least the next 30 days, meetings of the Palo Alto City Council and its committees will occur in a hybrid format, where both members of the policy body and members of the public may elect to be present in person, utilizing appropriate distancing and masking practices, or participate by teleconferencing technology. Such meetings of the Palo Alto City Council and its committees that occur using teleconferencing technology will provide an opportunity for any and all members of the public who wish to address the body its committees and will otherwise occur in a manner that protects the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing; and, be it

FURTHER RESOLVED, That the City Clerk is directed to place a resolution substantially similar to this resolution on the agenda of a future meeting of the Palo Alto City Council within the next 30 days. If the Palo Alto City Council does not meet within the next 30 days, the City Clerk is directed to place a such resolution on the agenda of the immediately following meeting of Palo Alto City Council.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

City Attorney

City Manager



City of Palo Alto City Council Staff Report

(ID # 14193)

Meeting Date: 6/6/2022

Report Type: Consent Calendar

Title: Approval of the Second Amended and Restated Purchase Order Number 4521000199 with Altec Industries, Inc., to Increase the Purchase Order Amount by \$40,024 to a New Not-to-Exceed Amount of \$707,092, for the Purchase of Two Peterbilt Crane Trucks through a Cooperative Contract, in the Scheduled Vehicle and Equipment Replacement -Fiscal Year 2020 Capital Improvement Project (VR-20000), with the Not-to-Exceed Amount Including \$687,222 for the Two Trucks and a Contingency Amount of \$19,870.

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends that Council approve and authorize the City Manager or their designee to execute the Second Amended and Restated [Purchase Order No. 4521000199](#) with Altec Industries, Inc., to increase the previously approved Purchase Order amount by \$40,024, for a new total not to exceed amount of \$707,092. This is to be funded in the Scheduled Vehicle and Equipment Replacement - Fiscal Year 2020 Capital Improvement Project (VR-20000) for the purchase of two 2022 Model DH50 Hydraulic Digger Derrick rear-mount Peterbilt Model 548 crane trucks, utilizing a cooperative purchase agreement via Sourcewell (contract number 012418-ALT) pursuant to Palo Alto Municipal Code section 2.30.360 (j). The \$707,092 not-to-exceed amount includes \$687,222 for the two Model 548 crane trucks and a contingency amount of \$19,870 to allow any future unforeseen cost increases to be addressed swiftly.

Background

Purchase Order [4521000199](#), in the amount of \$633,866 was initially issued with Altec Industries, Inc. (Altec) on January 13, 2021, after Council's approval on January 11, 2021 ([ID# 11582](#)). On November 29, 2021, Council approved a request to amend and restate purchase order no. 4521000199 with Altec Industries Inc., to increase the purchase order amount by a total of \$33,202 for a new not-to-exceed amount of \$667,068 for the purchase of the two new trucks ([ID # 13652](#)). These increases were primarily due to the rise in materials costs over the last 1-2 years.

Discussion

On February 9, 2022, Altec reached out to Public Works Fleet staff again and indicated that the rise in materials costs has continued, and that Peterbilt has discontinued the 348 model, as originally specified, due to supply chain issues. Peterbilt has started production early on the 548 model which will replace the 348 and has secured a 548 chassis build slot for each of their existing 348 purchase orders including the City's order. Switching the trucks from the 348 model to the 548 model results in an additional \$5,711 per truck (Attachment A). Peterbilt is also adding a second chassis/materials surcharge in the amount of \$3,500 per truck to cover increased costs of aluminum, plastics, rubber, and freight (Attachment B). These increases, along with a \$50 increase for administration fees and the increase in tax, total \$20,154, bringing the most recent revised quote to \$687,222 (Attachment C). Staff is also requesting a contingency amount of \$19,870, to allow any future unforeseen cost increases to be addressed swiftly. The new not to exceed amount is \$707,092.

Procurement Process

Palo Alto Municipal Code section 2.30.360 (j) allows the use of cooperative purchasing agreements in lieu of conducting a competitive solicitation. Altec was awarded a contract by Sourcewell (formerly known as the National Joint Powers Alliance or NJPA), a cooperative purchasing agency serving governmental, higher education, K-12 education, not-for-profit, tribal government, and other public agencies. Sourcewell conducted a Request for Proposals under which Altec Capital was an awarded vendor. Altec's contract with Sourcewell was subsequently amended to allow Altec to increase its contract pricing.

If this request is not approved, the City will forfeit the two 2022 Peterbilt chassis that are designated for this build. Staff would then have to request a new specification and quote for a later year model chassis and return to Council for approval. At this time, Peterbilt is advising that chassis will next come available in 2024/2025. This would further increase the purchase cost and delay the delivery of these new vehicles.

Resource Impact

Funding was approved for the purchase of two 2022 Model DH50 Hydraulic Digger Derrick rear mount crane trucks in the Fiscal Year 2020 Scheduled Vehicle and Equipment Replacement Capital Improvement Project (VR-20000). Funding appropriated in VR-20000 in the FY 2022 Budget is sufficient to cover the increased costs of the purchases recommended in this report.

Stakeholder Engagement

Requests for vehicle replacements are presented to the Fleet Review Committee (FRC) for approval. FRC approved the replacement of these two vehicles through the scheduled five-year replacement review.

Policy Implications

The approval of this request to purchase vehicles is consistent with existing City policies, including the Council-approved Utilities Strategic Plan. The Utilities Strategic Plan includes

operating the electrical distribution system in a cost-effective manner, which includes investments in vehicles and infrastructure to deliver reliable service.

Environmental Review

This purchase is exempt from the provisions of the California Environmental Quality Act (CEQA) under Sections 10560 and 10561.

Attachments:

- **Attachment4.a:** Attachment A - Peterbilt Price Increase Summary Email
- **Attachment4.b:** Attachment B - 2022 HD & MD Customer Surcharges
- **Attachment4.c:** Attachment C - Sourcewell Quote - City of Palo Alto - DH50H

Steven Ankney

From: Bob Souza <bsouza@coastcounties.com>
Sent: Monday, March 7, 2022 11:21 AM
To: Steven Ankney; William P Hamburger
Subject: Palo Alto order and surcharges
Attachments: DB 22-12 2022 HD & MD CUSTOMER SURCHARGES.pdf

Importance: High

Hi Steven and William,

Here is an update on what William and I discussed and the subsequent additional surcharge from Peterbilt that came out the end of last week.

- We started last year with a model 348 at \$91,105/ea
- After surcharges (\$2,500) and mandated CARB warranty (\$2,460) the 2022 price for the 348 was up to \$96,065/ea
- Updating from the now discontinued 348 to the new 548 raised the price to \$104,016/ea
- Dropping the front frame extension and using the aero hood design reduced the price by \$2,240/ea for a new price of \$101,776/ea

Late last week we were notified of a new surcharge per the attached bulletin, it is much greater than anything we have had before at \$3,500 per truck for all medium duty units in production on/after April 1. Cost increase drivers were primarily cited as higher than expected material costs and such noted below, and reaching out to dual line dealers we find it is going on across the industry.

- Aluminum (+53% ytd), Plastics (+48% ytd) and Rubber (+13% ytd)
- High oil prices / Diesel at highest price since 2013 resulting in freight surcharges and related commodity spikes
- Brokered microchip supplies and reduced availability – average broker premium of 54x price basis
- Industry liquidity investments required into supplier chain to maintain production and follow of parts
- Uncertainty of war impact on Palladium (in exhaust filters, +43% in 3 months, primary supplier Russia), Oil and Neon (microchips, 70% of world supply from Ukraine)
- Producer Price Index increase nearly 10% last 4 months, no sign of easing

We do have the option to cancel any unbuilt units through March 14, but knowing current pricing on new orders is up an additional +\$5-6K and lead times well into next year the consequences of that are much worse than the present options and would be ill advised, assuming the need is still there for the equipment.

Thank you for your attention and understanding, your business is valued and important. This has been a very difficult position to be immersed into over the past year handling decisions made outside of any influence that do not align with my values. Please confirm and let me know your intentions as soon as possible along with any questions.



SUBJECT: CUSTOMER ORDERS SURCHARGE

**DB # 22-12
DATE: 3-4-22**

The Transportation industry continues to be challenged by unprecedented and escalating economic conditions. This prolonged environment has resulted in cost increases that have far exceeded original expectations. These raw material and component cost increases are driven by, but not limited to, excessive price increases for microchip processors, steel, aluminum, oil, resins, and rubber. Factors further contributing to cost increases include the impact of industry wide labor shortages, inbound freight surcharges, the expediting of components to keep the factory running, and the highest production inflation in nearly 40 years.

Recognizing the impact to our dealers and customers, Peterbilt and PACCAR have worked to mitigate these increases while continuing to maintain factory production and customer deliveries to meet unprecedented levels of demand. However, because of this continued volatile and inflationary environment, it is necessary for Peterbilt to implement a pricing surcharge on 2023 MY trucks.

Customer Orders

- \$5,000 Heavy Duty pricing surcharge
- \$3,500 Medium Duty pricing surcharge

Timing

- Surcharge will be applied to chassis not offline as of Close of Business 3/31/22
- Offline trucks as of 3/31/22 not subject to surcharge

Other

- Surcharge will be rolled into “Total Surcharge/Options Not Subject to Discount” line on invoice.
- Peterbilt Dealers are responsible for notifying customers of the surcharge immediately.
- HD and MD trucks may be cancelled at no charge by March 14th, 2022.
 - Cancelled trucks that are firm sequenced will be built as specified and placed in the offline for future sale. Pricing is subject to change depending on the new customer.
 - Cancelled trucks that are tentatively scheduled will be moved out in the schedule for specification and pricing changes, and re-scheduled based on constraints.
- Standard cancellation policy rules will apply starting March 15th, 2022.

These are unprecedented times to navigate. Peterbilt respects and honors the partnerships that have been built with both dealers and customers. Together we will manage through these challenges.

Robert Woodall
Assistant General Manager – Sales & Marketing



Quote Number: 694090-1
 Opportunity Number: 10569607
 Sourcwell Contract #: 012418-ALT
 Date: 3/14/2022

Quoted for: City of Palo Alto

Altec Account Manager: Steven Ankney

REFERENCE ALTEC MODEL

DH50	50' Fully Hydraulic derrick, rear mount	\$225,797
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(A.) SOURCEWELL OPTIONS ON CONTRACT (Unit)

1			
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(A1.) SOURCEWELL OPTIONS ON CONTRACT (General)

1	UHBD	Aluminum Bayonet Capstan Drum (fits any winch extended shaft)	\$568
2	DP	Dica Pads and Pad Holder - 24" x 24" x 1", With Rope Handle (Pair)	\$633
3	SPOT6	Remote Spot Light, LED, Permanent Mount, With Wireless Dash Mounted Controls And Programmable Wireless Remote	\$709
4	VCAM	Backup Camera System	\$835
5	TBE	ELECTRIC TRAILER BRAKE CONTROLLER. Controls Trailers with Electric Brakes, Wired to 7-Way Plug Next to Pintle Hook	\$233
6	ISG	Inverter Storage Inside of Body Compartment with Guard	\$588
SOURCEWELL OPTIONS TOTAL:			\$229,363

(B.) OPEN MARKET ITEMS (Customer Requested)

1	UNIT		
2	UNIT & HYDRAULIC ACC	10' JIB and bracket, AB chance adapter, PCD24B Capstain w/ foot controller, Hyd hose reel (50'), Tiiger pole puller w/ brackets, custom rope guides, custom subbase compartmentation	\$11,700
3	BODY	Custom 2020 Altec Body with ladder, hotstick and open top storage boxes ILO Sourcwell contract	\$9,184
4	BODY & CHASSIS ACC	Holland pintle hitch, custom derrick access step, cone holder (underhung), shovel storage, modified exhaust tip, sign base holder, rigging D-ring for capstan, two-pole capacity pole rack	\$4,251
5	ELECTRICAL	TruckLite spot light above rotation, 42" LED directional light bar, four (4) 4.75" flood lights, four (4) Federal Signal lights, 3600W Inverter and two (2) Aux batteries, 120V GFCI quad receptacle and two (2) standard 120V GFCI, boom out of stow indicators, additional strobe	\$10,785
6	FINISHING	Non-Regional build, CA Crane Certification (Incl/ horn at lower controls)	\$408
7	CHASSIS	Custom Peterbilt 348 ILO Sourcwell Contract	\$21,708
OPEN MARKET OPTIONS TOTAL:			\$58,036

SUB-TOTAL FOR UNIT/BODY/CHASSIS: \$287,399

Delivery to Customer: \$3,568

Doc/Admin Fee \$125

Peterbilt Chassis Surcharges in 2021: \$4,960

Peterbilt Mandated Model Update from 348 to 548: \$7,951

Chassis Spec Simiplification after Altec Sits Down with Peterbilt: -\$2,240

Peterbilt Chassis Surcharges in 2022: \$3,500

Altec Material Surcharge: \$9,924

UPDATED SUBTOTAL FOR UNIT/BODY/CHASSIS \$315,187

ESTIMATED Sales Tax (9.125%) \$28,424

TOTAL FOR UNIT/BODY/CHASSIS:(each) \$343,611

TOTAL FOR UNIT/BODY/CHASSIS QUANTITY OF TWO (2): \$687,221

(C.) ADDITIONAL ITEMS (items are not included in total above)

1			
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Pricing valid for 45 days

NOTES

PAINT COLOR: White to match chassis, unless otherwise specified

WARRANTY: Standard Altec Warranty for Aerials and Derricks - One (1) year parts warranty One (1) year labor warranty Ninety

TO ORDER: To order, please contact the Altec Account Manager listed above.

CHASSIS: Per Altec Commercial Standard

TERMS: Net 30 days

BEST VALUE: Altec boasts the following "Best Value" features: Altec ISO Grip Controls for Extra Protection, Only Lifetime

TRADE-IN: Equipment trades must be received in operational condition (as initial inspection) and DOT compliant at the time of

BUILD LOCATION: St. Joseph, MO



City of Palo Alto
Office of the City Clerk
City Council CAO Report

(ID # 14223)

Meeting Date: 6/6/2022

Report Type: Consent Calendar

Title: Adoption of a Resolution Calling for a General Municipal Election to be held November 8, 2022

From: Lesley Milton, City Clerk

Recommendation

Staff recommends that Council:

- 1) Adopt the attached Resolution calling for a General Municipal Election for three Council seats for November 8, 2022, authorizing consolidation of the Election, and contracting for election services with the Santa Clara County Registrar of Voters, and
- 2) By motion, direct the City Clerk to use the random name order set by the Secretary of State to determine the order of candidates' names on the ballot.

Background

Attached is a Resolution calling a General Municipal Election for three Council Member seats on November 8, 2022, requesting the services of the Santa Clara County Registrar of Voters (ROV), and requesting consolidation of the General Municipal Election with any other election called for this jurisdiction for this date.

Terms of the following Council Members expire on December 31, 2022: Alison Cormack, Tom DuBois, and Eric Filseth. Council Members DuBois and Filseth will have served two full consecutive terms and are not eligible to seek re-election on the November 8, 2022 ballot. Council Member Cormack will have served one full term and has issued a public statement that she will not be seeking re-election.

The Charter requires that the order of candidates' names on the ballot be determined by lot (Charter Art. VII, Sec. 3). The City Clerk recommends that Council continue prior practice and direct that the Charter requirement be implemented by using the random name order set by the California Secretary of State.

The attached resolution provides that a tie vote (upon the canvas or after a recount) be resolved by lot, which is the default procedure under state law. If the Council prefers, it may direct staff to revise the attached resolution to provide that a tie be resolved through a special run-off election to be held not less than 40 or more than 125 days

after the certification of the tie vote.

The attached Resolution and proposed motion are not projects subject to review under the California Environmental Quality Act (CEQA).

Resource Impact

The estimated cost of the November 2022 election including the 3 vacant Council seats, 2 ballot measures, and translation into several languages is approximately \$307,000. The proposed FY 2023 Budget currently includes funding of \$320,000. The FY 2023 Budget is subject to City Council approval of the adopted budget, scheduled June 20, 2022.

ATTACHMENTS:

- **Attachment5.a:** Resolution 2022 General Municipal Election (PDF)

Yet to be Passed

Resolution No. ____

Resolution of the Council of the City of Palo Alto Calling a General
Municipal Election of Three Council Member Seats, Requesting
the Services of the Registrar of Voters, and Ordering the
Consolidation of the Election

RECITALS

A. Article III, Section 3, of the Palo Alto City Charter requires that a general municipal election for election of council members be held on the first Tuesday after the first Monday in November of each even-numbered year, that is, November 8, 2022; and

B. A statewide election is scheduled to be held on November 8, 2022; elections in other cities, certain school districts and special districts in Santa Clara County are also scheduled to be held on that date; and

C. Under Part 3 of Division 10 of the Elections Code, beginning at Section 10400, and Education Code Section 5342, elections called by various governing bodies may be partially or completely consolidated;

NOW, THEREFORE, the Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. Call of Election. A general municipal election is called for the City of Palo Alto to be held on Tuesday, November 8, 2022, for the purpose of electing three (3) council members for full terms (four years).

SECTION 2. Request to Consolidate. The Council of the City of Palo Alto requests the governing body of the state and any other political subdivision, or any officers otherwise authorized by law, to partially or completely consolidate such elections and the City Council consents to such consolidation. The Council acknowledges that the election will be held and conducted according to procedures in the Elections Code, including Section 10418.

SECTION 3. Request for County Services. Under Section 10002 of the California Elections Code, the Council of the City of Palo Alto requests the Board of Supervisors of Santa Clara County to permit the Registrar of Voters to render services to the City of Palo Alto relating to the conduct of Palo Alto's General Municipal and Special Elections which are called to be held on Tuesday, November 8, 2022. The services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections, including but not limited to checking registrations, mailing ballots, hiring election officers and arranging for polling places, receiving absentee voter ballot applications, mailing and receiving absent voter ballots and opening and counting same, providing and distributing election supplies, and furnishing voting machines.

Yet to be Passed

SECTION 4. Consolidation of Measures. The Council of the City of Palo Alto requests the Board of Supervisors of Santa Clara County to include on the ballots and sample ballots, all qualified measures submitted by the City Council to be ratified by the qualified electors of the City of Palo Alto.

SECTION 5. Candidate Statement of Qualifications. That the candidates' statements of qualifications shall be limited to 200 words and that the cost of printing, translating and distributing said statements shall be borne by the city.

SECTION 6. Tie Votes. In the event two or more persons receive an equal and the highest number of votes for any office, the City Council shall summon the candidates who received the tie votes, whether upon the canvas of returns or upon recount, to appear before it and shall determine the tie by lot.

SECTION 7. Duties of City Clerk. The Palo Alto City Clerk shall do all things required by law to effectuate the November 8, 2022, general municipal election, including but not limited to causing the posting, publication and printing of all notices or other election materials under the requirements of the Charter of the City of Palo Alto and the California Elections and Government Codes.

SECTION 8. Contract Authority. Subject to approval of the Board of Supervisors of Santa Clara County, the City Clerk may engage the services of the Registrar of Voters of the County of Santa Clara to aid in the conduct of the November 8, 2022, election including canvassing the returns of that election. The Palo Alto Director of Administrative Services shall pay the cost of contracted services provided that no payment shall be made for services which the Registrar of Voters is otherwise required by law to perform.

SECTION 9. Transmittal of Resolution. The City Clerk shall submit a certified copy of this resolution to the Board of Supervisors of the County of Santa Clara.

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Yet to be Passed

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SECTION 10. CEQA. The Council finds that this resolution does not constitute a project subject to the California Environmental Quality Act under Public Resources Code section 21065 or CEQA Guidelines section 15378.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

Assistant City Attorney

City Manager

Director of Administrative Services



City of Palo Alto

City Council Staff Report

(ID # 14306)

Report Type: Consent Calendar

Meeting Date: 6/6/2022

Summary Title: Perkins + Will Contract Amendment No. 4

Title: Approval of Amendment No. 4 to Contract Number C18171717 With Perkins + Will for Preparation of the North Ventura Coordinated Area Plan (NVCAP) for a Term Through December 31, 2023.

From: City Manager

Lead Department: Planning and Development Services

Recommendation:

Staff recommends that City Council approve and authorize the City Manager or designee to execute Amendment No. 4 to Contract C18171717 with Perkins + Will to extend the contract term through December 31, 2023, and to accept new hourly billing rates.

Background:

The City Council initiated the coordinated area plan process on November 6, 2017, for the North Ventura area. On June 25, 2018, City Council authorized the original contract to be executed with Perkins + Will for professional services to develop the North Ventura Coordinated Area Plan (NVCAP). The amount of the contract, including all sub-consultants, was set at not to exceed of \$769,068. Funding for this work was provided through a federal grant administered by the California Department of Transportation (Caltrans) and supported by matching funds from the Sobrato Organization, the owner of property located within the project area.

Since the original contract, there have been several amendments to the Perkins + Will contract.

- Amendment No. 1 in August 2018 incorporated minor changes with language clarifying the City would require the consultant to comply with federal regulations for consulting work.

- Amendment No. 2 in October 2019¹ included an increase in the “not to exceed” amount to \$1,137,826 to address items requested by the Council that were not in the original scope of work and a new expiration of December 31, 2021.
- Amendment No. 3 in January 2022 extended the contract term to June 30, 2022.

On January 10, 2022², the City Council endorsed a preferred alternative plan of the NVCAP, representing a major milestone for the project. Endorsement of a preferred alternative completed task four of seven tasks of the project. Shortly after the council meeting, staff re-engaged Perkins + Will to complete the project per City Council approval. At this time, the contract is scheduled to expire on June 30, 2022. An amendment is necessary so that work can continue to complete the project.

Discussion:

There are three major tasks remaining to complete the NVCAP. These tasks include the (1) Draft Coordinated Area Plan, (2) Technical Analyses and Environmental Impact Report, and (3) any remaining public or City Council meetings including plan adoption. The Draft Coordinated Area Plan task includes the civil engineering evaluation of the creek improvement concept and coordination between the different consultant teams.

The NVCAP must be adopted by December 1, 2023, or the City would forfeit the ability for reimbursements associated with the grant money and would need to repay Caltrans all funds reimbursed from the project’s inception (\$439,030 to date).

Resource Impact:

This contract amendment includes an extension of time only as there is sufficient authority in the current not to exceed contract amount of \$1.1 million to complete these tasks. It does include changes in the hourly rates stipulated in the contract, reflecting an average increase of 45% from the prior terms. These rates were set in 2018 and reflect an average increase of 10% annually. The reason for the increases is due to promotions for personnel (e.g. from Associate Principal to Principal) as well as cost of living and inflation changes between 2018 and 2022.

The Fiscal Year 2023 Proposed Operating Budget includes \$125,000 in one-time funding from the General Fund to continue work on NVCAP. This funding is subject to City Council adoption of the FY 2023 Budget, scheduled June 20, 2022. As the project continues, staff will monitor progress for the remaining three tasks and will return to City Council with any necessary actions

¹ October 21, 2019, City Council Staff Report

<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=59815.38&BlobID=73638>

² January 10, 2022, City Council Staff Report

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220110/20220110pccsm-linked-updated.pdf#page=150>

such as a contract amendment or budget action for additional funding. In total thus far, \$516,081 has been spent, \$439,030 from grant funding and \$77,051 from the General Fund.

Environmental Impact:

The approval of this contract is exempt from review under the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061(c)(3) because it can be seen that there is no possibility that the activity in question may have a significant effect on the environment.

Attachments:

**Attachment6.a: Attachment A - Perkins + Will Contract, C18171717 Amendment #4
(PDF)**

**AMENDMENT NO. 4 TO CONTRACT NO. C18171717
BETWEEN THE CITY OF PALO ALTO AND PERKINS + WILL**

This Amendment No. 4 (this “Amendment”) to Contract No. C18171717 (the “Contract” as defined below) is entered into as of June 6, 2022, by and between the CITY OF PALO ALTO, a California chartered municipal corporation (“CITY”), and PERKINS + WILL, a Delaware corporation, located at 2 Bryant Street, Suite 300, San Francisco, CA 94105 (“CONSULTANT”). CITY and CONSULTANT are referred to collectively as the “Parties” in this Amendment.

RECITALS

A. The Contract (as defined below) was entered into by and between the Parties hereto for the provision of services to facilitate and complete a planning process and prepare a Coordinated Area Plan for the North Ventura area to guide the development of a walkable, mixed-use neighborhood with multifamily housing, commercial services, well-defined connections to transit, bicycle and pedestrian facilities, urban design strategies, and design guidelines to strengthen and support the neighborhood fabric and connections to transit, pedestrian, and bicycle facilities (“Project”), as detailed therein.

B. Section 27.4 of the Contract authorizes the Parties to modify the Contract by written amendment.

C. The Parties now wish to amend the Contract in order to extend the term from June 30, 2022 to December 31, 2023 and to update the hourly rates schedule in Exhibit C-2.

NOW, THEREFORE, in consideration of the covenants, terms, conditions, and provisions of this Amendment, the Parties agree:

SECTION 1. Definitions. The following definitions shall apply to this Amendment:

- a. **Contract.** The term “Contract” shall mean Contract No. C18171717 between CONSULTANT and CITY, dated June 25, 2018, as amended by:

Amendment No.1, dated December 19, 2018

Amendment No.2, dated October 21, 2019

Amendment No.3, dated January 1, 2022

- b. **Other Terms.** Capitalized terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

SECTION 2. Section 2. TERM of the Contract is hereby amended to read as follows: “SECTION 2. TERM. The term of this Agreement shall be from the date of its full execution through December 31, 2023, unless terminated earlier pursuant to Section 19 of this Agreement.”

Vers.: Aug. 5, 2019

SECTION 3. The following exhibit(s) to the Contract is/are hereby amended or added, as indicated below, to read as set forth in the attachment(s) to this Amendment, which is/are hereby incorporated in full into this Amendment and into the Contract by this reference:

- a. Exhibit "C-2" entitled "SCHEDULE OF RATES", ADDED.

SECTION 4. Legal Effect. Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 5. Incorporation of Recitals. The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)

SIGNATURES OF THE PARTIES

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment effective as of the date first above written.

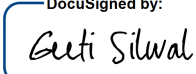
CITY OF PALO ALTO

PERKIN + WILL

City Manager

Officer 1

APPROVED AS TO FORM:

DocuSigned by:
By: 
Name: Geeti Silwal
Title: Principal

City Attorney or designee

Attachments:

Exhibit "C-2": Schedule of Rates

EXHIBIT "C-2"
SCHEDULE OF RATES
ADDED

The following rate schedule is an update to the previous Exhibit C-1 Schedule of Rates. For those listed below, the updated rates will be used for services beginning July 1, 2022 through December 31, 2023. All other rates not listed will be used at the C-1 Schedule of Rates.

Perkins + Will Billing Rate Schedule

Principal	\$360.00
Senior Project Manager	\$295.00
Senior Designer	\$270.00
Urban Designer 3	\$230.00
Urban Design 2	\$150.00

Strategic Economics Billing Rate Schedule

Principal	\$195.61
Senior Associate	\$135.86
Associate	\$123.11
Analyst	\$110.36

BKF Billing Rate Schedule

Vice President	\$264.00
Project Manager	\$230.00
Engineer 3	\$192.00
Engineer 2	\$169.00
Engineer 1	\$147.00

ARUP Billing Rate Schedule

Principal	\$429.59
Project Manager	\$227.42
Associate	\$235.85
Engineer	\$151.11
Planner	\$131.40
Engineer	\$153.13

David J. Powers and Associates Billing Rate Schedule

Principal	\$295.00
Senior Project Manager	\$230.00



City of Palo Alto City Council Staff Report

(ID # 14359)

Meeting Date: 6/6/2022

Report Type: Consent Calendar

Title: Adoption of an Ordinance Amending the City's Surveillance and Privacy Protection Ordinance to Exempt the Foothills Fire Early Warning System (PAMC 2.30.680).

From: City Manager

Lead Department: Office of Emergency Services

Recommendation

Staff recommends that the City Council adopt the attached ordinance amending the City's Surveillance and Privacy Protection Ordinance (PAMC § 6.20.680) to add one exemption for fire detection technologies used as part of the Foothills Fire Early Warning System in the City's greater foothills area.

Background

In 2018, the City Council passed Ordinance 5450 (known as the Surveillance and Privacy Protection Ordinance), which requires Council approval for use of surveillance technology. As Council must approve contracts, agreements, grant applications, and donations of any time and amount, the acquisition of surveillance technology is included([PAMC 2.30.630](#)). Additionally, staff must provide a surveillance evaluation of the technology (below), and Council must approve a surveillance use policy in order to use the technology. PAMC 2.30.680(c) states: "Surveillance Technology" means any device or system primarily designed and actually used or intended to be used to collect and retain audio, electronic, visual, location, or similar information constituting personally identifiable information associated with any specific individual or group of specific individuals, for the purpose of tracking, monitoring or analysis associated with that individual or group of individuals. Examples of surveillance technology include, but are not limited to, drones with cameras or monitoring capabilities, automated license plate readers, closed-circuit cameras/televisions, cell-site simulators, biometrics-identification technology, and facial recognition technology.

On March 14, 2022, Council reviewed staff recommendations published in [CMR 13774](#) where staff recommended to return to the Council with an Ordinance amendment to modify Municipal Code Section 2.30.620 (Surveillance and Privacy Protection Ordinance) to add the Foothills Fire Early Warning System (FFEWS). Council approved a motion 7-0 to:

- A. Pursue funding for eucalyptus tree removal in Foothills Nature Preserve, Pearson Arastradero Nature Preserve, and Esther Clark Park, and Foothills Fire Management Plan (FFMP) mitigation efforts;
- B. Authorize the Fire Chief to determine, in collaboration with CSD, the appropriate restrictions on barbecues and campfires at Foothills Nature Preserve; and
- C. Return to the Council with an Ordinance amendment to modify Municipal Code Section 2.30.620 (Surveillance and Privacy Protection Ordinance) to add the Foothills Fire Early Warning System (FFEWS).

Discussion

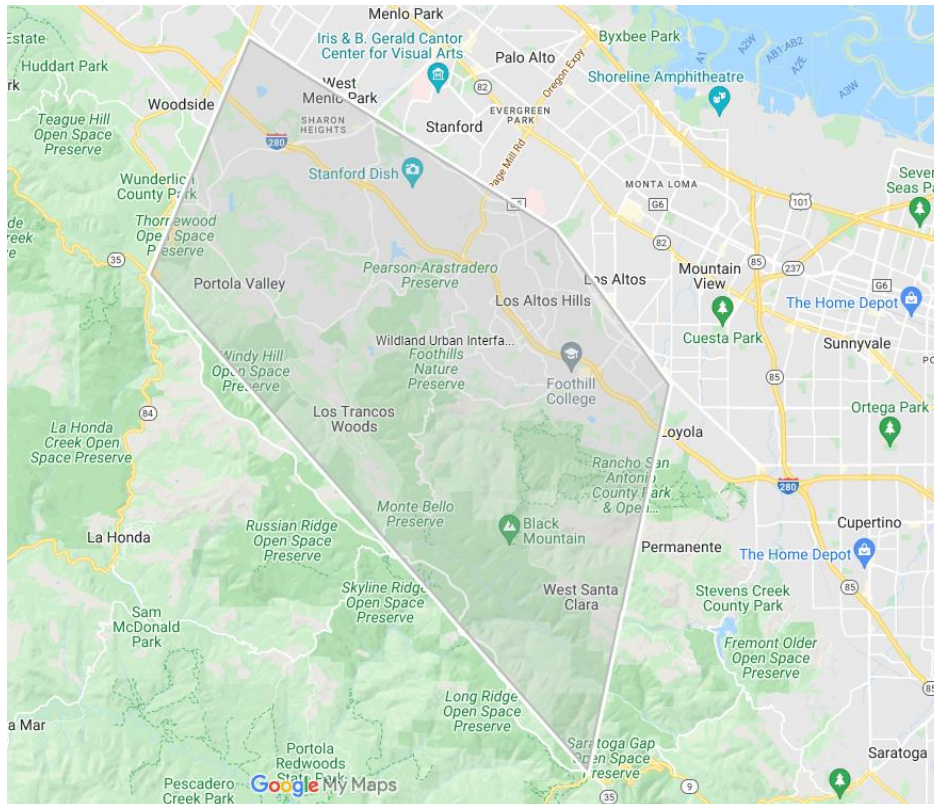
As directed by Council on March 14, 2022, the attached ordinance exempts any technology used for the Foothills Fire Early Warning System to cover the greater Palo Alto Foothills Area of Operation defined in [CMR 12315](#) from March 21, 2021.

West Side: Skyline Blvd (Hwy 35) from Route 84 (Woodside Rd/La Honda Rd.) to Hwy 9

North Side: Route 84 from Skyline to Alameda de las Pulgas

East Side: Alameda de las Pulgas to Santa Cruz Ave to Junipero Serra Rd. to Foothill Expwy.

South Side: Draw a line from the intersection of Hwy 9 at Hwy 35 to the intersection of Foothill Expwy at Magdalena



As discussed at the August 30, 2021 Foothills Fire Mitigation Strategies Study Session

([CMR 13479](#)), the City wishes to foster a multi-jurisdictional test bed for the Foothills Fire Early Warning System (FFEWS). Technologies evolve rapidly and will likely be tested briefly and decommissioned or changed. The Council will still have oversight via updates and other usual mechanisms. Wildfire detection cameras are positioned and oriented to observe broad swaths of the area in which they are installed. These cameras are passively monitored, and are usually only actively managed when a wildfire has been detected in the optical view of the camera. Even then, cameras are not zoomed in to identify discrete identifiers, but instead maintain a wide angle view to assess the fire behavior. As such, the use of these cameras is not neither primarily designed nor actually used or intended to be used for personal identifiable information.

A current example is the [AlertWildfire](https://www.alertwildfire.org/) (<https://www.alertwildfire.org/>) network of cameras, a consortium of the University of Nevada, Reno, University of California San Diego, and the University of Oregon to provide fire cameras and tools to help firefighters and first responders do the following:

- Discover, locate, and confirm fire ignition
- Quickly scale fire resources up or down
- Monitor fire behavior during containment
- Help evacuations through enhanced situational awareness
- Observe contained fires for flare-ups

Resource Impact

There are no resource impacts to the implementation of this ordinance.

Policy Implications

If approved, the use of this technology will be exempted from the Surveillance and Privacy Protection Ordinance.

Stakeholder Engagement

This [item](#) was discussed at the March 14, 2022 City Council meeting as an action item.

Environmental Review

Adoption of this ordinance is not a "project" under the California Environmental Quality Act (CEQA).

Attachments:

- **Attachment7.a:** Attachment A - Ordinance amending PAMC 2.30.680 to exempt fire detection technologies from the Surveillance and Privacy Protection Ordinance

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending the Surveillance and Privacy Protection Ordinance to Exempt the Foothills Fire Early Warning System

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

- A. In 2018, the City Council adopted the Surveillance and Privacy Protection Ordinance, now codified at PAMC 2.30.620 *et seq.*
- B. The City Council now desires to exempt certain technology related to fire detection from the provisions of the Ordinance.

SECTION 2. Section 2.30.680(c) of the Palo Alto Municipal Code is hereby amended as follows to add new subsection (6) (new text is underlined, deleted text in ~~strikethrough~~):

(c) "Surveillance technology" means any device or system primarily designed and actually used or intended to be used to collect and retain audio, electronic, visual, location, or similar information constituting personally identifiable information associated with any specific individual or group of specific individuals, for the purpose of tracking, monitoring or analysis associated with that individual or group of individuals. Examples of surveillance technology include drones with cameras or monitoring capabilities, automated license plate readers, closed-circuit cameras/televisions, cell-site simulators, biometrics-identification technology and facial-recognition technology. For the purposes of this chapter, "surveillance technology" does not include:

- (1) Any technology that collects information exclusively on or regarding city employees or contractors;
- (2) Standard word-processing software; publicly available databases; and standard message tools and equipment, such as voicemail, email, and text message tools;
- (3) Information security tools such as web filtering, virus detection software;
- (4) Audio and visual recording equipment used exclusively at open and public events, or with the consent of members of the public;
- (5) Medical devices and equipment used to diagnose, treat, or prevent disease or injury;

(6) Any technology used as part of the Foothills Fire Early Warning System to detect fires within the following area:

West Side: Skyline Blvd (Hwy 35) from Route 84 (Woodside Rd/La Honda Rd.) to Hwy 9

North Side: Route 84 from Skyline to Alameda de las Pulgas

East Side: Alameda de las Pulgas to Santa Cruz Ave to Junipero Serra Rd. to Foothill Expwy.

South Side: Draw a line from the intersection of Hwy 9 at Hwy 35 to the intersection of Foothill Expwy at Magdalena

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Council finds that adoption of this Ordinance is not a “project” within the meaning of CEQA.

SECTION 5. This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of the Office of Emergency Services

Fire Chief



City of Palo Alto City Council Staff Report

(ID # 14421)

Meeting Date: 6/6/2022

Report Type: Consent Calendar

Title: Adoption of Side Letter of Agreement and Salary Schedule for the Service Employees International Union (SEIU) -Hourly Unit and Adoption of Salary Schedule for Limited Hourlies

From: City Manager

Lead Department: Human Resources

Recommendation

Staff recommends that the City Council:

1. Adopt a Letter of Agreement extending the existing contract with the Service Employees International Union hourly unit (SEIU-H) effective July 1, 2022 through June 30, 2023 (Attachment A);
2. Adopt a Cover Letter for the Limited Hourly Employees Compensation Plan (Attachment B);
3. Adopt the salary schedules for the SEIU-H (Attachment C) and for Limited Hourly Employees (Attachment D).

Background

The City of Palo Alto, as a local public agency, is required under California State law to meet and confer in good faith with its recognized labor organizations to reach agreements regarding wages, hours and other terms and conditions of employment. The City's labor negotiators met with the Services Employees International Union (SEIU) – Hourly Unit labor representatives in good faith and successfully reached a tentative agreement.

The City of Palo Alto currently employs roughly 220 hourly employees. Hourly employees are traditionally characterized as working less than full time, seasonal, temporary, or as needed. The majority of the City's hourly employees work in our libraries and community services departments and work less than 20 hours per week.

The City assigns hourlies into two separate employee groups: SEIU-Hourly and unrepresented Limited Hourly, based on the number of hours worked in a fiscal year. SEIU-Hourly is currently covered by an agreement that expires June 30, 2022. The salary schedule and compensation plan for the City's unrepresented Limited Hourly Employees is adjusted when recommended by the City Manager and approved by

Council. Because there is frequent overlap in positions between the two units, with the major distinction being frequency or duration of work, changes to both documents are recommended concurrently to maintain equity between employees performing similar types of work.

Both Limited Hourly and represented Hourly employees are not eligible for medical benefits or CalPERS retirement. Instead Hourly employees participate in a self-funded defined contribution plan administered by PARS (Public Agency Retirement Services). The City does not make contributions towards PARS for Hourly employees.

As completed for all other employee groups, the City is addressing current cost of living indicators and the regional economic factors impacting City's ability to recruit and retain employees. A Cost of Living Adjustment (COLA) is recommended for both the SEIU-H and Limited Hourly Employees as discussed in this report.

Discussion

On March 14, 2022, the City took proactive steps to negotiate agreements in advance of their expiration in order to meet the challenges facing the City in recruiting and retaining talent. City Council adopted a Cost of Living Adjustment (COLA) of 4% for the Unrepresented Management and Professional, Utilities Management and Professional Association of Palo Alto, Services Employees International Union, and the City's Public Safety Unions. In the same action, City Council amended the salary schedules for the Services Employees International Union-Hourly (SEIU-H) group and for Limited Hourly Employees only to enact the City's Minimum Wage of \$16.45 per hour.

The City is now bringing for Council's adoption Cost of Living Adjustments (COLAs) for the SEIU-H and Limited Hourly Employees in alignment with the COLAs adopted by Council for the City's other groups. If approved, the Limited Hourly Salary Schedule will be increased by 4% effective the first full pay period following Council Adoption. If approved, the attached Letter of Agreement with SEIU-H includes:

- a. 4% Cost of Living Adjustment effective the first full pay period following Union ratification and Council Adoption.
- b. New expiration date of June 30, 2023

This report is being brought concurrent to SEIU-H ratification of the attached Letter of Agreement. If the Letter of Agreement is not ratified by the union membership, staff will revise this memorandum prior to Council adoption.

Resource Impact

Approval of the staff recommendations outlined in this report will result in compensation adjustments beginning the first full pay period following Council Adoption. In FY 2023, the 4% increase for SEIU-H and Limited Hourly Employees will cost approximately \$215,000 in annual costs (\$130,000 in the General Fund). If approved, an amendment to the FY 2023 Proposed Budget will be brought forward to

appropriate these funds as part of the City Council review of the FY 2023 Budget Adoption memorandum.

Attachments:

- **Attachment8.a:** Attachment A_SEIU-H Side Letter Agreement 6.6.22
- Attachment8.b: Attachment B_Limited Hourly Cover Sheet 6.6.22
- Attachment8.c: Attachment C_SEIU Hourly Salary Schedule 6.18.2022
- Attachment8.d: Attachment D_Limited Hourly Salary Schedule 6.18.2022

Proposed Letter of Agreement

City of Palo Alto and SEIU Local 521 Hourly Employee Unit

July 1, 2022 – June 30, 2023



CITY OF
**PALO
ALTO**

I. Introduction and MOA Side Letter

Both the City and the Service Employees International Union Local 521 Hourly Unit (Union) have a mutual interest in extending the current Memorandum of Agreement (MOA) for one (1) additional year and providing a 4% cost of living increase, as set forth below. All other terms of the existing MOA shall continue in effect through June 30, 2023.

II. Article VI Pay: Section 1 Wages

The Parties agree to amend the salaries set forth in Appendix B to include the following:

Effective the first pay period following ratification by the Union and adoption of this agreement by the City Council, all base wage rates for the represented classifications set forth in this Agreement shall be increased by four percent (4%).

III. Article XXV Term

The Parties agree to amend Article XXV (“Term”) of the current MOA to extend the term for one (1) additional year, for an expiration date of June 30, 2023.

For the Union:

For the City:

Bunny Bornstein, Chief Steward Date

Ed Shikada, City Manager Date

Jackie Rinfrow, Worksite Organizer Date

Sandra Blanch, HR Director Date

Xochitl Lopez, Chief Negotiator Date

Terence Howzell, Chief Asst. City Attorney Date

Nicholas Raisch, ER Manager Date

Tori Anthony, Sr. HR Administrator Date



Cover Sheet

City of Palo Alto Compensation Plan

Limited Hourly Employees

June 6, 2022

The City of Palo Alto will make the following adjustments to the Limited Hourly Compensation Plan through June 30, 2022. All other terms of the Compensation Plan, shall continue in effect through June 30, 2022.

Effective the pay period following Council Adoption of this Cover Sheet, a four percent (4%) cost of living increase will be applied to the salary ranges for all classifications included in the Limited Hourly Employees Compensation Plan.

Except as herein modified, all other provision of the Compensation Plan shall remain in effect.



**Service Employees International Union (SEIU) - Hourly Group
Salary Schedule**

Job Code	FLSA	Job Title	Step	Effective upon MOA adoption	Effective 7/1/2018	Effective 1/1/2019 (Min Wage)	Effective 7/1/2019	Effective 1/1/2020 (Min Wage)	Effective 7/1/2020	Effective 01/01/2022 (Min Wage)	Effective 6/18/22
9000	Non-exempt	Administrative Specialist I – H	1	\$23.90	\$23.49	\$23.49	\$24.09	\$24.09	\$24.58	\$24.58	\$25.56
			2	\$24.11	\$24.73	\$24.73	\$25.36	\$25.36	\$25.87	\$25.87	\$26.90
			3	\$25.38	\$26.03	\$26.03	\$26.69	\$26.69	\$27.23	\$27.23	\$28.32
			4	\$26.72	\$27.40	\$27.40	\$28.09	\$28.09	\$28.66	\$28.66	\$29.81
			5	\$28.13	\$28.84	\$28.84	\$29.57	\$29.57	\$30.17	\$30.17	\$31.38
9001	Non-exempt	Administrative Specialist II - H	1	\$27.35	\$28.04	\$28.04	\$28.75	\$28.75	\$29.33	\$29.33	\$30.50
			2	\$28.79	\$29.52	\$29.52	\$30.26	\$30.26	\$30.87	\$30.87	\$32.10
			3	\$30.31	\$31.07	\$31.07	\$31.85	\$31.85	\$32.49	\$32.49	\$33.79
			4	\$31.90	\$32.70	\$32.70	\$33.53	\$33.53	\$34.20	\$34.20	\$35.57
			5	\$33.58	\$34.42	\$34.42	\$35.29	\$35.29	\$36.00	\$36.00	\$37.44
9002	Non-exempt	Assistant Park Ranger - H	1	\$22.90	\$23.49	\$23.49	\$24.09	\$24.09	\$24.58	\$24.58	\$25.56
			2	\$24.11	\$24.73	\$24.73	\$25.36	\$25.36	\$25.87	\$25.87	\$26.90
			3	\$25.38	\$26.03	\$26.03	\$26.69	\$26.69	\$27.23	\$27.23	\$28.32
			4	\$26.72	\$27.40	\$27.40	\$28.09	\$28.09	\$28.66	\$28.66	\$29.81
			5	\$28.13	\$28.84	\$28.84	\$29.57	\$29.57	\$30.17	\$30.17	\$31.38
9003	Non-exempt	Building Service Person - H	1	\$21.17	\$21.70	\$21.70	\$22.24	\$22.24	\$22.69	\$22.69	\$23.59
			2	\$22.28	\$22.84	\$22.84	\$23.41	\$23.41	\$23.88	\$23.88	\$24.83
			3	\$23.45	\$24.04	\$24.04	\$24.64	\$24.64	\$25.14	\$25.14	\$26.14
			4	\$24.68	\$25.30	\$25.30	\$25.94	\$25.94	\$26.46	\$26.46	\$27.52
			5	\$25.98	\$26.63	\$26.63	\$27.30	\$27.30	\$27.85	\$27.85	\$28.97
9004	Non-exempt	Clerical Assistant - H	1	\$18.56	\$19.03	\$19.03	\$19.50	\$19.50	\$19.90	\$19.90	\$20.69
			2	\$19.54	\$20.03	\$20.03	\$20.53	\$20.53	\$20.95	\$20.95	\$21.78
			3	\$20.57	\$21.08	\$21.08	\$21.61	\$21.61	\$22.05	\$22.05	\$22.93
			4	\$21.65	\$22.19	\$22.19	\$22.75	\$22.75	\$23.21	\$23.21	\$24.14
			5	\$22.79	\$23.36	\$23.36	\$23.95	\$23.95	\$24.43	\$24.43	\$25.41
9005	Non-exempt	Custodial Aide - H	1	\$15.01	\$15.39	\$15.39	\$15.78	\$15.78	\$16.09	\$16.09	\$17.10
			2	\$15.80	\$16.20	\$16.20	\$16.61	\$16.61	\$16.94	\$16.94	\$18.00
			3	\$16.63	\$17.05	\$17.05	\$17.48	\$17.48	\$17.83	\$17.83	\$18.95
			4	\$17.50	\$17.95	\$17.95	\$18.40	\$18.40	\$18.77	\$18.77	\$19.95
			5	\$18.42	\$18.89	\$18.89	\$19.37	\$19.37	\$19.76	\$19.76	\$21.00
9006	Non-exempt	Custodial Assistant - H	1	\$17.54	\$17.97	\$17.97	\$18.44	\$18.44	\$18.81	\$18.81	\$19.57
			2	\$18.46	\$18.92	\$18.92	\$19.41	\$19.41	\$19.80	\$19.80	\$20.60
			3	\$19.43	\$19.92	\$19.92	\$20.43	\$20.43	\$20.84	\$20.84	\$21.68
			4	\$20.45	\$20.97	\$20.97	\$21.50	\$21.50	\$21.94	\$21.94	\$22.82
			5	\$21.53	\$22.07	\$22.07	\$22.63	\$22.63	\$23.09	\$23.09	\$24.02
9007	Non-exempt	House Manager - H	1	\$17.24	\$17.68	\$17.68	\$18.14	\$18.14	\$18.50	\$18.50	\$19.24
			2	\$18.15	\$18.61	\$18.61	\$19.09	\$19.09	\$19.47	\$19.47	\$20.25
			3	\$19.11	\$19.59	\$19.59	\$20.09	\$20.09	\$20.49	\$20.49	\$21.32
			4	\$20.12	\$20.62	\$20.62	\$21.15	\$21.15	\$21.57	\$21.57	\$22.44
			5	\$21.18	\$21.71	\$21.71	\$22.26	\$22.26	\$22.71	\$22.71	\$23.62
9008	Non-exempt	Instructor Aide - H	1	\$13.88	\$14.23	\$15.00	\$15.23	\$15.40	\$15.70	\$15.70	\$17.10
			2	\$14.61	\$14.98	\$15.75	\$16.03	\$16.21	\$16.53	\$16.53	\$18.00
			3	\$15.38	\$15.77	\$16.54	\$16.87	\$17.06	\$17.40	\$17.40	\$18.95
			4	\$16.19	\$16.60	\$17.36	\$17.76	\$17.96	\$18.32	\$18.32	\$19.18
			5	\$17.04	\$17.47	\$18.23	\$18.69	\$18.90	\$19.28	\$19.28	\$20.19
9009	Non-exempt	Instructor I - H	1	\$21.66	\$22.21	\$22.21	\$22.76	\$22.76	\$23.22	\$23.22	\$24.16
			2	\$22.80	\$23.38	\$23.38	\$23.96	\$23.96	\$24.44	\$24.44	\$25.43
			3	\$24.00	\$24.61	\$24.61	\$25.22	\$25.22	\$25.73	\$25.73	\$26.77
			4	\$25.26	\$25.90	\$25.90	\$26.55	\$26.55	\$27.08	\$27.08	\$28.18
			5	\$26.59	\$27.26	\$27.26	\$27.95	\$27.95	\$28.51	\$28.51	\$29.66
9010	Non-exempt	Instructor II - H	1	\$26.37	\$27.03	\$27.03	\$27.71	\$27.71	\$28.26	\$28.26	\$29.41
			2	\$27.76	\$28.45	\$28.45	\$29.17	\$29.17	\$29.75	\$29.75	\$30.96
			3	\$29.22	\$29.95	\$29.95	\$30.70	\$30.70	\$31.32	\$31.32	\$32.59
			4	\$30.76	\$31.53	\$31.53	\$32.32	\$32.32	\$32.97	\$32.97	\$34.30
			5	\$32.38	\$33.19	\$33.19	\$34.02	\$34.02	\$34.71	\$34.71	\$36.10
9036	Non-exempt	Instructor III-H	1	\$30.35	\$31.12	\$31.12	\$31.89	\$31.89	\$32.54	\$32.54	\$33.85
			2	\$31.95	\$32.76	\$32.76	\$33.57	\$33.57	\$34.25	\$34.25	\$35.63
			3	\$33.63	\$34.48	\$34.48	\$35.34	\$35.34	\$36.05	\$36.05	\$37.50
			4	\$35.40	\$36.29	\$36.29	\$37.20	\$37.20	\$37.95	\$37.95	\$39.47
			5	\$37.26	\$38.20	\$38.20	\$39.16	\$39.16	\$39.95	\$39.95	\$41.55
9011	Non-exempt	Librarian - H	1	\$27.85	\$28.56	\$28.56	\$29.26	\$29.26	\$29.86	\$29.86	\$31.05
			2	\$29.32	\$30.06	\$30.06	\$30.80	\$30.80	\$31.43	\$31.43	\$32.68
			3	\$30.86	\$31.64	\$31.64	\$32.42	\$32.42	\$33.08	\$33.08	\$34.40
			4	\$32.48	\$33.30	\$33.30	\$34.13	\$34.13	\$34.82	\$34.82	\$36.21
			5	\$34.19	\$35.05	\$35.05	\$35.93	\$35.93	\$36.65	\$36.65	\$38.12
9012	Non-exempt	Library Clerk - H	1	\$20.74	\$21.26	\$21.26	\$21.79	\$21.79	\$22.24	\$22.24	\$23.13
			2	\$21.83	\$22.38	\$22.38	\$22.94	\$22.94	\$23.41	\$23.41	\$24.35
			3	\$22.98	\$23.56	\$23.56	\$24.15	\$24.15	\$24.64	\$24.64	\$25.63
			4	\$24.19	\$24.80	\$24.80	\$25.42	\$25.42	\$25.94	\$25.94	\$26.98
			5	\$25.46	\$26.10	\$26.10	\$26.76	\$26.76	\$27.30	\$27.30	\$28.40
9013	Non-exempt	Library Page - H	1	\$13.88	\$14.23	\$15.00	\$15.23	\$15.40	\$15.70	\$15.70	\$17.10
			2	\$14.61	\$14.98	\$15.75	\$16.03	\$16.21	\$16.53	\$16.53	\$18.00
			3	\$15.38	\$15.77	\$16.54	\$16.87	\$17.06	\$17.40	\$17.40	\$18.95
			4	\$16.19	\$16.60	\$17.36	\$17.76	\$17.96	\$18.32	\$18.32	\$19.18
			5	\$17.04	\$17.47	\$18.23	\$18.69	\$18.90	\$19.28	\$19.28	\$20.19
9014	Non-exempt	Maintenance Assistant - H	1	\$16.69	\$17.10	\$17.10	\$17.54	\$17.54	\$17.90	\$17.90	\$18.61
			2	\$17.57	\$18.00	\$18.00	\$18.46	\$18.46	\$18.84	\$18.84	\$19.59
			3	\$18.49	\$18.95	\$18.95	\$19.43	\$19.43	\$19.83	\$19.83	\$20.62
			4	\$19.46	\$19.95	\$19.95	\$20.45	\$20.45	\$20.87	\$20.87	\$21.71
			5	\$20.48	\$21.00	\$21.00	\$21.53	\$21.53	\$21.97	\$21.97	\$22.85
9015	Non-exempt	Open Space Technician - H	1	\$16.69	\$17.10	\$17.10	\$17.54	\$17.54	\$17.90	\$17.90	\$18.61
			2	\$17.57	\$18.00	\$18.00	\$18.46	\$18.46	\$18.84	\$18.84	\$19.59
			3	\$18.49	\$18.95	\$18.95	\$19.43	\$19.43	\$19.83	\$19.83	\$20.62
			4	\$19.46	\$19.95	\$19.95	\$20.45	\$20.45	\$20.87	\$20.87	\$21.71
			5	\$20.48	\$21.00	\$21.00	\$21.53	\$21.53	\$21.97	\$21.97	\$22.85



**Service Employees International Union (SEIU) - Hourly Group
Salary Schedule**

Job Code	FLSA	Job Title	Step	Effective upon MOA adoption	Effective 7/1/2018	Effective 1/1/2019 (Min Wage)	Effective 7/1/2019	Effective 1/1/2020 (Min Wage)	Effective 7/1/2020	Effective 01/01/2022 (Min Wage)	Effective 6/18/22
9016	Non-exempt	Print Shop Assistant - H	1	\$20.74	\$21.26	\$21.26	\$21.79	\$21.79	\$22.24	\$22.24	\$23.13
			2	\$21.83	\$22.38	\$22.38	\$22.94	\$22.94	\$23.41	\$23.41	\$24.35
			3	\$22.98	\$23.56	\$23.56	\$24.15	\$24.15	\$24.64	\$24.64	\$25.63
			4	\$24.19	\$24.80	\$24.80	\$25.42	\$25.42	\$25.94	\$25.94	\$26.98
			5	\$25.46	\$26.10	\$26.10	\$26.76	\$26.76	\$27.30	\$27.30	\$28.40
9017	Non-exempt	Project Construction Inspector - H	1	\$30.00	\$30.76	\$30.76	\$31.52	\$31.52	\$32.17	\$32.17	\$33.46
			2	\$31.58	\$32.38	\$32.38	\$33.18	\$33.18	\$33.86	\$33.86	\$35.22
			3	\$33.24	\$34.08	\$34.08	\$34.93	\$34.93	\$35.64	\$35.64	\$37.07
			4	\$34.99	\$35.87	\$35.87	\$36.77	\$36.77	\$37.52	\$37.52	\$39.02
			5	\$36.83	\$37.76	\$37.76	\$38.71	\$38.71	\$39.49	\$39.49	\$41.07
9018	Non-exempt	Project Specialist - H	1	\$22.90	\$23.49	\$23.49	\$24.09	\$24.09	\$24.58	\$24.58	\$25.56
			2	\$24.11	\$24.73	\$24.73	\$25.36	\$25.36	\$25.87	\$25.87	\$26.90
			3	\$25.38	\$26.03	\$26.03	\$26.69	\$26.69	\$27.23	\$27.23	\$28.32
			4	\$26.72	\$27.40	\$27.40	\$28.09	\$28.09	\$28.66	\$28.66	\$29.81
			5	\$28.13	\$28.84	\$28.84	\$29.57	\$29.57	\$30.17	\$30.17	\$31.38
9019	Non-exempt	Recreation Aide - H	1	\$13.88	\$14.23	\$15.00	\$15.23	\$15.40	\$15.70	\$16.45	\$17.10
			2	\$14.61	\$14.98	\$15.75	\$16.03	\$16.21	\$16.53	\$17.31	\$18.00
			3	\$15.38	\$15.77	\$16.54	\$16.87	\$17.06	\$17.40	\$18.22	\$18.95
			4	\$16.19	\$16.60	\$17.36	\$17.76	\$17.96	\$18.32	\$19.18	\$19.95
			5	\$17.04	\$17.47	\$18.23	\$18.69	\$18.90	\$19.28	\$20.19	\$21.00
9020	Non-exempt	Recreation Leader I - H	1	\$13.88	\$14.23	\$15.00	\$15.23	\$15.40	\$15.70	\$16.45	\$17.10
			2	\$14.61	\$14.98	\$15.75	\$16.03	\$16.21	\$16.53	\$17.31	\$18.00
			3	\$15.38	\$15.77	\$16.54	\$16.87	\$17.06	\$17.40	\$18.22	\$18.95
			4	\$16.19	\$16.60	\$17.36	\$17.76	\$17.96	\$18.32	\$19.18	\$19.95
			5	\$17.04	\$17.47	\$18.23	\$18.69	\$18.90	\$19.28	\$20.19	\$21.00
9021	Non-exempt	Recreation Leader II - H	1	\$15.38	\$15.77	\$16.45	\$16.79	\$17.06	\$17.40	\$18.22	\$18.95
			2	\$16.19	\$16.60	\$17.32	\$17.67	\$17.96	\$18.32	\$19.18	\$19.95
			3	\$17.04	\$17.47	\$18.23	\$18.60	\$18.90	\$19.28	\$20.19	\$21.00
			4	\$17.94	\$18.39	\$19.14	\$19.58	\$19.89	\$20.29	\$21.25	\$22.10
			5	\$18.88	\$19.36	\$20.10	\$20.61	\$20.94	\$21.36	\$22.36	\$23.26
9022	Non-exempt	Recreation Leader III - H	1	\$17.50	\$17.94	\$18.51	\$18.90	\$19.29	\$20.18	\$21.00	
			2	\$18.42	\$18.88	\$19.10	\$19.48	\$19.89	\$20.30	\$21.24	\$22.10
			3	\$19.39	\$19.87	\$20.10	\$20.50	\$20.94	\$21.37	\$22.36	\$23.26
			4	\$20.41	\$20.92	\$21.11	\$21.58	\$22.04	\$22.49	\$23.54	\$24.48
			5	\$21.48	\$22.02	\$22.16	\$22.72	\$23.20	\$23.67	\$24.77	\$25.77
9023	Non-exempt	Stock Clerk - H	1	\$16.59	\$17.01	\$17.01	\$17.43	\$17.43	\$17.78	\$18.51	
			2	\$17.46	\$17.91	\$17.91	\$18.35	\$18.35	\$18.72	\$19.48	
			3	\$18.38	\$18.85	\$18.85	\$19.32	\$19.32	\$19.71	\$20.50	
			4	\$19.35	\$19.84	\$19.84	\$20.34	\$20.34	\$20.75	\$21.58	
			5	\$20.37	\$20.88	\$20.88	\$21.41	\$21.41	\$21.84	\$22.72	
9025	Non-exempt	Technical Specialist - H	1	\$18.56	\$19.03	\$19.03	\$19.50	\$19.50	\$19.90	\$20.69	
			2	\$19.54	\$20.03	\$20.03	\$20.53	\$20.53	\$20.95	\$21.78	
			3	\$20.57	\$21.08	\$21.08	\$21.61	\$21.61	\$22.05	\$22.93	
			4	\$21.65	\$22.19	\$22.19	\$22.75	\$22.75	\$23.21	\$24.14	
			5	\$22.79	\$23.36	\$23.36	\$23.95	\$23.95	\$24.43	\$25.41	
9026	Non-exempt	Arts & Science Aide - H	1	\$13.88	\$14.23	\$15.00	\$15.23	\$15.40	\$15.70	\$16.45	\$17.10
			2	\$14.61	\$14.98	\$15.75	\$16.03	\$16.21	\$16.53	\$17.31	\$18.00
			3	\$15.38	\$15.77	\$16.54	\$16.87	\$17.06	\$17.40	\$18.22	\$18.95
			4	\$16.19	\$16.60	\$17.36	\$17.76	\$17.96	\$18.32	\$19.18	\$19.95
			5	\$17.04	\$17.47	\$18.23	\$18.69	\$18.90	\$19.28	\$20.19	\$21.00
9027	Non-exempt	Arts & Science Professional I - H	1	\$21.66	\$22.21	\$22.21	\$22.76	\$22.76	\$23.22	\$24.16	
			2	\$22.80	\$23.38	\$23.38	\$23.96	\$23.96	\$24.44	\$25.43	
			3	\$24.00	\$24.61	\$24.61	\$25.22	\$25.22	\$25.73	\$26.77	
			4	\$25.26	\$25.90	\$25.90	\$26.55	\$26.55	\$27.08	\$28.18	
			5	\$26.59	\$27.26	\$27.26	\$27.95	\$27.95	\$28.51	\$29.66	
9028	Non-exempt	Arts & Science Professional II - H	1	\$26.37	\$27.03	\$27.03	\$27.71	\$27.71	\$28.26	\$29.41	
			2	\$27.76	\$28.45	\$28.45	\$29.17	\$29.17	\$29.75	\$30.96	
			3	\$29.22	\$29.95	\$29.95	\$30.70	\$30.70	\$31.32	\$32.59	
			4	\$30.76	\$31.53	\$31.53	\$32.32	\$32.32	\$32.97	\$34.30	
			5	\$32.38	\$33.19	\$33.19	\$34.02	\$34.02	\$34.71	\$36.10	
9037	Non-exempt	Arts & Science Professional III - H	1	\$30.35	\$31.12	\$31.12	\$31.89	\$31.89	\$32.54	\$33.85	
			2	\$31.95	\$32.76	\$32.76	\$33.57	\$33.57	\$34.25	\$35.63	
			3	\$33.63	\$34.48	\$34.48	\$35.34	\$35.34	\$36.05	\$37.50	
			4	\$35.40	\$36.29	\$36.29	\$37.20	\$37.20	\$37.95	\$39.47	
			5	\$37.26	\$38.20	\$38.20	\$39.16	\$39.16	\$39.95	\$41.55	
9029	Non-exempt	Arts & Science Technician - H	1	\$15.38	\$15.77	\$15.77	\$16.17	\$16.17	\$16.50	\$17.16	
			2	\$16.19	\$16.60	\$16.60	\$17.02	\$17.02	\$17.37	\$18.06	
			3	\$17.04	\$17.47	\$17.47	\$17.92	\$17.92	\$18.28	\$19.01	
			4	\$17.94	\$18.39	\$18.39	\$18.86	\$18.86	\$19.24	\$20.01	
			5	\$18.88	\$19.36	\$19.36	\$19.85	\$19.85	\$20.25	\$21.06	
9030	Non-exempt	Zoological Assistant - H	1	\$22.90	\$23.49	\$23.49	\$24.09	\$24.09	\$24.58	\$25.56	
			2	\$24.11	\$24.73	\$24.73	\$25.36	\$25.36	\$25.87	\$26.90	
			3	\$25.38	\$26.03	\$26.03	\$26.69	\$26.69	\$27.23	\$28.32	
			4	\$26.72	\$27.40	\$27.40	\$28.09	\$28.09	\$28.66	\$29.81	
			5	\$28.13	\$28.84	\$28.84	\$29.57	\$29.57	\$30.17	\$31.38	

Job Code	FLSA	Job Title	Effective upon MOA adoption		Effective 7/1/2018		Effective 1/1/2019 (Min Wage- \$15)		Effective 7/1/2019		Effective 1/1/2020 (Min Wage- \$15.40)		Effective 7/1/2021		Effective 01/01/2022 (Min Wage)		Effective 6/18/22		
			Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min
9035	Non-exempt	General Laborer - H	\$13.91	\$61.80	\$14.25	\$63.35	\$15.00	\$63.35	\$15.38	\$64.93	\$15.40	\$64.93	\$15.71	\$66.23	\$16.45	\$66.23	\$17.11	\$68.88	\$68.88
9032	Non-exempt	Inspector - H	\$13.91	\$61.80	\$14.25	\$63.35	\$15.00	\$63.35	\$15.38	\$64.93	\$15.40	\$64.93	\$15.71	\$66.23	\$16.45	\$66.23	\$17.11	\$68.88	\$68.88
9033	Non-exempt	Journey Level Laborer - H	\$13.91	\$61.80	\$14.25	\$63.35	\$15.00	\$63.35	\$15.38	\$64.93	\$15.40	\$64.93	\$15.71	\$66.23	\$16.45	\$66.23	\$17.11	\$68.88	\$68.88
9034	Non-exempt	Staff Specialist - H	\$13.91	\$61.80	\$14.25	\$63.35	\$15.00	\$63.35	\$15.38	\$64.93	\$15.40	\$64.93	\$15.71	\$66.23	\$16.45	\$66.23	\$17.11	\$68.88	\$68.88


Limited Hourly Group Salary Schedule

Job Code	FLSA	Job Title	Step	Effective upon Council	Effective 7/1/2018	Effective 1/1/2019 (Min)	Effective 7/1/2019	Effective 1/1/2020 (Min)	Effective 7/1/2020	Effective 1/1/2022 (Min Wage)	Effective 6/18/2022
910	Non-	Administrative	1	\$22.24	\$23.49	\$23.49	\$24.09	\$24.09	\$24.58	\$24.58	\$25.56
			2	\$23.41	\$24.73	\$24.73	\$25.36	\$25.36	\$25.87	\$25.87	\$26.90
			3	\$24.64	\$26.03	\$26.03	\$26.69	\$26.69	\$27.23	\$27.23	\$28.32
			4	\$25.94	\$27.40	\$27.40	\$28.09	\$28.09	\$28.66	\$28.66	\$29.81
			5	\$27.31	\$28.84	\$28.84	\$29.57	\$29.57	\$30.17	\$30.17	\$31.38
913	Non-	Administrative	1	\$26.55	\$28.04	\$28.04	\$28.75	\$28.75	\$29.33	\$29.33	\$30.50
			2	\$27.95	\$29.52	\$29.52	\$30.26	\$30.26	\$30.87	\$30.87	\$32.10
			3	\$29.42	\$31.07	\$31.07	\$31.85	\$31.85	\$32.49	\$32.49	\$33.79
			4	\$30.97	\$32.70	\$32.70	\$33.53	\$33.53	\$34.20	\$34.20	\$35.57
			5	\$32.60	\$34.42	\$34.42	\$35.29	\$35.29	\$36.00	\$36.00	\$37.44
915	Non-	Assistant Park	1	\$22.24	\$23.49	\$23.49	\$24.09	\$24.09	\$24.58	\$24.58	\$25.56
			2	\$23.41	\$24.73	\$24.73	\$25.36	\$25.36	\$25.87	\$25.87	\$26.90
			3	\$24.64	\$26.03	\$26.03	\$26.69	\$26.69	\$27.23	\$27.23	\$28.32
			4	\$25.94	\$27.40	\$27.40	\$28.09	\$28.09	\$28.66	\$28.66	\$29.81
			5	\$27.31	\$28.84	\$28.84	\$29.57	\$29.57	\$30.17	\$30.17	\$31.38
916	Non-	Building Service	1	\$20.54	\$21.70	\$21.70	\$22.24	\$22.24	\$22.69	\$22.69	\$23.59
			2	\$21.62	\$22.84	\$22.84	\$23.41	\$23.41	\$23.88	\$23.88	\$24.83
			3	\$22.76	\$24.04	\$24.04	\$24.64	\$24.64	\$25.14	\$25.14	\$26.14
			4	\$23.96	\$25.30	\$25.30	\$25.94	\$25.94	\$26.46	\$26.46	\$27.52
			5	\$25.22	\$26.63	\$26.63	\$27.30	\$27.30	\$27.85	\$27.85	\$28.97
917	Non-	Clerical Assistant	1	\$18.01	\$19.03	\$19.03	\$19.50	\$19.50	\$19.90	\$19.90	\$20.69
			2	\$18.96	\$20.03	\$20.03	\$20.53	\$20.53	\$20.95	\$20.95	\$21.78
			3	\$19.96	\$21.08	\$21.08	\$21.61	\$21.61	\$22.05	\$22.05	\$22.93
			4	\$21.01	\$22.19	\$22.19	\$22.75	\$22.75	\$23.21	\$23.21	\$24.14
			5	\$22.12	\$23.36	\$23.36	\$23.95	\$23.95	\$24.43	\$24.43	\$25.41
918	Non-	Custodial Aide	1	\$14.56	\$15.39	\$15.39	\$15.78	\$15.78	\$16.09	\$16.45	\$17.10
			2	\$15.33	\$16.20	\$16.20	\$16.61	\$16.61	\$16.94	\$17.31	\$18.00
			3	\$16.14	\$17.05	\$17.05	\$17.48	\$17.48	\$17.83	\$18.22	\$18.95
			4	\$16.99	\$17.95	\$17.95	\$18.40	\$18.40	\$18.77	\$19.18	\$19.95
			5	\$17.88	\$18.89	\$18.89	\$19.37	\$19.37	\$19.76	\$20.19	\$21.00
919	Non-	Custodial Assistant	1	\$17.03	\$17.97	\$17.97	\$18.44	\$18.44	\$18.81	\$18.81	\$19.57
			2	\$17.93	\$18.92	\$18.92	\$19.41	\$19.41	\$19.80	\$19.80	\$20.60
			3	\$18.87	\$19.92	\$19.92	\$20.43	\$20.43	\$20.84	\$20.84	\$21.68
			4	\$19.86	\$20.97	\$20.97	\$21.50	\$21.50	\$21.94	\$21.94	\$22.82
			5	\$20.90	\$22.07	\$22.07	\$22.63	\$22.63	\$23.09	\$23.09	\$24.02
920	Non-	House Manager	1	\$16.74	\$17.68	\$17.68	\$18.14	\$18.14	\$18.50	\$18.50	\$19.24
			2	\$17.62	\$18.61	\$18.61	\$19.09	\$19.09	\$19.47	\$19.47	\$20.25
			3	\$18.55	\$19.59	\$19.59	\$20.09	\$20.09	\$20.49	\$20.49	\$21.32
			4	\$19.53	\$20.62	\$20.62	\$21.15	\$21.15	\$21.57	\$21.57	\$22.44
			5	\$20.56	\$21.71	\$21.71	\$22.26	\$22.26	\$22.71	\$22.71	\$23.62
921	Non-	Instructor Aide	1	\$13.50	\$14.23	\$15.00	\$15.23	\$15.40	\$15.70	\$16.45	\$17.10
			2	\$14.20	\$14.98	\$15.75	\$16.03	\$16.21	\$16.53	\$17.31	\$18.00
			3	\$14.94	\$15.77	\$16.54	\$16.87	\$17.06	\$17.40	\$18.22	\$18.95
			4	\$15.72	\$16.60	\$17.36	\$17.76	\$17.96	\$18.32	\$19.18	\$19.95
			5	\$16.54	\$17.47	\$18.23	\$18.69	\$18.90	\$19.28	\$20.19	\$21.00
922	Non-	Instructor I	1	\$21.02	\$22.21	\$22.21	\$22.76	\$22.76	\$23.22	\$23.22	\$24.16
			2	\$22.13	\$23.38	\$23.38	\$23.96	\$23.96	\$24.44	\$24.44	\$25.43
			3	\$23.29	\$24.61	\$24.61	\$25.22	\$25.22	\$25.73	\$25.73	\$26.77
			4	\$24.52	\$25.90	\$25.90	\$26.55	\$26.55	\$27.08	\$27.08	\$28.18
			5	\$25.81	\$27.26	\$27.26	\$27.95	\$27.95	\$28.51	\$28.51	\$29.66
923	Non-	Instructor II	1	\$25.60	\$27.03	\$27.03	\$27.71	\$27.71	\$28.26	\$28.26	\$29.41
			2	\$26.95	\$28.45	\$28.45	\$29.17	\$29.17	\$29.75	\$29.75	\$30.96
			3	\$28.37	\$29.95	\$29.95	\$30.70	\$30.70	\$31.32	\$31.32	\$32.59
			4	\$29.86	\$31.53	\$31.53	\$32.32	\$32.32	\$32.97	\$32.97	\$34.30
			5	\$31.43	\$33.19	\$33.19	\$34.02	\$34.02	\$34.71	\$34.71	\$36.10
982	Non-	Instructor III	1	\$29.46	\$31.12	\$31.12	\$31.89	\$31.89	\$32.54	\$32.54	\$33.85
			2	\$31.01	\$32.76	\$32.76	\$33.57	\$33.57	\$34.25	\$34.25	\$35.63
			3	\$32.64	\$34.48	\$34.48	\$35.34	\$35.34	\$36.05	\$36.05	\$37.50
			4	\$34.36	\$36.29	\$36.29	\$37.20	\$37.20	\$37.95	\$37.95	\$39.47
			5	\$36.17	\$38.20	\$38.20	\$39.16	\$39.16	\$39.95	\$39.95	\$41.55
924	Non-	Librarian	1	\$27.03	\$28.56	\$28.56	\$29.26	\$29.26	\$29.86	\$29.86	\$31.05
			2	\$28.45	\$30.06	\$30.06	\$30.80	\$30.80	\$31.43	\$31.43	\$32.68
			3	\$29.95	\$31.64	\$31.64	\$32.42	\$32.42	\$33.08	\$33.08	\$34.40
			4	\$31.53	\$33.30	\$33.30	\$34.13	\$34.13	\$34.82	\$34.82	\$36.21
			5	\$33.19	\$35.05	\$35.05	\$35.93	\$35.93	\$36.65	\$36.65	\$38.12
925	Non-	Library Clerk	1	\$20.13	\$21.26	\$21.26	\$21.79	\$21.79	\$22.24	\$22.24	\$23.13
			2	\$21.19	\$22.38	\$22.38	\$22.94	\$22.94	\$23.41	\$23.41	\$24.35
			3	\$22.30	\$23.56	\$23.56	\$24.15	\$24.15	\$24.64	\$24.64	\$25.63
			4	\$23.47	\$24.80	\$24.80	\$25.42	\$25.42	\$25.94	\$25.94	\$26.98
			5	\$24.71	\$26.10	\$26.10	\$26.76	\$26.76	\$27.30	\$27.30	\$28.40
930	Non-	Library Page	1	\$13.50	\$14.23	\$15.00	\$15.23	\$15.40	\$15.70	\$16.45	\$17.10
			2	\$14.20	\$14.98	\$15.75	\$16.03	\$16.21	\$16.53	\$17.31	\$18.00
			3	\$14.94	\$15.77	\$16.54	\$16.87	\$17.06	\$17.40	\$18.22	\$18.95
			4	\$15.72	\$16.60	\$17.36	\$17.76	\$17.96	\$18.32	\$19.18	\$19.95
			5	\$16.54	\$17.47	\$18.23	\$18.69	\$18.90	\$19.28	\$20.19	\$21.00
935	Non-	Maintenance	1	\$16.20	\$17.10	\$17.10	\$17.54	\$17.54	\$17.90	\$17.90	\$18.61
			2	\$17.05	\$18.00	\$18.00	\$18.46	\$18.46	\$18.84	\$18.84	\$19.59
			3	\$17.95	\$18.95	\$18.95	\$19.43	\$19.43	\$19.83	\$19.83	\$20.62
			4	\$18.89	\$19.95	\$19.95	\$20.45	\$20.45	\$20.87	\$20.87	\$21.71
			5	\$19.88	\$21.00	\$21.00	\$21.53	\$21.53	\$21.97	\$21.97	\$22.85
936	Non-	Open Space	1	\$16.20	\$17.10	\$17.10	\$17.54	\$17.54	\$17.90	\$17.90	\$18.61
			2	\$17.05	\$18.00	\$18.00	\$18.46	\$18.46	\$18.84	\$18.84	\$19.59
			3	\$17.95	\$18.95	\$18.95	\$19.43	\$19.43	\$19.83	\$19.83	\$20.62
			4	\$18.89	\$19.95	\$19.95	\$20.45	\$20.45	\$20.87	\$20.87	\$21.71
			5	\$19.88	\$21.00	\$21.00	\$21.53	\$21.53	\$21.97	\$21.97	\$22.85
937	Non-	Print Shop Assistant	1	\$20.13	\$21.26	\$21.26	\$21.79	\$21.79	\$22.24	\$22.24	\$23.13
			2	\$21.19	\$22.38	\$22.38	\$22.94	\$22.94	\$23.41	\$23.41	\$24.35
			3	\$22.30	\$23.56	\$23.56	\$24.15	\$24.15	\$24.64	\$24.64	\$25.63
			4	\$23.47	\$24.80	\$24.80	\$25.42	\$25.42	\$25.94	\$25.94	\$26.98
			5	\$24.71	\$26.10	\$26.10	\$26.76	\$26.76	\$27.30	\$27.30	\$28.40
938	Non-	Project Construction	1	\$29.12	\$30.76	\$30.76	\$31.52	\$31.52	\$32.17	\$32.17	\$33.46
			2	\$30.65	\$32.38	\$32.38	\$33.18	\$33.18	\$33.86	\$33.86	\$35.22
			3	\$32.26	\$34.08	\$34.08	\$34.93	\$34.93	\$35.64	\$35.64	\$37.07
			4	\$33.96	\$35.87	\$35.87	\$36.77	\$36.77	\$37.52	\$37.52	\$39.02
			5	\$35.75	\$37.76	\$37.76	\$38.71	\$38.71	\$39.49	\$39.49	\$41.07
939	Non-	Project Specialist	1	\$22.24	\$23.49	\$23.49	\$24.09	\$24.09	\$24.58	\$24.58	\$25.56
			2	\$23.41	\$24.73	\$24.73	\$25.36	\$25.36	\$25.87	\$25.87	\$26.90
			3	\$24.64	\$26.03	\$26.03	\$26.69	\$26.69	\$27.23	\$27.23	\$28.32
			4	\$25.94	\$27.40	\$27.40	\$28.09	\$28.09	\$28.66	\$28.66	\$29.81
			5	\$27.31	\$28.84	\$28.84	\$29.57	\$29.57	\$30.17	\$30.17	\$31.38
940	Non-	Recreation Aide	1	\$13.50	\$14.23	\$15.00	\$15.23	\$15.40	\$15.70	\$16.45	\$17.10
			2	\$14.20	\$14.98	\$15.75	\$16.03	\$16.21	\$16.53	\$17.31	\$18.00
			3	\$14.94	\$15.77	\$16.54	\$16.87	\$17.06	\$17.40	\$18.22	\$18.95
			4	\$15.72	\$16.60	\$17.36	\$17.76	\$17.96	\$18.32	\$19.18	\$19.95
			5	\$16.54	\$17.47	\$18.23	\$18.69	\$18.90	\$19.28	\$20.19	\$21.00
			1	\$13.50	\$14.23	\$15.00	\$15.23	\$15.40	\$15.70	\$16.45	\$17.10

Limited Hourly Group Salary Schedule											
Job Code	FLSA	Job Title	Step	Effective upon Council	Effective 7/1/2018	Effective 1/1/2019 (Min)	Effective 7/1/2019	Effective 1/1/2020 (Min)	Effective 7/1/2020	Effective 1/1/2022 (Min Wage)	Effective 6/18/2022
941	Non-	Recreation Leader I	2	\$14.20	\$14.98	\$15.75	\$16.03	\$16.21	\$16.53	\$17.31	\$18.00
			3	\$14.94	\$15.77	\$16.54	\$16.87	\$17.06	\$17.40	\$18.22	\$18.95
			4	\$15.72	\$16.60	\$17.36	\$17.76	\$17.96	\$18.32	\$19.18	\$19.95
			5	\$16.54	\$17.47	\$18.23	\$18.69	\$18.90	\$19.28	\$20.19	\$21.00
			1	\$14.92	\$15.77	\$16.45	\$16.79	\$17.06	\$17.40	\$18.22	\$18.95
942	Non-	Recreation Leader II	2	\$15.71	\$16.60	\$17.32	\$17.67	\$17.96	\$18.32	\$19.18	\$19.95
			3	\$16.54	\$17.47	\$18.23	\$18.60	\$18.90	\$19.28	\$20.19	\$21.00
			4	\$17.41	\$18.39	\$19.14	\$19.58	\$19.89	\$20.29	\$21.25	\$22.10
			5	\$18.33	\$19.36	\$20.10	\$20.61	\$20.94	\$21.36	\$22.36	\$23.26
			1	\$16.99	\$17.94	\$18.14	\$18.51	\$18.90	\$19.29	\$20.18	\$21.00
943	Non-	Recreation Leader	2	\$17.88	\$18.88	\$19.10	\$19.48	\$19.89	\$20.30	\$21.24	\$22.10
			3	\$18.82	\$19.87	\$20.10	\$20.50	\$20.94	\$21.37	\$22.36	\$23.26
			4	\$19.81	\$20.92	\$21.11	\$21.58	\$22.04	\$22.49	\$23.54	\$24.48
			5	\$20.85	\$22.02	\$22.16	\$22.72	\$23.20	\$23.67	\$24.77	\$25.77
			1	\$16.10	\$17.01	\$17.01	\$17.43	\$17.43	\$17.78	\$18.72	\$19.58
948	Non-	Stock Clerk	2	\$16.95	\$17.91	\$17.91	\$18.35	\$18.35	\$18.72	\$19.71	\$20.50
			3	\$17.84	\$18.85	\$18.85	\$19.32	\$19.32	\$19.71	\$20.75	\$21.58
			4	\$18.78	\$19.84	\$19.84	\$20.34	\$20.34	\$20.75	\$21.84	\$22.72
			5	\$19.77	\$20.88	\$20.88	\$21.41	\$21.41	\$21.84	\$23.00	\$23.95
			1	\$18.01	\$19.03	\$19.03	\$19.50	\$19.50	\$19.90	\$20.95	\$21.78
950	Non-	Technical Specialist	2	\$18.96	\$20.03	\$20.03	\$20.53	\$20.53	\$20.95	\$22.05	\$22.93
			3	\$19.96	\$21.08	\$21.08	\$21.61	\$21.61	\$22.05	\$23.21	\$24.14
			4	\$21.01	\$22.19	\$22.19	\$22.75	\$22.75	\$23.21	\$24.43	\$25.41
			5	\$22.12	\$23.36	\$23.36	\$23.95	\$23.95	\$24.43	\$25.77	\$26.85
			1	\$13.50	\$14.23	\$15.00	\$15.23	\$15.40	\$15.70	\$16.45	\$17.10
954	Non-	Arts & Science Aide	2	\$14.20	\$14.98	\$15.75	\$16.03	\$16.21	\$16.53	\$17.31	\$18.00
			3	\$14.94	\$15.77	\$16.54	\$16.87	\$17.06	\$17.40	\$18.22	\$18.95
			4	\$15.72	\$16.60	\$17.36	\$17.76	\$17.96	\$18.32	\$19.18	\$19.95
			5	\$16.54	\$17.47	\$18.23	\$18.69	\$18.90	\$19.28	\$20.19	\$21.00
			1	\$21.02	\$22.21	\$22.21	\$22.76	\$22.76	\$23.22	\$24.44	\$25.43
951	Non-	Arts & Science	2	\$22.13	\$23.38	\$23.38	\$23.96	\$23.96	\$24.44	\$25.73	\$26.77
			3	\$23.29	\$24.61	\$24.61	\$25.22	\$25.22	\$25.73	\$27.08	\$28.18
			4	\$24.52	\$25.90	\$25.90	\$26.55	\$26.55	\$27.08	\$28.51	\$29.66
			5	\$25.81	\$27.26	\$27.26	\$27.95	\$27.95	\$28.51	\$30.00	\$31.25
			1	\$25.60	\$27.03	\$27.03	\$27.71	\$27.71	\$28.26	\$29.75	\$30.96
952	Non-	Arts & Science	2	\$26.95	\$28.45	\$28.45	\$29.17	\$29.17	\$29.75	\$31.32	\$32.59
			3	\$28.37	\$29.95	\$29.95	\$30.70	\$30.70	\$31.32	\$32.97	\$34.30
			4	\$29.86	\$31.53	\$31.53	\$32.32	\$32.32	\$32.97	\$34.71	\$36.10
			5	\$31.43	\$33.19	\$33.19	\$34.02	\$34.02	\$34.71	\$36.25	\$37.63
			1	\$29.46	\$31.12	\$31.12	\$31.89	\$31.89	\$32.54	\$34.25	\$35.63
983	Non-	Arts & Science	2	\$31.01	\$32.76	\$32.76	\$33.57	\$33.57	\$34.25	\$36.05	\$37.50
			3	\$32.64	\$34.48	\$34.48	\$35.34	\$35.34	\$36.05	\$37.95	\$39.47
			4	\$34.36	\$36.29	\$36.29	\$37.20	\$37.20	\$37.95	\$39.95	\$41.55
			5	\$36.17	\$38.20	\$38.20	\$39.16	\$39.16	\$39.95	\$42.00	\$43.75
			1	\$14.92	\$15.77	\$15.77	\$16.17	\$16.17	\$16.50	\$17.37	\$18.06
953	Non-	Arts & Science	2	\$15.71	\$16.60	\$16.60	\$17.02	\$17.02	\$17.37	\$18.28	\$19.01
			3	\$16.54	\$17.47	\$17.47	\$17.92	\$17.92	\$18.28	\$19.24	\$20.01
			4	\$17.41	\$18.39	\$18.39	\$18.86	\$18.86	\$19.24	\$20.25	\$21.06
			5	\$18.33	\$19.36	\$19.36	\$19.85	\$19.85	\$20.25	\$21.50	\$22.36
			1	\$22.24	\$23.49	\$23.49	\$24.09	\$24.09	\$24.58	\$25.87	\$26.90
955	Non-	Zoological Assistant	2	\$23.41	\$24.73	\$24.73	\$25.36	\$25.36	\$25.87	\$27.23	\$28.32
			3	\$24.64	\$26.03	\$26.03	\$26.69	\$26.69	\$27.23	\$28.66	\$29.81
			4	\$25.94	\$27.40	\$27.40	\$28.09	\$28.09	\$28.66	\$30.17	\$31.38
			5	\$27.31	\$28.84	\$28.84	\$29.57	\$29.57	\$30.17		
			1								
960	Non-	Police Reserve I	2	\$27.53	\$49.20	\$49.20	\$50.43	\$50.43	\$51.44	\$52.47	\$54.57
			3								
			4								
			5								
			1								
961	Non-	Police Reserve II	2	\$22.04	\$44.08	\$44.08	\$45.19	\$45.19	\$46.10	\$47.03	\$48.92
			3								
			4								
			5								
			1	\$16.20	\$17.10	\$17.10	\$17.54	\$17.54	\$17.90	\$18.84	\$19.59
962	Non-	Technician I	2	\$17.05	\$18.00	\$18.00	\$18.46	\$18.46	\$18.84	\$19.83	\$20.62
			3	\$17.95	\$18.95	\$18.95	\$19.43	\$19.43	\$19.83	\$20.87	\$21.71
			4	\$18.89	\$19.95	\$19.95	\$20.45	\$20.45	\$20.87	\$21.97	\$22.85
			5	\$19.88	\$21.00	\$21.00	\$21.53	\$21.53	\$21.97	\$23.15	\$24.15
			1	\$22.24	\$23.49	\$23.49	\$24.09	\$24.09	\$24.58	\$25.87	\$26.90
963	Non-	Technician II	2	\$23.41	\$24.73	\$24.73	\$25.36	\$25.36	\$25.87	\$27.23	\$28.32
			3	\$24.64	\$26.03	\$26.03	\$26.69	\$26.69	\$27.23	\$28.66	\$29.81
			4	\$25.94	\$27.40	\$27.40	\$28.09	\$28.09	\$28.66	\$30.17	\$31.38
			5	\$27.31	\$28.84	\$28.84	\$29.57	\$29.57	\$30.17		
			1								

Limited Hourly Group Salary Schedule																		
Job #	FLSA	Job Title	Effective upon Council adoption		Effective 7/1/2018		Effective 1/1/2019 (Min Wage)		Effective 7/1/2019		Effective 1/1/2020 (Min Wage)		Effective 7/1/2020		Effective 1/1/2022 (Min Wage)		Effective 6/18/2022	
			Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
#	FLSA	General Laborer	\$ 13.91	\$ 61.80	\$ 14.25	\$ 63.35	\$ 15.00	\$ 63.35	\$ 15.38	\$ 64.93	\$ 15.40	\$ 64.93	\$ 15.71	\$ 66.23	\$ 16.45	\$ 66.23	\$ 17.11	\$ 68.88
#	Non-exempt	Inspector	\$ 13.91	\$ 61.80	\$ 14.25	\$ 63.35	\$ 15.00	\$ 63.35	\$ 15.38	\$ 64.93	\$ 15.40	\$ 64.93	\$ 15.71	\$ 66.23	\$ 16.45	\$ 66.23	\$ 17.11	\$ 68.88
#	Non-exempt	Journey Level Laborer	\$ 13.91	\$ 61.80	\$ 14.25	\$ 63.35	\$ 15.00	\$ 63.35	\$ 15.38	\$ 64.93	\$ 15.40	\$ 64.93	\$ 15.71	\$ 66.23	\$ 16.45	\$ 66.23	\$ 17.11	\$ 68.88
#	Non-exempt	Staff Specialist	\$ 13.91	\$ 61.80	\$ 14.25	\$ 63.35	\$ 15.00	\$ 63.35	\$ 15.38	\$ 64.93	\$ 15.40	\$ 64.93	\$ 15.71	\$ 66.23	\$ 16.45	\$ 66.23	\$ 17.11	\$ 68.88



City of Palo Alto City Council Staff Report

(ID # 14464)

Meeting Date: 6/6/2022

Report Type: Consent Calendar

Title: Approve a Fiscal Year 2023 Program for Domestic Recycling of Mixed Paper and Mixed Rigid Plastics; Authorize Staff to Negotiate a Corresponding Contract Amendment with GreenWaste of Palo Alto for Program Costs in an Amount Not to Exceed \$1.2M

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends that Council:

1. Authorize staff to continue pursuing a Fiscal Year 2023 program for domestic recycling of mixed paper and mixed rigid plastics; and
2. Authorize staff to negotiate a contract amendment with GreenWaste of Palo Alto to include this program and associated annual costs of up to \$1.2 million to provide domestic processing of recyclables.

Executive Summary

This item was deferred from the City Council's May 16 agenda. It has been placed on the June 6 consent agenda to enable advancement while recognizing other priority issues for Council discussion.

Currently, approximately 60 percent of Palo Alto's recyclables are sent to international markets where their fate and any negative impacts are not known. Last year, Council directed staff to work on finding alternative solutions to this situation. Since then, staff and the City's contracted refuse hauler, GreenWaste of Palo Alto (GWPA), found domestic markets for mixed paper (MP) and mixed rigid plastics (MRP) and are conducting a three-month pilot program in Fiscal Year 2022 to utilize these U.S. markets. Such markets are extremely hard to find, and time is of the essence to secure them. Staff recommends that Council authorize staff to work toward securing these markets for Fiscal Year 2023.

Background

GreenWaste of Palo Alto (GWPA) is the City's refuse hauler for collecting recyclable, compostable, and landfill materials, and processing recyclable and compostable materials. On January 22, 2019, Council approved the Second Amended and Restated Agreement with GWPA ([Staff Report #9752](#)). This amendment facilitated the implementation of multiple initiatives

identified in the [2018 Zero Waste Plan](#), replaced old waste collection vehicles, and extended the agreement five years to end in June 2026. The amendment also designated a new cost methodology for the processing of recyclable materials to be based on tonnage collected and processed and for a new profit-sharing procedure on the recyclable materials to begin in Fiscal Year 2022.

Palo Alto's recyclable materials are processed at the GreenWaste Materials Recovery Facility in San Jose, where they are combined with recyclables from other communities, separated by type, baled, and marketed. The City requires GWPA to report on the disposition of recyclable materials as well as to gather information on the environmental and social implications associated with the further offsite processing of Palo Alto's recyclable materials. For Fiscal Year 2021, GWPA reported ([Staff Report #13535](#)) that approximately 14,000 tons of recyclable materials were collected from Palo Alto, with about 40 percent staying in the United States and 60 percent being exported to India, Indonesia, Korea, Malaysia, Mexico, Taiwan, Thailand, Vietnam, and other countries. For the last three years, GWPA has provided the City with traceability reports; however, the reports do not explain exactly which shipments go to which cities or facilities within those countries. GWPA has tried to ascertain from its recyclable materials brokers which international facility is receiving and processing Palo Alto's recyclables, but the market information is considered confidential. Therefore, it has not been possible to determine with certainty how much of the materials are being recycled, if the materials are being managed in an environmentally sound way, or whether the conditions at the international locations are causing any human health or social problems.

On May 24, 2021 ([Staff Report #11632](#)), during discussions on these concerns as part of the new solid waste processing contract, Council directed staff to:

- 1) Pursue, with other cities, to have GreenWaste provide greater accounting of secondary markets that they utilize;
- 2) Return to Council with an amendment to the GWPA Contract to authorize a quick response to opportunities to utilize domestic mixed paper recycling;
- 3) Provide GreenWaste reports to the public and City Council on a regular basis;
- 4) Work with other cities on legislation to spur domestic or in-state recycling; and
- 5) If GreenWaste is unable to provide additional secondary market accounting, return to Council for consideration of further actions.

Staff provided an update to Council on each of these directives on January 24, 2022 ([Staff Report #13535](#)). On May 2, 2022, [Staff Report #14169](#) outlined a Fiscal Year 2022 3-month pilot program being conducted where MP and MRP are to be processed in Northern Louisiana and Southern California respectively, instead of being sent to international markets. MP includes a mixture of paper collected curbside from residents and businesses such as magazines, colored paper, and cereal boxes. MRP are primarily plastics #3 through #7 including milk crates, buckets, and toys. Cardboard was not selected as a material to be kept domestically since it is high quality, contains low contaminants, it is desired by processing facilities, and it has consistent market demand to be recycled. GWPA reports that this pilot is working smoothly,

and the domestic processors are satisfied with the quality of the material and are interested in a longer 12-month commitment.

As directed by Council in #1) above, staff has worked with other cities to obtain definitive information about the disposition and impacts of recyclables overseas. Few cities have spent the time and energy that Palo Alto and GWPA have on this issue, and it is now apparent that GWPA is unable to obtain this information due to recyclables brokers and processors considering it to be trade secrets and confidential. Therefore, staff is now returning to Council with proposed further action, as directed in #5) above.

Discussion

GWPA has identified domestic processing facilities to take Palo Alto's recyclable materials where they will become new products, rather than sending them to international markets where their disposition and impacts are uncertain. It has been very difficult for GWPA to find domestic markets for several recyclables, including cardboard, mixed paper, and plastic. Capacity at U.S. processing facilities for these recyclables is very limited and competitive, and this opportunity will be short lived. In addition, as staff continues its engagement with other cities, jurisdictions, and legislators to increase the awareness of the environmental and social concerns with shipping and processing of recyclable materials at international markets, domestic processing of recyclable materials will become progressively more competitive.

Staff and GWPA have developed a Fiscal Year 2023 program to take MP and MRP to processing facilities within the United States. MP would go to a pulp and paper mill in northern Louisiana where it would be combined with other wood products and made into paperboard, printing paper, and other paper products within the U.S. MRP would be cleaned, processed, and become part of a feedstock for making bits of plastic often called "nurdles" which are then made into various plastic products in southern California including paint buckets, vehicle parts, and woven plastic items such as upholstery, bags, and rope. These are the same domestic market and materials accepted in the Fiscal Year 2022 3-month pilot program, which excluded cardboard. Cardboard is also not being included for the Fiscal Year 2023 Program because it has a consistent high demand from both domestic and international markets, and its recycling is cost effective. In Fiscal Year 2023, approximately 3,800 tons of MP and 230 tons of MRP would be sent to these domestic processors instead of international markets. The Fiscal Year 2023 Program for MP and MRP will lead to about 59 percent of the recyclable materials staying in the United States to be processed, reducing the amount being exported to 41 percent with only cardboard being processed internationally.

Under the GWPA contract provisions without consideration of the domestic processing pilot program, it is estimated that in Fiscal Year 2022 approximately 16,630 tons of recyclable materials will be collected and processed by GWPA at a cost of \$27.26 per ton and \$98.15 per ton for contaminated recyclables requiring extra processing, as well as a forecast of approximately \$55,000 credit for the City's portion of the profit-sharing methodology. This equates to an estimated Fiscal Year 2022 standard processing cost of approximately \$555,000.

This cost will fluctuate annually based on the tonnage collected and the markets of recyclable materials that affect the profit sharing. In addition, as shown in Table 1, in Fiscal Year 2022, the 3-month pilot for domestic processing cost for MP and MRP was an additional \$280,000, which was an expenditure provided through the operating budget. For the Fiscal Year 2023 Program, GWPA’s processing costs for only MP and MRP would change and not follow the methodology in the current contract. The remaining processing costs for all other materials would continue to follow the methodology in the current contract with a cost per ton and a profit-sharing based on contract terms. In Fiscal Year 2023, the City would incur a new additional cost per ton for MP domestic processing and an additional set cost for the MRP processing. The cost per MP ton for processing would be based on both a fixed and variable rate that is based on the pulp and paper index which changes regularly; however, staff is capping the cost for the MP processing in order to better control costs. Table 1 summarizes the estimated annual costs for processing the City’s recyclable materials and the estimated annual cost differences.

Table 1: Estimated Annual Cost for Processing Recyclable Materials

	Fiscal Year 2022 Estimated Cost with Pilot Program	Fiscal Year 2023 Estimated Cost with Staff Recommendation
All Recyclable Materials Processing Cost	\$555,000	\$627,000
Mixed Rigid Plastic Domestic Processing Added Cost	\$2,400*	\$9,600
Mixed Paper Domestic Processing Added Cost	\$277,600*	\$1,190,400
Subtotal	\$280,000*	\$1,200,000
Total	\$835,000	\$1,827,000

*Additional cost applied to three months (April-June of 2022) only, not 12 months.

Resource Impact

The cost estimate for domestic processing could total as much as \$1,200,000. The final cost for the domestic processing is being negotiated at this time with GWPA and the domestic processing facilities. Table 1 includes the Fiscal Year 2023 estimated standard cost for processing recyclables (\$627,000), which are already included in the operating budget, plus the new cost estimate for the domestic processing of MP and MRP (\$1,200,000) for a total estimated cost of \$1,827,000 to process all recyclable materials in FY2023. Table 2 indicates the approximate average cost per customer should this temporary program be negotiated into a permanent service. However, a rate adjustment to cover this cost is not recommended at this time for FY 2023 costs specifically.

Table 2: Estimated Average Additional Cost per Residential and Commercial Customer

Estimated Additional Cost	Residential	Commercial
Subtotal based on tonnage	\$600,000	\$600,000
Average cost per customer per year	\$33.46	\$323.10
Average cost per customer per month	\$2.79	\$26.93

A budget proposal to appropriate \$700,000 from the Refuse Fund balance to support potential domestic recyclables processing opportunities is included in the Fiscal Year 2023 proposed budget as a placeholder. Should Council approve staff's recommendations, staff will bring a proposed GWPA contract amendment and associated Budget Amendment in the Refuse Fund to Council to align the contract with this new program and address Council Directive #2 above.

Table 3 below shows the projected Refuse Fund rate stabilization reserve (RSR) balance for Fiscal Years 2021 through 2025. This projection includes the additional cost for the recommended domestic processing of recycled materials and models a preliminary projection of 3 percent rate increases in Fiscal Years 2024 and 2025 to align with Consumer Price Index cost increases and future expenses for planned programs. While the RSR balance is decreasing, it is still projected to be greater than the recommended 20 percent of sales metric through the FY 2025 horizon. For example, the reserve upper guideline for FY 2023 is approximately \$6.4 million, while the estimated ending reserve balance is \$15.0 million.

Table 3: Refuse Fund Summary and Forecast with Budget Amendment Recommended

Budget Category in Millions	FY 2021 (Actuals)	FY 2022 (Estimate)	FY 2023 (Estimate)	FY 2024 (Estimate)	FY 2025 (Estimate)
Rate Stabilization Reserves (beginning)	\$16.4	\$20.0	\$18.5	\$15.0	\$13.8
Revenues	\$30.6	\$31.9	\$32.0	\$32.9	\$33.9
Expenses	\$28.7	\$33.4	\$35.4	\$34.2	\$34.9
<i>Operating Income</i>	<i>\$2.0</i>	<i>(\$1.5)</i>	<i>(\$3.5)</i>	<i>(\$1.3)</i>	<i>(\$1.0)</i>
Rate Stabilization Reserve (ending)	\$20.0	\$18.5	\$15.0	\$13.8	\$12.8

Stakeholder Engagement

The current stakeholder engagement includes conducting several virtual forums with other cities and jurisdictions focusing on increasing the knowledge of the environmental and social issues that international shipping of recyclables may be causing, sharing information as well as exploring solutions. These forums were initiated by Palo Alto staff and are being co-sponsored by the City of San Jose. Future forums will include haulers and processors of recyclable materials, members of the public, and the business community.

Environmental Review

Consistent with Section 15061(b)(3), Council action on this item is exempt from CEQA review because that redirecting recyclables from international to domestic facilities will not have a significant effect on the environment, i.e. a substantial or potentially substantial adverse impact on the environment.

The program is also consistent with the City's Environmentally Preferred Purchasing Policy, which states that the City shall incorporate environmental, economic and social stewardship criteria into its purchases of products and services, and more specifically minimizing the City's contributions to global warming, solid waste, local and global pollution, and toxic chemical exposures to people and the environment. In addition, the program aligns with the Sustainability and Climate Action Plan (S/CAP) Update, which proposes a Zero Waste Key Action (ZW7) to prioritize domestic processing of recyclable materials. This Zero Waste Key Action, along with a complete set of S/CAP Sustainability Area Goals and Key Actions, will be reviewed by the S/CAP Ad Hoc Committee in May and brought forth to Council for approval in the Fall.



City of Palo Alto
City Council Staff Report

(ID # 13833)

Report Type: Action Items

Meeting Date: 6/6/2022

Summary Title: Downtown Parking In-Lieu Temporary Ban - 1st Reading

Title: PUBLIC HEARING: Adoption of an Ordinance Amending Palo Alto Municipal Code Section 18.52.070 (Parking Regulations for CD Assessment District) to Continue a Temporary Ban on Eligibility of Commercial Office Uses Above the Ground Floor to Participate in the Downtown Parking In-Lieu Program and Making Clerical Amendments to PAMC Section 16.57.010 (Applicability) in Chapter 16.57 (In-Lieu Parking Fee for New Nonresidential Development in the Commercial Downtown (CD) Zoning District)

From: City Manager

Lead Department: Planning and Development Services

Recommendation:

Planning & Transportation Commission (PTC) recommends that City Council adopt an ordinance (Attachment A) amending:

- a. Palo Alto Municipal Code (PAMC) Section 18.52.070 (Parking Regulations for CD Assessment District) to continue a temporary ban for three years on the eligibility of commercial office uses above the ground floor to participate in the Downtown Parking In-Lieu Program; and
- b. PAMC Section 16.57.010 (Applicability) in Chapter 16.57 (In-Lieu Parking Fee for New Nonresidential Development in the Commercial Downtown (CD) Zoning District) in Title 16 (Building Regulations) to be consistent with PAMC Section 18.52.070.

Executive Summary:

The City currently has a temporary ban on the eligibility of commercial office uses above the ground floor to participate in the City's downtown parking in-lieu program. The temporary ban is set to expire on August 1, 2022. The Council requested that the Planning & Transportation Commission (PTC) evaluate the effects of the ban on housing production. This report

summarizes the evaluation of the temporary ban and outreach to stakeholders, as well as feedback received from the PTC on April 27, 2022.

The proposed ordinance amendments (Attachment A) continue the temporary ban for three years from August 1, 2022 to August 1, 2025. The PTC reviewed the proposed amendments and recommended Council approval (6-0, one absent). If Council wishes to make the temporary ban permanent, ordinance amendments reflecting this alternative are included in this staff report (Attachment B). No other changes are proposed to Palo Alto Municipal Code (PAMC) Section 18.52.070 or to the development standards for commercial office uses in other PAMC sections. Minor clerical amendments are proposed to PAMC Section 16.57.010 to address non-substantive code references.

Background:

On April 1, 2019, the City Council adopted an ordinance amending the PAMC to enact several new housing policies.¹ Included in this ordinance was a temporary ban on the eligibility of commercial office uses above the ground floor from participation in the City's downtown in-lieu parking program. When enacting the ban, the City Council directed the PTC to study the effects of the City's parking policy on housing production downtown and requested that staff return to the Council within one year with recommendations.

Staff was unable to conduct the requisite analysis for PTC review within the original timeframe due to resource constraints. In both 2020 and 2021, Council acknowledged these circumstances, as well as the ongoing Department work to focus on many COVID-19 pandemic related priority assignments. Council supported two subsequent extensions of the temporary ban by adopting temporary ordinances, ultimately extending the temporary ban to August 1, 2022.^{2, 3}

Downtown Parking In-Lieu Program Overview

¹ Ordinance No. 5460: <https://www.cityofpaloalto.org/files/assets/public/planning-amp-development-services/long-range-planning/housing-work-plan/ord-5460.pdf>:

City Manager Report 9974, April 1, 2019: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2019/9974.pdf?t=52156.04>

² Ordinance No. 5506: <https://www.cityofpaloalto.org/files/assets/public/city-clerk/ordinances/ordinances-1909-to-present/ordinances-by-number/ord-5506.pdf?t=45418.75>

City Manager Report 11637, October 5, 2020: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2020-2/id-11637.pdf?t=59044.88>

³ Ordinance No. 5513: <https://www.cityofpaloalto.org/files/assets/public/city-clerk/ordinances/ordinances-1909-to-present/2021/ord-5513.pdf>

City Manager Report 11891, January 11, 2021: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/2021/id-11891.pdf>

The University Avenue Parking Assessment District (Parking District) was established in 2001. The downtown in-lieu parking program recognizes that requiring new on-site parking could be unduly restrictive for some sites in the already built out area. Past and ongoing participation in the Parking District allows property owners to pay a fee toward parking that serves the district, in-lieu of constructing parking spaces on site. The in-lieu fee is currently set at \$115,404 per parking space.⁴

There are reasons why the downtown in-lieu parking program itself could be considered beneficial. At minimum, an in-lieu parking program can do the following:

- Support an urban design framework that aggregates parking resources;
- Support development and implementation of a robust public parking strategy; and
- Increase feasibility and options for redevelopment of property.

However, the parking in-lieu program can also be the subject of critique, such as:

- When the cost of constructing a new parking space exceeds the in-lieu fee charged;
- If the timing of demand for parking arrives before a parking space is constructed; and
- Keeping pace with evolving policy debates about how much auto parking is ideal or necessary for a downtown adjacent to a major public transportation hub.

The PAMC states that the in-lieu parking program applies to only nonresidential development within the Parking District. The boundaries of the Parking District are shown in Attachment C. Only nonresidential development on sites satisfying one or more of the following criteria, as determined by the Director of Planning and Development Services, are eligible to participate in the in-lieu parking program, per PAMC Section 18.52.070(d):

- (1) Construction of on-site parking would necessitate destruction or substantial demolition of a designated historic structure;
- (2) The site area is less than ten thousand square feet and it would not be physically feasible to provide the required on-site parking;
- (3) The site is greater than ten thousand square feet, but of such an unusual configuration that it would not be physically feasible to provide the required on-site parking;
- (4) The site is located in an area where city policy precludes curb cuts or otherwise prevents use of the site for on-site parking; and
- (5) The site has other physical constraints, such as a high groundwater table, which preclude provision of on-site parking without extraordinary expense.

One likely scenario for participation in the parking in-lieu program is for a property owner to apply for a development entitlement that requires additional on-site parking. If the property

⁴ Fiscal Year 2022 Adopted Municipal Fee Schedule:

https://www.cityofpaloalto.org/files/assets/public/administrative-services/city-budgets/fy-2022-city-budget/adopted-budgets/adopted-muni-fees-book-with-covers_final-web.pdf

met the eligibility criteria in PAMC Section 18.52.070(d), the owner could concurrently propose to meet parking requirements through participation in the in-lieu parking program. If approved through the application review process, the property owner would submit a new or an additional payment to cover the cost of any new parking spaces required. In practice, many commercial Downtown properties already participate in the existing parking in-lieu program. New participation in the parking in-lieu program is most likely to come from redevelopment of a property or adding on to an existing building.

Discussion:

Downtown Palo Alto has continued to see little office or housing development in recent years. Historically, downtown property owners have little financial incentive to redevelop their property into housing. Enacting the temporary ban, when combined with adopted housing policies, was originally viewed by Council and staff as a possible strategy to begin to tip the balance toward more housing production Downtown.

Commercial and Housing Trends in the Downtown Parking Assessment District Area

Staff evaluated and then reported to the PTC regarding Downtown development activity before and after the effective date of the temporary ban (May 2, 2019). General findings of this evaluation include:

- Before and after the temporary ban, Downtown projects included a range of remodels and tenant changes.
- Since the start of the temporary ban, no new commercial participation in the downtown parking in-lieu program occurred. This indicates that ground floor commercial uses, which remain eligible to participate, have not taken advantage of the program.
- Prior to the start of the temporary ban, only three non-residential remodel projects utilized the Downtown parking in-lieu program in years immediately before the start of the temporary ban, including 450 Bryant (Avenidas) in 2017, 620 Emerson (Nobu) in 2018, and 250 University (California Energy Solutions New Electric Vehicle Charging Stations) in 2019.
- Since the start of the temporary ban, no new Downtown housing applications were received by the Planning Department. For comparison:
 - Downtown: Only a few Downtown projects with a housing component were submitted before the start of the temporary ban, including 429 University in 2014 and 565 Hamilton in 2018.
 - Near Downtown: The Planning Department did receive applications near to Downtown that included housing, including 190 Channing in 2018, 486 Hamilton in 2019, 955 Alma in 2021, and 660 University in 2021.

In summary, the temporary ban did not result in applications for new housing Downtown. However, given the concurrent COVID-19 pandemic and associated construction and supply

chain influences, it is unknown if any new housing applications would have otherwise been submitted for Downtown. Furthermore, Downtown development applications that included housing were not frequently received before the ban.

Potential Effects of the Parking In-Lieu Ban

There may be circumstances where the ban may help or hinder advancing the City's policy initiatives for the downtown. These policy initiatives include ways to address the 'jobs/housing balance', to promote efficient 'parking management', to promote historic and seismic rehabilitation of existing buildings, and to implement the Comprehensive Plan goals and policies affecting the downtown. The following summarizes the potential effects of the parking in-lieu ban and stakeholder input on these themes.

1. Financial Feasibility Relative to Jobs/Housing Balance. Given that the financial return on commercial office investment is higher than for residential housing, the ban somewhat lessens competition between building above ground-floor office space and building housing. With the ban, neither above ground floor office uses nor housing qualify for eligibility to use the downtown parking in-lieu program. Therefore, the ban does not appear to worsen Palo Alto's existing citywide jobs/housing imbalance. The ban maintains the status quo until other tailored regulatory tools for housing production City-wide and in the downtown become outlined.

Some stakeholders suggested that allowing above-ground office uses to use the in-lieu parking program could help make a mixed-use redevelopment project with additional floors of housing more financially feasible, although staff did not learn of any potential Downtown projects during outreach efforts that included a housing component.

2. Previous Market Conditions and Overall Development Flexibility. The ban reduced property owner/developer flexibility for redevelopment with an above ground floor office component, including cases where only a small number of new parking spaces would be needed for new office area. The ban changed previous market conditions in general for new office uses above the ground floor.

Some stakeholders indicated a preference for as much development flexibility as possible. Additionally, some stakeholders indicated that the ban also reduces incentive to undertake seismic rehabilitation and historic rehabilitation through the existing Transfer of Development Rights (TDR) program for Downtown, given that the ban requires parking for new office floor area to be provided on-site. A summary of the TDR program is described later in this report.

3. Reduced Funding for New Public Parking Downtown. The ban reduces one potential funding stream to build more or a larger public garage(s) that helps to consolidate Downtown area parking.

Some stakeholders suggested that parking Downtown is still difficult to find, and that demand remains for more public parking Downtown from residents, employees, and other visitors.

4. Complements Office Cap. The ban complements the City's Office Cap policy; the ban reduces new above ground floor office space to Downtown sites that either can provide on-site parking or that already participate in the parking in-lieu program at a rate that covers associated parking requirements.
5. Supports Development of Overall Downtown Parking Management Goals. The ban reduces the amount of potential new public parking spaces necessary to build until the City identifies the design and capacity of a new Downtown parking garage through the public process and until the Office of Transportation finishes current work on promoting efficient management of the existing parking resources Downtown.
6. Use of Other Regulatory Tools. Instead of the ban, there may be other regulatory tools, incentives, or policies that achieve any current or future City policy desired outcomes, such as balancing the demand for new office uses versus the demand for housing in the downtown.

Other City Initiatives for the Downtown

Staff recognizes the importance of office uses in Downtown Palo Alto. Currently, the City is also well underway with other initiatives that examine the overall future of Downtown Palo Alto regarding land uses, circulation, and development standards. These initiatives include, but are not limited to:

- the Housing Element Update process,
- the University Avenue Streetscape project,
- strategies for managing overall parking Downtown, and
- the design of a new Downtown parking garage.

There will also be further initiatives, such as the staff response to Council's March 21, 2022 request for staff to return to Council for direction on reducing commercial floor area ratios (FAR) in combination with increasing housing FAR in Downtown as part of the Housing Element

site selection strategies.⁵ Additionally, on April 18, 2022, Council initiated a local planning process to prepare a housing plan for Downtown.⁶

On balance, the PTC agreed with staff to recommend maintaining the status quo and continuing the temporary ban on the eligibility of commercial office uses above the ground floor to participate in the existing Downtown parking in-lieu program. The recommendation suggests extending the temporary ban for three years, to August 1, 2025 to account for the significant policy and design activity currently underway for downtown.

Given that housing is not currently eligible to use the Downtown parking in-lieu program and that staff has not received any new housing development applications since the ban took effect, staff interprets the current temporary ban as less of a pro-housing policy and more as a City policy relative to office land uses and overall parking management. Furthermore, if new housing Downtown is a City goal, once new above-ground floor offices are constructed, the likelihood of near-term redevelopment to include housing would be very low.

Clerical Amendments

Minor clerical amendments are proposed to PAMC Section 16.57.010 to address non-substantive reference inconsistencies. Currently PAMC Section 16.57.010 refers the reader to PAMC Section 18.18.090 Parking and Loading, so the proposed clerical amendments refer the reader to the correct reference PAMC Section 18.52.070 (Parking Regulations for CD Assessment District).

Planning and Transportation Commission Review

As requested by Council, the PTC studied the information available on the temporary ban on April 27, 2022.⁷ They voted 6-0 to recommend that Council approve a continuation of the temporary ban for three years and adopt the proposed clerical amendments (Attachment A).

As discussed in the April 27, 2022 staff report and by the PTC, it is recognized that the temporary ban might have an influence on the current Transfer of Development Rights (TDR)

⁵ March 21, 2022 City Council Action Minutes: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220321/20220321amccs.pdf>. Council requested staff to return to the Council for discussion and direction on modifications reducing commercial floor to area ratios (FAR) in combination with increasing housing FAR with a focus on properties in the El Camino Real zone and the two Downtowns.

⁶ April 18, 2022 City Manager Report ID #14119 - Downtown Housing Plan: Initiation and MTC Supplement Agreement & Budget Amendment: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220418/20220418pccsmamended-linked.pdf>.

⁷ April 27, 2022 Planning and Transportation Commission Agenda and Staff Report: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2022/ptc-04.27.2022-public-agenda.pdf>

program in Downtown. As outlined in PAMC Section 18.18.080,⁸ the purpose of the TDR program in Downtown is to implement the Comprehensive Plan by encouraging seismic rehabilitation and historic rehabilitation of properties that are City-owned or in the Downtown Commercial (CD) zoning district. Bonus floor area development rights are transferred from one property to another through a sale or conveyance agreement. Any TDR floor area utilized by the non-historic receiver site is subject to the City's parking requirements. Access to the Downtown parking in-lieu program is therefore helpful to properties proposing above-ground floor office using TDR floor area. As a recent example of TDR sales, Council approved the sale of TDRs from the City-owned Avenidas and from the City-owned College Terrace Library in 2018.⁹

The PTC discussed recommending to Council the inclusion of an exemption to the temporary ban focused on allowing access to the Downtown parking in-lieu program for projects utilizing existing or future TDRs and for projects proposing generation/use of floor area bonuses on site associated with seismic and/or historic rehabilitation. This would potentially retain incentivization of seismic rehabilitation and/or historic rehabilitation Downtown. The motion to include an exemption to the temporary ban for the existing and future TDR-related projects failed due to lack of a second to the motion.

Summary of Key Issues:

In this report, Council is asked to approve a third extension of the temporary ban for an additional three years, ending August 1, 2025. The extension of the temporary ban for this time allows for significant progress on the active initiatives underway for Downtown. In addition to the recommended amendments, the Council alternatively may:

1. Permanently discontinue the eligibility of commercial office uses above the ground floor from participating in the existing Downtown parking in-lieu program; or
2. Let the temporary ban lapse on August 1, 2022.

Policy Implications:

Continuation of the existing temporary ban maintains the status quo for Downtown and allows for the opportunity for any future decision on the ban to be reflective of future Downtown policies emerging from the significant City initiatives that are currently underway.

⁸ Palo Alto Municipal Code (PAMC) Section 18.18.080 Transfer of Development Rights - https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-78482.

⁹ October 29, 2018 City Manager Report ID #9596 - Approval of the Sale of Transfer Development Rights From City Owned Avenidas and College Terrace Buildings to Selected Qualified Buyers; Disbursement of the Sale Proceed; and Approval of a Budget Amendment in the Community Center Impact Fund: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2018/9596.pdf>.

Enacting the ban on commercial office space participation in the City's in-lieu parking program was originally viewed as a strategy to level the playing field between office and residential development in the Downtown, with the intention to disincentivize office use. As discussed in this report, the City has not received any new Downtown housing applications since the temporary ban went into effect. It is unknown what role, if any, the concurrent pandemic played in this.

Resource Impact:

Continuation of the temporary ban does eliminate one potential source of funding for the Downtown in-lieu parking program that would come from Downtown above ground floor office development in the event that this development would otherwise be eligible to access the program. However, the use of the Downtown parking in-lieu program was found to be infrequent in the years before and after the effective date of the temporary ban. Otherwise, continuation of the temporary ban has no direct significant budget or fiscal impact. Further evaluations of the potential effect(s) of the temporary ban, including in regard to the TDR program, may require augmentation to the Planning and Development Services Department budget.

Timeline:

If City Council introduces an ordinance on June 6, 2022 (First Reading), the adoption (Second Reading) is tentatively scheduled for June 20, 2022. The ordinance would then become effective 31 days following the Second Reading on July 21, 2022. This is ahead of August 1, 2022 when the existing temporary ban expires.

Stakeholder Engagement:

Staff conducted initial stakeholder outreach in February and March 2022 to receive feedback on the effect of the temporary ban. Staff also coordinated with other city departments where the temporary ban had potential effects to their program initiatives.

Community outreach focused on the following four broad stakeholder groups:

- Downtown property owners,
- Downtown business community,
- Downtown residents, including members of the public that have expressed prior interest in downtown area parking management, and
- Community members in general.

Staff sent a series of notification emails in February and March 2022 to inform stakeholders of staff work to evaluate the ban, solicit feedback, provide staff contact information, and to announce a forthcoming PTC meeting. Staff conducted four stakeholder interviews resulting from this solicitation and received correspondence from interested parties (Attachment D).

Staff also held a virtual community meeting on March 23, 2022. This virtual community meeting was noticed through use of email contacts for Palo Alto Neighborhood Association (PAN), Chamber of Commerce, and property owners and downtown businesses in the downtown Business Improvement District, and subscribers to the City's Residential Parking Permit program for Downtown and University South. Notice was placed in the local newspaper and over 1,400 notice postcards were sent to all property owners and tenants/residents in the Parking District.

Most stakeholder feedback was incorporated into the Potential Effects of the Parking In-Lieu Ban section of this report. Additional themes from the outreach included:

- The importance of considering if the in-lieu parking program itself creates a financial or other burden or risk upon the City and if the program itself unlinks direct business responsibility for constructing parking Downtown.
- The City might not yet be able to understand the effect of the temporary ban on Downtown development due to the concurrent presence of the COVID-19 pandemic and recession.
- Despite the ban being focused on new commercial office development, the effect of the ban might extend more widely to affect retailers, such as potentially signaling to retailers that the number of new office employees and their shopping needs might not increase beyond current capacity.
- The ban might be felt more sharply for those property owners with smaller sized parcels or parcels with historic structures where it would be more challenging to provide on-site parking.
- Aside from what is provided on-street, it would be valuable for the ban to be considered relative to whether it is preferable for parking Downtown to be provided in a consolidated manner for the district overall, site by site, or somewhere in between.
- Regardless of which decision is made on the ban, it is important to stakeholders that the decision is based upon City goals and policies for Downtown.

Environmental Review:

The ordinance is subject to the California Environmental Quality Act (CEQA). The environmental effects of temporarily banning in-lieu parking, along with other elements of the Housing Work Plan, were analyzed in the Final EIR for the Comprehensive Plan Update, which was certified and adopted by Council Resolution No. 9720. The same analysis is relevant for the recommended action of recommending continuation of the current temporary ban or adopting a permanent ban.

Attachments:

Attachment10.a: Attachment A: Draft Ordinance Amendments - Temporary Ban Alternative (PDF)

**Attachment10.b: Attachment B: Draft Ordinance Amendments - Permanent Ineligibility
Alternative (PDF)**
Attachment10.c: Attachment C: Downtown Parking Assessment Properties (PDF)
**Attachment10.d: Attachment D: Community Member Feedback Emails Received by Staff
(PDF)**

NOT YET APPROVED

Ordinance No. __

Ordinance of the Council of the City of Palo Alto Amending Palo Alto Municipal Code Section 18.52.070 (Parking Regulations for CD Assessment District) in Chapter 18.52 (Parking and Loading Requirements) in Title 18 (Zoning) to Temporarily Extend Ineligibility of Certain Uses to Participate in the University Avenue In-Lieu Parking Program and Making Clerical Amendments to PAMC Section 16.57.010 (Applicability) of Chapter 16.57 (In-Lieu Parking Fee for New Nonresidential Development in the Commercial Downtown (CD) Zoning District).

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and declarations. The City Council finds and declares as follows:

- A. The City of Palo Alto (City) is a job center with among the highest housing prices and greatest jobs to housing imbalances in the Bay Area, resulting in a housing shortage that threatens the city's prosperity, diversity, stability, environment, quality of life, and community character.
- B. A variety of policies result in incentives for office development over housing, including the availability of the University Avenue In-Lieu Parking Program.
- C. On April 1, 2019, the Palo Alto City Council adopted Ordinance 5460, which included a temporary ban on eligibility to participate in the University Avenue Parking In-Lieu Program for certain uses, pending further study and recommendation from the Planning and Transportation Commission (PTC).
- D. The prolonged nature of the COVID-19 pandemic has precluded the collection of data and further study of parking strategies in the University Avenue downtown area, requiring several extensions of the temporary ban.
- E. On May 11, 2020 the City Council introduced, and on October 5, 2020 adopted, Ordinance 5506 to extend the temporary ban until February 1, 2021.
- F. On December 7, 2020 the City Council introduced, and on January 11, 2021 adopted, Ordinance 5513 to extend the temporary ban until August 1, 2022.
- G. On April 27, 2022, the PTC recommended that the City Council approve clerical code amendments and continue the existing temporary ban for three years on the eligibility of commercial office uses above the ground floor to participate in the existing University Avenue In-Lieu Parking Program to maintain the status quo pending further study by

NOT YET APPROVED

City Staff and the PTC.

- H. On June 6, 2022, the City Council approved clerical code amendments and continued the existing temporary ban for three years on the eligibility of commercial office uses above the ground floor to participate in the existing University Avenue In-Lieu Parking Program to maintain the status quo pending further study by City Staff and the PTC.

SECTION 2. Section 16.57.010 (Applicability) of Palo Alto Municipal Code Chapter 16.57 (In-Lieu Parking Fee for New Nonresidential Development in the Commercial Downtown (CD) Zoning District) in Title 16 (Building Regulations) is hereby amended to read as follows:

16.57.010 Applicability.

The in-lieu parking fee regulations set forth in this chapter shall apply only to nonresidential development within the University Avenue parking assessment district which meets the eligibility criteria set forth in subsection (d) of Section 18.52.070 of this code. ~~Section 18.18.090 of this code.~~ In accordance with Section 18.52.070 subsection (a) of Section 18.18.090 of this code, provision of a parking space or payment of the fee established by this chapter shall be a condition of the approval of or permit for any new development, any addition or enlargement of existing development, or any use of any floor area that has never been assessed under any Bond Plan G financing pursuant to Title 13 of this code.

[. . .]

SECTION 3. Subdivision (d) of Section 18.52.070 (Parking Regulations for CD Assessment District) of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) is hereby amended to read as follows:

18.52.070 Parking Regulations for CD Assessment District

[. . .]

- (d) In-lieu Parking Provisions

In connection with any expansion of the supply of public parking spaces within the CD commercial downtown district, the city shall allocate a number of spaces for use as "in- lieu parking" spaces to allow development to occur on sites which would otherwise be precluded from development due to parking constraints imposed by this chapter. Off- site parking on such sites may be provided by payment of an in-lieu monetary contribution to the city to defray the cost of providing such parking. Contributions for each required parking space shall equal the incremental cost of providing a net new parking space in an assessment district project plus cost for the

NOT YET APPROVED

administration of the program, all as determined pursuant to Chapter 16.57 of Title 16 of this code, by the director, whose decision shall be final. Only sites satisfying one or more of the following criteria, as determined by the director, shall be eligible to participate in the in-lieu parking program:

- (1) Construction of on-site parking would necessitate destruction or substantial demolition of a designated historic structure;
- (2) The site area is less than ten thousand square feet and it would not be physically feasible to provide the required on-site parking;
- (3) The site is greater than 10,000 square feet, but of such an unusual configuration that it would not be physically feasible to provide the required on-site parking;
- (4) The site is located in an area where city policy precludes curb cuts or otherwise prevents use of the site for on-site parking; or
- (5) The site has other physical constraints, such as a high groundwater table, which preclude provision of on-site parking without extraordinary expense.

Office uses above the ground floor shall not be eligible to participate in the in-lieu parking program ~~for one year from the effective date of Ordinance No. 5460 through August 1, 2025. from the effective date of Ordinance No. 5460 through August 1, 2022.~~

[. . .]

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. The Council finds that the potential environmental impacts related to the Housing Workplan Ordinance, including the amendments enacted herein were analyzed in the Final EIR for the Comprehensive Plan Update, which was certified and adopted by the Council by Resolution No. 9720 on November 13, 2017. This Ordinance is consistent with and simply continues the implementation of the program evaluated in the EIR.

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NOT YET APPROVED

SECTION 6. This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning & Development
Services

NOT YET APPROVED

Ordinance No. ____

Ordinance Amending Palo Alto Municipal Code Section 18.52.070 (Parking Regulations for CD Assessment District) to Ban the Eligibility of Commercial Office Uses Above the Ground Floor to Participate in the Downtown Parking In-Lieu Program and Making Clerical Amendments to PAMC Section 16.57.010 (Applicability) in Chapter 16.57 (In-Lieu Parking Fee for New Nonresidential Development in the Commercial Downtown (CD) Zoning District).

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and declarations. The City Council finds and declares as follows:

- A. The City of Palo Alto (City) is a job center with among the highest housing prices and greatest jobs to housing imbalances in the Bay Area, resulting in a housing shortage that threatens the city's prosperity, diversity, stability, environment, quality of life, and community character.
- B. A variety of policies result in incentives for office development over housing, including the availability of the University Avenue In-Lieu Parking Program.
- C. On April 1, 2019, the Palo Alto City Council adopted Ordinance 5460, which included a temporary ban on eligibility to participate in the University Avenue Parking In-Lieu Program for certain uses, pending further study and recommendation from the Planning and Transportation Commission (PTC).
- D. The prolonged nature of the COVID-19 pandemic has precluded the collection of data and further study of parking strategies in the University Avenue downtown area, requiring several extensions of the temporary ban.
- E. On May 11, 2020 the City Council introduced, and on October 5, 2020 adopted, Ordinance 5506 to extend the temporary ban until February 1, 2021.
- F. On December 7, 2020 the City Council introduced, and on January 11, 2021 adopted, Ordinance 5513 to extend the temporary ban until August 1, 2022.
- G. On April 27, 2022, the PTC recommended that the City Council approve clerical code amendments and continue the existing temporary ban for three years on the eligibility of commercial office uses above the ground floor from participation in the existing University Avenue In-Lieu Parking Program.
- H. On June 6, 2022, the City Council approved clerical code amendments and created an ongoing ban on the eligibility of commercial office uses above the ground floor to

NOT YET APPROVED

participate in the existing University Avenue In-Lieu Parking Program.

SECTION 2. Section 16.57.010 (Applicability) of Palo Alto Municipal Code Chapter 16.57 (In-Lieu Parking Fee for New Nonresidential Development in the Commercial Downtown (CD) Zoning District) in Title 16 (Building Regulations) is hereby amended to read as follows:

16.57.010 Applicability.

The in-lieu parking fee regulations set forth in this chapter shall apply only to nonresidential development within the University Avenue parking assessment district which meets the eligibility criteria set forth in subsection (d) of Section 18.52.070 of this code. ~~Section 18.18.090 of this code.~~ In accordance with Section 18.52.070 subsection (a) of Section 18.18.090 of this code, provision of a parking space or payment of the fee established by this chapter shall be a condition of the approval of or permit for any new development, any addition or enlargement of existing development, or any use of any floor area that has never been assessed under any Bond Plan G financing pursuant to Title 13 of this code.

[. . .]

SECTION 3. Subdivision (d) of Section 18.52.070 (Parking Regulations for CD Assessment District) of Chapter 18.52 (Parking and Loading Requirements) of Title 18 (Zoning) is hereby amended to read as follows:

18.52.070 Parking Regulations for CD Assessment District

[. . .]

(d) In-lieu Parking Provisions

In connection with any expansion of the supply of public parking spaces within the CD commercial downtown district, the city shall allocate a number of spaces for use as "in-lieu parking" spaces to allow development to occur on sites which would otherwise be precluded from development due to parking constraints imposed by this chapter. Off-site parking on such sites may be provided by payment of an in-lieu monetary contribution to the city to defray the cost of providing such parking. Contributions for each required parking space shall equal the incremental cost of providing a net new parking space in an assessment district project plus cost for the administration of the program, all as determined pursuant to Chapter 16.57 of Title 16 of this code, by the director, whose decision shall be final. Only sites satisfying one or more of the following criteria, as determined by the director, shall be eligible to participate in the in-lieu parking program:

NOT YET APPROVED

- (1) Construction of on-site parking would necessitate destruction or substantial demolition of a designated historic structure;
- (2) The site area is less than ten thousand square feet and it would not be physically feasible to provide the required on-site parking;
- (3) The site is greater than 10,000 square feet, but of such an unusual configuration that it would not be physically feasible to provide the required on-site parking;
- (4) The site is located in an area where city policy precludes curb cuts or otherwise prevents use of the site for on-site parking; or
- (5) The site has other physical constraints, such as a high groundwater table, which preclude provision of on-site parking without extraordinary expense.

Office uses above the ground floor shall not be eligible to participate in the in-lieu parking program, ~~from the effective date of Ordinance No. 5460 through August 1, 2022.~~

[. . .]

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. The Council finds that the potential environmental impacts related to the Housing Workplan Ordinance, including the amendments enacted herein were analyzed in the Final EIR for the Comprehensive Plan Update, which was certified and adopted by the Council by Resolution No. 9720 on November 13, 2017. This Ordinance is consistent with and simply continues the implementation of the program evaluated in the EIR.

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NOT YET APPROVED

SECTION 6. This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

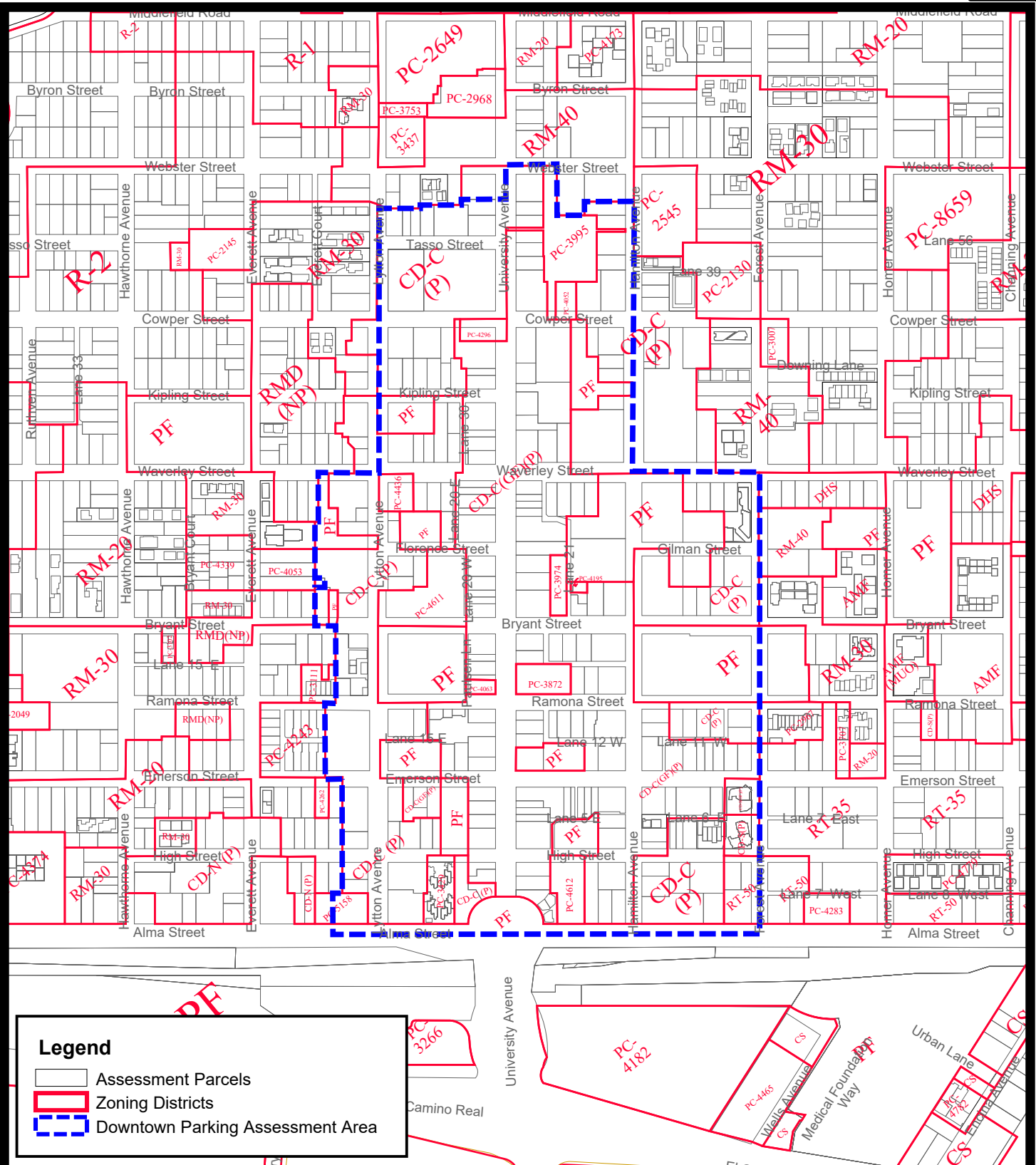
APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

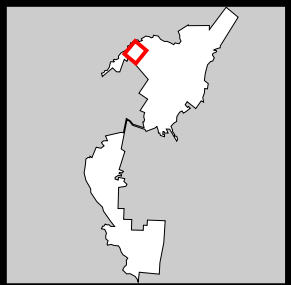
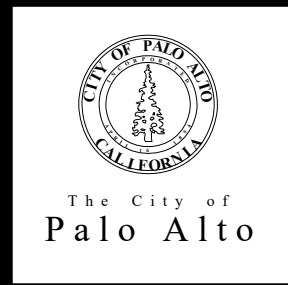
City Manager

Director of Planning & Development
Services



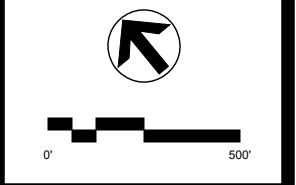
Legend

- Assessment Parcels
- Zoning Districts
- Downtown Parking Assessment Area



**Properties within the
Downtown Parking
Assessment Area**

This map is a product of the
City of Palo Alto GIS



From: "Atkinson, Rebecca" <Rebecca.Atkinson@CityofPaloAlto.org>
Sent: Wednesday, February 16, 2022 7:29 PM
To: "Apple, Kara" <kara.apple@cityofpaloalto.org>, "Baird, Nathan" <Nathan.Baird@CityofPaloAlto.org>, "AhSing, Sheldon" <Sheldon.AhSing@CityofPaloAlto.org>
Subject: Requested Feedback on City Temporary Policy Soon Expiring: Office Uses Above Ground Floor Not Eligible to Participate in the Downtown Parking In-Lieu Program

Good evening Palo Alto Community Members,

I am a member of the City's Long-Range Planning (LRP) team. We are contacting you because we understand that you might be interested in parking policies in Downtown Palo Alto.

We are interested in your feedback regarding the following temporary City policy affecting the University Avenue Parking Assessment District:

- **[Office uses above the ground floor shall not be eligible to participate in the in-lieu parking program for one year from the effective date of Ordinance No. 5460 through August 1, 2022 \(Palo Alto Municipal Code Section 18.52.070\(d\)\).](#)**

We are especially interested in learning why you might believe it is helpful or unhelpful to have a temporary or an ongoing ban on above ground floor office eligibility for downtown parking in-lieu program. We are also interested in whether or not there are properties or businesses in downtown that currently want to utilize the downtown parking in-lieu program as part of proposing an office redevelopment or expansion project.

Given that the temporary ban is set to expire August 1, 2022, we will bring forward recommendations with initial community feedback and staff analysis to the Planning & Transportation Commission (PTC) in Spring 2022. We will take the PTC's recommendation to the City Council for action on whether the ban should remain temporary, become ongoing, or should lapse. The temporary ban was last discussed at [PTC on November 18, 2020](#) and by [City Council on December 7, 2020](#).

If you have any feedback on this temporary policy or would like to be removed from this email list, please feel free to contact me at rebecca.atkinson@cityofpaloalto.org. We will continue to use this email list as part of our staff outreach efforts. These efforts would include an announcement of any forthcoming PTC, Council, or virtual community meetings on this topic.

Thank you.

Regards,

Rebecca

Rebecca Atkinson, PMP, AICP, LEED Green Associate
Planner
Planning & Development Services
(650) 329-2596 | rebecca.atkinson@cityofpaloalto.org
www.cityofpaloalto.org

From: Steve Pierce <pierce@zanemac.com>
Sent: Wednesday, April 13, 2022 9:09 AM
To: Atkinson, Rebecca <Rebecca.Atkinson@CityofPaloAlto.org>
Subject: Ban on In-Lieu Program

Rebecca,

I wish to register that I do NOT support continuation of the ban and would like to see it expire 8/1/22.

Thank you

S

From: Sue at Watercourse Way <sue.wcw@gmail.com>
Sent: Saturday, February 26, 2022 6:59 PM
To: Atkinson, Rebecca <Rebecca.Atkinson@CityofPaloAlto.org>
Subject: Re: Requested Feedback on City Temporary Policy Soon Expiring: Office Uses Above Ground Floor Not Eligible to Participate in the Downtown Parking In-Lieu Program

Hi Rebecca,

I do not support the current temporary ban on downtown above ground floor office eligibility for the downtown parking in-lieu program.

Palo Alto needs a balanced approach to business in downtown, replacing the rather lopsided partial support from residents that treat business as unnecessary. These vocal residents do not represent every citizen of Palo Alto.

A balanced approach would recognize that office use is not uniformly a negative thing. Being eligible for parking would be a good thing, just as it would be for non-office use businesses.

Most businesses in Palo Alto, if they were lucky to survive the pandemic thus far, would probably tell you that they have felt unjustly harassed.

If the approach was to find a creative solution a ban would not be necessary.

There are hardly any cars on the streets let alone parking issues in the neighborhoods.
Vacant buildings do not have parking needs.

I also do not support the ground floor retail requirement.

Thank you for listening.

Susan

From: Neilson Buchanan <cnsbuchanan@yahoo.com>
Sent: Tuesday, April 19, 2022 4:21 PM
To: akin@arden.org; Atkinson, Rebecca <Rebecca.Atkinson@CityofPaloAlto.org>
Cc: J T Gusilin <jgusilin@gmail.com>; Kamhi, Philip <Philip.Kamhi@CityofPaloAlto.org>; Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>; Shikada, Ed <Ed.Shikada@CityofPaloAlto.org>; Stump, Molly <Molly.Stump@CityofPaloAlto.org>; Carol Scott <cscott@crossfieldllc.com>; Michael Eager <eager@eagercon.com>; Gennady Sheyner <gsheyner@paweekly.com>; Dave Price <price@padailypost.com>; Malcolm Roy Beasley <beasley@stanford.edu>; Patricia L. Devaney <devaney@stanford.edu>; Marion Odell <marionodell7@gmail.com>; Mary Gallagher <marygallagher88@gmail.com>; Leslie Caine <lrgc@sbcglobal.net>; Jan Merryweather <jan@hamilton.com>; Geetha Sirkantan <gsrikantan@yahoo.com>; KJ Chang <kuojungchang@gmail.com>; Fred Kohler <fkohler@sbcglobal.net>; Mike Griffin <jazzbuff@comcast.net>; Sallyann Rudd <sallyannr03@gmail.com>; Bruce Heister <bruce.heister@gmail.com>; Beaton@smwlaw.com
Subject: Re: Requested Feedback on City Temporary Policy Soon Expiring: Office Uses Above Ground Floor Not Eligible to Participate in the Downtown Parking In-Lieu Program

After further consideration I think optimal use of private and public parking is not feasible until the city transportation department and council have full authority of public parking permits and pricing for the entire commercial core for University and Calif Ave commercial areas. This authority when combined with RPP pricing and permit allocation would rationalize parking. Then greater improvement can be gained via negotiation with private parking capacity.

Furthermore, both commercial cores should have their own RPP district to address housing parking policy within the commercial cores. For example, in the Downtown RPP residential zones 1-10 are completely unable to accommodate spillover parking from the amount of new housing desired by current city council.

California Avenue commercial core and RPP has greater capacity to optimize this parking demand issue than University Avenue because the parking assessment district has powers to negate optimization.

Thank you again for this opportunity to comment. The discussions during last two council meetings demonstrate the need for better parking policy such as above.

Neilson Buchanan
155 Bryant Street
Palo Alto, CA 94301

650 329-0484
650 537-9611 cell
cnsbuchanan@yahoo.com

From: Neilson Buchanan <cnsbuchanan@yahoo.com>
Sent: Thursday, February 24, 2022 3:19 PM
To: Atkinson, Rebecca <Rebecca.Atkinson@CityofPaloAlto.org>
Cc: Kamhi, Philip <Philip.Kamhi@CityofPaloAlto.org>; Shikada, Ed <Ed.Shikada@CityofPaloAlto.org>
Subject: Requested Feedback on City Temporary Policy Soon Expiring: Office Uses Above Ground Floor Not Eligible to Participate in the Downtown Parking In-Lieu Program

I have closely worked with Allen Akin for several years and have been involved with Downtown and Calif Ave RPPs for over 10 years. I support Allen comments.

Although I am more associated with commercial parking intrusion from University Ave commercial core into neighborhoods, my passion has been finding balance between the commercial core and its neighborhoods.

The first issue is adherence to the current comprehensive plan for Palo Alto. It establishes intent to promote commerce but not at the expense of residential neighborhoods. This is good guidance for finding new balance.

The second issue for University Avenue and its adjacent neighborhoods is a process to achieve balance. There is insufficient staff and financial resources to create a specific area plan to address gravely imbalanced goals such as

- housing
- offices
- neighborhood serving commerce (modern retail, food services and personal services)
- transit, esp biking, mass transit, grade crossings, pedestrian and devilish SOV
- city administration and departments empowered to help City Council achieve balance

The third issue is a 3-year commitment for new balance and reducing downside risks to the core and its neighborhoods. The margin for error is a narrow since Palo Alto has a history of spreading itself thin.

#1 Eliminate the in-lieu program altogether. It illustrates outdated and irrational incentives.

#2 Take advantage of the current budgeting process for FY23 and FY24. How can current budget allocations to key departments be improved despite the profound uncertainties of covid recovery and national tensions?

#3 Make sure city services are in solid, operational levels and then identify what is most important, most practical departmental programs to balance goals during the next 36 months.

I personally think that the Council and its Finance Committee have the best concentration of skills and information to sort out the flood of informed and political opinions of how Palo Alto can balance its goals.

Neilson Buchanan
155 Bryant Street
Palo Alto, CA 94301

650 329-0484
650 537-9611 cell
cnsbuchanan@yahoo.com

On Thursday, February 24, 2022, 02:25:18 PM PST, Allen Akin <akin@arden.org> wrote:

Hi, Rebecca. Thanks for reaching out!

My first preference would be to eliminate the in-lieu parking program altogether. My second would be to extend the current restrictions.

The program transfers the responsibility for building parking from the business entities that depend on that parking to the City.

This weakens the crucial economic connection between the parties who bear the costs and the parties who enjoy the benefits. That in turn leads to less-efficient allocation of scarce resources (particularly land).

It also transfers the financial risk of increases in the cost of building parking from business entities to the City. This strikes me as fiscally unwise.

Finally, it imposes opportunity costs on the City. The City has limited land and Staff resources which arguably would be better-employed on priorities other than building parking.

If my reading of the Ordinance is correct, most of the reasons given for its adoption are still valid, and also apply in the long term.

Just for clarity, it's not my intent to argue that new parking shouldn't be built as businesses expand; I see that as a distinct and much more complicated issue. I'm arguing that it shouldn't be trivially easy to pass the burden of resolving that issue onto the City.

Best regards,
Allen Akin

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

From: Michael Eager <eager@eagercon.com>

Sent: Wednesday, February 23, 2022 1:41 PM

To: Atkinson, Rebecca <Rebecca.Atkinson@CityofPaloAlto.org>; Apple, Kara <kara.apple@cityofpaloalto.org>; Baird, Nathan <Nathan.Baird@CityofPaloAlto.org>; AhSing, Sheldon <Sheldon.AhSing@CityofPaloAlto.org>

Cc: lydiakou@gmail.com

Subject: Re: Requested Feedback on City Temporary Policy Soon Expiring: Office Uses Above Ground Floor Not Eligible to Participate in the Downtown Parking In-Lieu Program

Hi Rebecca --

Thanks for your inquiry.

The problem with in-lieu fees in general is that they don't address the requirements that are written into the Municipal Code. Payment of a fee instead of providing parking for employees, customers, or residents does not address the need for parking. Whatever "public benefit" the fee represents, it fails to address the requirement in the Code or the needs of the community that the requirement represents.

If the City had a plan for providing parking financed by in-lieu fees, there would be a significant rationale to support their use. There may be reasonable circumstances, although infrequent, where it is simply not possible to provide the mandated amount of parking. But in the common case, in-lieu fees just represent an additional cost to the builder which is passed on in the form of higher rents. The builder trades off the cost of providing parking, which does not generate income, for in-lieu fees which are offset by the increase in rentable space. More rentable space means higher income every year as well as higher appreciation when the property is sold, compared with a single one-time payment of a fee which is recouped by the increased rents.

Failure to provide adequate parking, which is what in-lieu fees allow, places additional burdens on the community. The City's decision whether to build additional parking is disconnected from the demand represented by the parking deficit caused by in-lieu fees. In many cases, having paid in-lieu fees, the builders (or the tenants) then feel justified in demanding parking in the residential neighborhoods. In the end, it is the residents near commercial districts which bear the cost, direct and indirect, of the parking deficit, which the in-lieu fees do nothing to ameliorate.

To get to the specific question you asked, I oppose the use of in-lieu parking fees for offices above the ground floor.

--

Michael Eager

From: Elizabeth Wong <elizabethwong2009@gmail.com>
Sent: Tuesday, February 22, 2022 6:31 PM
To: Atkinson, Rebecca <Rebecca.Atkinson@CityofPaloAlto.org>
Subject: Re: Requested Feedback on City Temporary Policy Soon Expiring: Office Uses Above Ground Floor Not Eligible to Participate in the Downtown Parking In-Lieu Program

Hi Rebecca,

Thanks for getting back to me.. Your email explains what I was after.

I strongly support development in general for the economic health of the City. I advance that the developer needs as much flexibility as possible, especially if a small number of parking spaces is all he needs to get his project passed/approved. Eliminate the ban; but encourage developers to provide on site parking.

Elizabeth

From: Nancy Coupal <nancy@coupacafe.com>
Sent: Tuesday, February 22, 2022 2:27 PM
To: Atkinson, Rebecca <Rebecca.Atkinson@CityofPaloAlto.org>
Subject: Re: Requested Feedback on City Temporary Policy Soon Expiring: Office Uses Above Ground Floor Not Eligible to Participate in the Downtown Parking In-Lieu Program

Hi Rebecca,

If I understand this email correctly, I believe that parking should be reserved for ground floor businesses and employees. There is already a shortage of available parking spots at affordable rates for staff who work at local businesses serving the community.

Thank you,
Nancy

From: rick@barryrealestate.net <rick@barryrealestate.net>
Sent: Thursday, February 17, 2022 10:48 AM
To: Atkinson, Rebecca <Rebecca.Atkinson@CityofPaloAlto.org>
Subject: re: Requested Feedback on City Temporary Policy Soon Expiring: OfficeUses Above Ground Floor Not Eligible to Participate in the Downtown Parking In-Lieu Program

Given the fact that TDR's are so limited in numbers I think it makes sense to allow 2nd floor office to be able to use the in-lue program. I think it can benefit the city in a couple of ways.

1) it can allow for the construction of more parking in downtown. In non covid times parking is still very tight. Given the fact that the many restaurant workers are parking in the neighborhoods because there is no were else to park. It can reduce congestion on our city streets in those neighborhoods. If the parking is paid for by in-lue fees we can reduce the cost of parking for everyone and encourage more people to shop and dine in downtown increasing sales tax revenue for the city.

2) By adding additional office space it makes the project more viable to add a housing element. **The office rents are what makes it worth building the project to begin with in downtown because construction costs are so high.** If you get nothing else from this email understand that. Then you can add 1 to 2 floors of residential on top and it makes it economically feasible. We need to add affordable housing to the city. Downtown is the best place to add it because its where the people work and the transportation network is there (caltrain, bus station). Its like TDR's, by giving property owners an incentive it makes it worth while to make the improvements the city is seeking. Property owners will never build housing if they lose money doing it. By allowing them to build an element that is profitable it makes sense to add other elements that are not as profitable or at least they can break even on.

thanks,

rick barry

From: John Shenk <John@thoitsbros.com>
Sent: Thursday, March 3, 2022 3:22 PM
To: Atkinson, Rebecca <Rebecca.Atkinson@CityofPaloAlto.org>; AhSing, Sheldon <Sheldon.AhSing@CityofPaloAlto.org>
Subject: Re: Downtown Office In Lieu Parking Ban - Time Windows for Call Next Week?
Importance: High

Hi Rebecca and Sheldon. In case we keep missing each other and you need to wrap up your work for Clare and Jonathan, I want to share a few facts with you that I know are shared by many in the retail and business community. I am still happy to discuss live so let's keep trying.

The broad community is seeking ways to support the recovery of our downtown. The council is asking the question in many ways. The bottom line is that a vibrant retail core needs as many shoppers/customers as possible. The city survey almost two years ago confirmed that +70% of retail sales dollars collected in the downtown were from the daytime office population and its many visitors, partners, service providers, etc.

A few years ago, when the residential communities around the downtown voiced that it was downtown office workers' cars that were filling the streets, the City responded with RPP and the ban on in-lieu parking for new office space. These are contradictory legislations. If you want cars out of the neighborhood, you need new parking structures paid for by in-lieu fees and assessment district bonds. Most who studied the complaint found that the cars in the residential neighborhoods were primarily from Caltrain parkers, PAMF, Stanford, Town & Country, and the many employees of downtown retailers who needed to walk a few blocks to find free parking for their entire work shift.

It should be noted that the downtown parking assessment district is a "co-op" which paid for all off street parking lots and structures including the one under City Hall. The theory is simple; most downtown lots are too small to build on site parking, therefore the logic is clear for the in-lieu fee to pay for common structures offsite. If the in-lieu fee is not available for office above ground floor it is tantamount to eliminating mixed-use refresh in the downtown.

The ban on office development has been most detrimental as it has sent a message to the market that Palo Alto does not want office space. This reinforced the NYT article:

"Message to Tech Firms from Palo Alto Mayor: Go Away. Please." by Thomas Fuller August 30, 2016

This makes even staying in - much less relocating to - Palo Alto a difficult decision for businesses as no one wants to invest in their space, employees, and culture when they know they have an antibusiness City Council that does not want them downtown. Office is the very use that drives downtown retail and hotels. The moratorium also signaled to retailers that Palo Alto is not going to freshen the retail and office inventory. That their sales base is locked in and capped. This is nothing but a slide past mediocrity to the basement of downtowns. Today the City has reported the worst retail sales recovery of its neighboring communities. Today, the retailers of our downtown are begging for growth, for office workers to come back to work, for business travelers to come back, and for there to be new offices with new employees calling downtown their daytime "home".

Additionally, the City's decision to impose the moratorium is even more impactful as it is gutting some very basic core community values:

1) TDR's are the community's incentives for commercial property owners to maintain Historic buildings and to improve the older seismically deficient ones. Palo Alto values historic architecture for its beauty and character and strong sense of place. TDR's are the City's offering of an incentive to property owners who work and invest to achieve these goals. TDR's originally carried a parking exemption which made them valuable. The more valuable they are the more work that could be justified to undergo to historically renovate/rehabilitate and to make buildings safer. It was a win-win. Then the City removed the parking waiver from the TDR's which diminished their value and ultimately made using the TDR's virtually impossible since using them onsite is almost categorically impossible - adding onsite parking to a downtown historic building is not financially feasible nor even practically possible. Adding underground parking garages to existing historic buildings is not going to happen.

2) Being environmentally savvy is not easy in construction but by requiring each site to build its own underground garage the City is pushing for the least environmentally sensitive construction to happen to provide the least efficient parking to its downtown. The amount of resources used and energy consumed to build small relatively inefficient parking garages on individual sites for the private exclusive use of that site is counter to what the City says it wants. Aggregating in-lieu fees and using the money to build highly efficient larger scale public parking garages that serve the offices, retailers, visitors, residents, etc. is by far the best solution. Just as the Parking Assessment District did years ago, the City should repeat.

Bottom line:

- A vibrant downtown needs office workers and we need to encourage and not make impossible the rare opportunities for new offices to be built. Additionally, we are losing quality employers in this market to neighboring communities as they have new state of the art efficient and healthy office spaces to lease.
- To affirm Palo Alto's commitment to the value of Historic buildings and to Seismically safer buildings, the value of TDR's must be restored.
- Palo Alto needs to aggregate and build public parking structures in the downtown as it has discussed and planned for years. This can be done expeditiously and directly result in the parking our retailers already feel the need for. It must be sized to fill the identified gap in the City's Dixon reports as well as the spaces lost to parklets and closed streets and for additional as we plan for the future and hope to see some offices built that will pay a reasonable in-lieu fee.

Actions:

- 1) End the moratorium
- 2) Restore the parking exemption for TDRs
- 3) Support retail recovery and vibrancy with new public parking garage construction
- 4) Welcome and facilitate new development in the downtown

Thanks, John

John R. Shenk
C.E.O.
Fhoits Bros., Inc.
629 Emerson Street
Palo Alto, CA 94301
650.323.4868



City of Palo Alto City Council Staff Report

(ID # 14235)

Meeting Date: 6/6/2022

Report Type: Action Items

Title: PUBLIC HEARING: Adoption of a Resolution Providing that the City will Not Levy Assessments for the Downtown Business Improvement District for FY2023

From: City Manager

Lead Department: Administrative Services

Recommendation

Staff recommends that Council hold a public hearing and adopt a resolution declining to levy assessments for Fiscal Year 2023 for the Downtown Business Improvement District (BID).

Background

The Palo Alto City Council established the BID in 2004 pursuant to the California Parking and Business Improvement Area Law to promote the economic revitalization and physical maintenance of the Downtown business district. The Council appointed the Board of Directors of the Palo Alto Downtown Business and Professional Association (PADBPA), a non-profit corporation, as the Advisory Board and administrator of the BID. From 2004 to 2020, PADBA advised the Council on the method and basis for levy of assessments and managed the expenditure of revenues derived from the assessments.

In March of 2020, public health measures in response to the COVID-19 pandemic resulted in a sharp contraction of business activity. In May of 2020, Council refunded FY 2020 assessments considering the pandemic-related challenges that Downtown businesses were facing. At approximately the same time, organizational changes were occurring at PADBPA. As a result of these developments, on June 30, 2020, the City allowed the contract with PADBPA to expire. With the economic impacts of COVID-19 continuing to effect local businesses through fiscal years 2021 and 2022, the Council also declined to levy assessments on downtown businesses for those years. No BID-funded activities have occurred in these years.

The Finance Committee and Council considered the situation again in the spring of 2022. On April 4, 2022 the Council directed staff to again refrain from levying assessments for the BID for FY2023 ([CMR 13901](#)). Council directed staff to work with the Palo Alto Chamber of Commerce and representatives of PADBPA to develop options for the transition of the management of the BID. The Chamber and PADBPA identified a need to build support for a resumption of BID assessments within the Downtown business community before collecting a new assessment

and establishing a new management agreement. This work is expected to occur in FY2023 with the potential for BID assessments to resume in FY2024.

Discussion

The attached proposed resolution will result in no collection of BID assessments for FY 2023. No BID-funded activities will occur in FY2023. This public hearing is held to afford interested parties to provide input on the proposal to decline to levy BID assessments in FY2023. As directed by the Council previously, staff in collaboration with the Chamber and PADBPA, will work on resumption of the BID assessment and establishing a new management agreement.

Resource Impact

No additional funding is requested as part of this report. The BID is set up as a separate fund within the City. With the BID on pause an estimated \$80,000 will not be collected and no BID business activities will be provided. With the expectation that the BID will resume in FY2024 a new cycle of assessments will bring in revenue that can then be used to support activities undertaken pursuant to a new management agreement. Future funding needs will be brought forward for City Council approval at that time.

Stakeholder Engagement

Staff has met and coordinated with members of PADBA and the Chamber of Commerce in preparation of these recommendations. In FY2023 staff will work with these entities to develop a potential new management agreement for the BID.

Environmental Review

The proposed action is not a project for the purposes of the California Environmental Quality Act.

Attachments:

- **Attachment11.a:** Attachment A: Resolution Declining to Levy Assessments for Downtown Business Improvement District Fiscal Year 2023

Yet to be Passed

Resolution No. _____

Resolution of the Council of the City of Palo Alto Providing that No Levy of Assessments be Made Against Businesses Within the Downtown Palo Alto Business Improvement District for Fiscal Year 2023

R E C I T A L S

A. The Parking and Business Improvement Area Law of 1989 (the "Law"), California Streets and Highways Code Sections 36500 et seq., authorizes the City Council to levy an assessment against businesses within a parking and business improvement area which is in addition to any assessments, fees, charges, or taxes imposed in the City.

B. Pursuant to the Law, the City Council adopted Ordinance No. 4819 establishing the Downtown Palo Alto Business Improvement District (the "District") in the City of Palo Alto.

C. The City Council, by Resolution No. 8416, appointed the Board of Directors of the Palo Alto Downtown Business & Professional Association ("PADBPA"), a California nonprofit mutual benefit corporation, to serve as the Advisory Board for the District (the "Advisory Board").

D. Beginning in March of 2020 and continuing through the present, Downtown businesses have been substantially impacted by the COVID-19 pandemic, the public health measures taken to reduce the spread of the virus, and the resulting statewide economic contraction. In recognition of these impacts, the City Council refunded fiscal year 2020 BID assessments and declined to levy assessments in fiscal years 2021 and 2022.

E. As California emerges from the pandemic, local businesses are experiencing additional impacts from changes in on-site and remote work patterns and other developments in the local economy. In addition, PADBPA is experiencing organizational changes.

F. In recognition of the challenges continuing to effect downtown businesses and understanding the need for a new direction on BID management, the City Council has determined not to levy BID assessments for fiscal year 2023 (July 1, 2022 through June 30, 2023). As a result of not making assessments, no BID-funded activities will occur in fiscal year 2023.

Yet to be Passed

G. On May 23, 2022 the City Council by Resolution No. 10041, declared its intention not to levy assessments against Downtown businesses for Fiscal Year 2023 and scheduled a public hearing for June 6, 2022 on the proposed decision to refrain from making assessments.

H. On June 6, 2022 the City Council held a duly noticed public hearing at which all interested persons were afforded the opportunity to hear and be heard.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF PALO ALTO RESOLVES AS FOLLOWS:

SECTION 1. The Council hereby adopts the above Recitals as findings of the Council.

SECTION 2. The City Council does hereby determine not to levy assessments against businesses within the Downtown Palo Alto Business Improvement District for Fiscal Year 2023.

SECTION 3. The Council finds that the adoption of this Resolution does not meet the definition of a project under Section 21065 of the California Environmental Quality Act and, therefore, no environmental impact assessment is necessary.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Administrative Services



City of Palo Alto City Council Staff Report

(ID # 14467)

Meeting Date: 6/6/2022

Report Type: Action Items

Title: 1310 Bryant Street (Castilleja School Project) PUBLIC HEARING/QUASI JUDICIAL/LEGISLATIVE: Certification of an Environmental Impact Report (EIR) and Approval of Applications for (1) a Conditional Use Permit (CUP) Amendment to Increase Student Enrollment Initially to 450 Students Followed by Phased Conditional Increases to 540 Students; (2) a Parking Adjustment to Enable On-Site Parking Reduction; (3) a Variance to Replace Campus Gross Floor Area; (4) Architectural Review of Campus Redevelopment. Additionally, (5) Adoption of a Zoning Text Amendment Exempting Some Below-Grade Parking Facilities from Gross Floor Area. Zone District: R-1(10,000). Environmental Review: Final Environmental Impact Report (EIR) Published July 30, 2020; Draft EIR Published July 15, 2019 (Item Continued from May 23, 2022 Meeting)

From: City Manager

Lead Department: Planning and Development Services

A public hearing was held on May 23, 2022 during a Special Council Meeting where the Council received presentations from staff and the applicant and accepted all public comments on the item. The Council closed the public hearing and continued discussion on the item to June 6, 2022 at 5:00 pm. The full staff report and attachments from the May 23, 2022 public hearing are available [here](#).



City of Palo Alto City Council Staff Report

(ID # 14355)

Meeting Date: 6/6/2022

Report Type: Action Items

Title: Adoption of an Ordinance Amending Title 8 of the PAMC to Expand Tree Protection to Include Additional Protected Tree Species, Revise Grounds for Tree Removal, and Make Clarifying Changes and Amending Titles 2, 9, and 18 to make Clerical Updates

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends that Council adopt the proposed changes to Palo Alto Municipal Code amending Chapter 8.04 (Street Trees, Shrubs, and Plants); Chapter 8.08 (Weed Abatement); Chapter 8.10 (Tree Preservation and Management Regulations); and Chapter 2.25 (Parks and Recreation Commission); and Making Clerical Changes to Chapter 9.56 (Abatement of Nuisances) and Title 18 (Zoning) of the Palo Alto Municipal Code.

Executive Summary

Title 8 of Palo Alto Municipal Code (PAMC) contains regulations governing street trees, shrubs and plants (Chapter 8.04), weed abatement (Chapter 8.08), and tree preservation and management (Chapter 8.10).

These updates focus on implementation of Council-approved policies contained in the [2030 Comprehensive Plan](#) (Natural Environment Chapter), and the [Urban Forest Master Plan](#). Additional code updates include changes prompted by State law, specifically [Executive Order B-29-15](#), also known as the Model Water Efficient Landscape Ordinance. Changes range from significant policy changes, like expanding the types of protected trees and revising allowances for tree removal, to more clerical updates, like updating authorized officers and accounting for recent changes in other development-related codes.

The ordinance (Attachment A) incorporates changes proposed by both the Policy and Services Committee and City Council as well as from feedback received through public meetings.

A number of ordinance changes and staff resource impacts are described in this report's Discussion and Resource Impact sections, but the most significant items in terms of Council's policy decision and impacts on property owners are the following:

Expanded definition of protected trees

The proposed ordinance expands the protected tree definition by adding four additional native species to the existing list of three species, and adding any tree, other than high water users, with a diameter at breast height larger than fifteen inches. Staff estimates that a relatively small number of trees would become protected due to adding the four additional native species, but that the number of newly protected trees due to the fifteen-inch diameter criterion would be approximately 140,000. Overall the population of protected private trees is estimated to increase by about 175 percent, from 82,000 to 224,000.

Removal of protected trees

The proposed ordinance describes the criteria for allowing removal of protected trees outside a development process and for different types of development processes. Outside of development, the ordinance addresses concerns raised by residents that the existing ordinance precluded removal of protected trees that were negatively impacting accessory dwelling units and parking garages. The proposed ordinance allows removals for trees damaging the foundations or eaves of residences and covered parking facilities required by the Zoning Code.

For removal relating to a development project, requirements are generally more stringent. For example, projects would be required to show that there is no financially feasible alternative that would preserve the tree, with financial feasibility defined as less than twice the replacement value of the tree or 10 percent of the project's valuation, whichever is greater. For projects involving subdivision of land, removal of protected trees would only be allowed to provide necessary access to the parcels or if removal was needed to repair a geologic hazard. Overall, the combination of a significantly increased number of protected trees with more restrictive removal provisions during development is expected to preserve more trees but make development more challenging when trees are present.

Maintenance of protected trees

Property owners who are having a protected tree pruned will be required to post a notice on the property visible to the public that includes the tree pruning standards, tree information, date of the work, and a contact phone number. The posting will be required at least seven days prior to the pruning work. The existing ordinance does not contain requirements for posting regarding tree maintenance.

Notification and appeal process for protected tree removal

The proposed ordinance creates new posting requirements for proposed protected tree removals, and an appeals process when removals are approved. The current ordinance only allows for appeals by an applicant and does not include notification requirements. Notices to owners and residents within 300 feet, on the property visible to the public, and on the City's website, would be required upon submittal of an application for protected tree removal, and upon approval or denial of the application. The notices would be required to include a description of the protected tree and urban forestry contact information. For proposed tree removals in the absence of development, owners or residents of properties within 600 feet

could appeal the urban forester’s decision through a public hearing by the director of public works, and the director of public works’ determination could be appealed to City Council. An appeals process already exists for development projects.

Staffing resources needed to implement proposed ordinance

Adoption of the proposed ordinance would significantly increase staff resources needed for development plan review, tree removal permit review, violations investigation, and enforcement. Staff analyzed the expected increases in workload and is recommending addition of 2.48 Full Time Equivalency (FTE) employees: 1.0 FTE Project Manager, 1.0 FTE Building Planning Technician, and 0.48 FTE hourly Staff Specialist. The annual cost for these positions is estimated to be approximately \$300,000. It is anticipated that revenues from increase fee revenues would ultimately offset about 50 percent of the ongoing cost. If Council approves this report’s recommendations, staff will include these positions as part of the adoption of the Fiscal Year 2023 Operating Budget.

Background

The City’s tree protection ordinance was first added to the Palo Alto Municipal Code in 1951. Native oak trees were added as protected tree species in 1996 and preservation and management requirements for private protected trees was included in 1999. The addition of Redwoods to the list of protected tree species in 2001 was the last substantive update.

TIMELINE OF HISTORICAL TITLE 8 UPDATES

- 1951 – Tree ordinance first adopted
- 1996 – Oaks included as protected trees
- 1999 – Addition of preservation and management requirements
- 2001 – Redwoods added to protected trees
- 2011 – Tree removal requirements in Hospital District addressed



In 2015, the City adopted the [Urban Forest Master Plan](#) (UFMP). This plan contains many goals and policies that work to sustain and enhance Palo Alto’s Urban Forest. Many of the policies and goals listed in the UFMP are also tied to sustainability efforts contained in the 2030 Comprehensive plan and the Sustainability/Climate Action Plan. The current Title 8 of PAMC

pre-dates these documents by many years. UFMP policy 6.C directs staff to review the City's Tree Protection Ordinance to ensure that it is aligned with the goals of the UFMP.

Prior City Reviews & Public Meetings on Proposed Updated Ordinance

<i>Planning & Transportation Commission:</i>	September 12th, 2018 - Study session (CMR 9478) at the Planning and Transportation Commission (PTC)
<i>Policy & Services Committee:</i>	August 10th, 2021 - Policy and Services Committee (PSC) (CMR 12213) for review and feedback, recommendation to City Council included below.
<i>City Council:</i>	October 18th, 2021 - Draft ordinance and the Policy & Services recommendation went before Council (CMR 13513). Motion directing staff included below.
<i>Community Meeting</i>	April 6th, 2022 – Draft ordinance with Council recommendations from 10/18 presented to the public for feedback. (Presentation)
<i>Architecture Review Board:</i>	April 21st, 2022 - Draft ordinance with Council recommendations from 10/18 presented to the board for feedback.
<i>Parks & Recreation Commission</i>	April 26th, 2022 - Draft ordinance with Council recommendations from 10/18 presented to the commission for feedback.

The process of updating this ordinance began with a study session (CMR [9478](#)) at the Planning and Transportation Commission (PTC) meeting on September 12, 2018. The changes proposed in the report included an expansion of protected trees to include all Palo Alto locally native tree species with a trunk diameter size greater than 11.5 inches and all other tree species with trunk diameter size greater than 36 inches. Currently, Redwoods with trunks of 18 inches in diameter or larger and Oaks (Valley Oak and Coast Live Oak) with trunks of 11.5 inches in diameter or larger are protected under PAMC.

Staff continued to work on the draft ordinance, and on August 10, 2021 it was brought to the Policy and Services Committee (CMR [12213](#)) for review and feedback. The committee recommended that City Council:

1. *Accept the redline changes to the Tree Ordinance including the “errata” presented by the resident “ad-hoc” group (Jeff Greenfield, Winter Dellenbach, Karen Holman, and Doria Summa);*
2. *Direct Staff to update redline section 8.10.055 (previously 8.10.050(e) 'Tree Replacement') to include a 36-month building moratorium consistent with the staff report recommendation to, "Consider adding additional restrictions for initiating planning or development review after an approved protected tree removal in the absence of (proposed) development";*
3. *Accept the recommended Ordinance changes in the staff report to sections 8.04.050(a)(1), 8.10.010, and 8.10.040(b);*
4. *Direct Staff to make associated changes required in other code sections chapters to provide clarity and eliminate conflicting or circuitous language, such as:*

- a. *Delete language in 18.78.010(a) referring to 8.10.140;*
5. *Evaluate and consider the reallocation within the budget for the position of Urban Forester to Assistant Director level in the Public Works Department;*
6. *Discuss and direct Staff on the role of the Parks and Recreation Commission (PRC) serving as a community forum for urban forestry issues, and advising City Council on matters related to the Urban Forest Master Plan (UFMP) and other appropriate activities of the Urban Forestry (UF) section;*
7. *Policy and Services recommends that Staff forward our recommendations to the Council for consideration in September; and*
8. *Direct Staff to explore possible tree planting incentives and programs for the public, as well as providing information accessible to the public regarding the nature of tree species, growth, and other parameters.*

The draft ordinance and the Policy and Services recommendation then went before Council at the October 18, 2021 meeting (CMR [13513](#)). During that meeting Council provided direction via the following motion:

- A. *Accept the Policy and Services motion and recommendations and incorporate them into the updated ordinance;*
- B. *Evaluate the redlines regarding tree replacement and the removal of protected trees, which were sent in today for inclusion from the AdHoc Resident group;*
- C. *Evaluate and return with an option to modify the definition of protected trees 8.10.020.j (3) to include any tree at least 15" in diameter;*
- D. *Return no later than April 2022 with an ordinance for City Council review and approval;*
- E. *Return with a recommendation on the elevation of Urban Forester as part of the budget process;*
- F. *Explore Policy and Services' recommendation #8 on the incentives for tree planting and other issues, such as review of appeals process when there is no construction proposed, review impacts of neighboring trees, outlying structures and other concerns (e.g., fire protection and tree watering during a drought) with further amendments if needed after April 2022;*
- G. *Expand the prioritization of native and drought tolerant tree use in the Tree Technical Manual and ordinance for replacement of trees;*
- H. *Direct Staff to formalize a role in the Parks and Recreation Commission on Urban Forestry issues; and*
- I. *Direct Staff to conduct further public outreach with the appropriate Boards and Commissions.*

Discussion

Ordinance

The following sections describe the content-related updates included in the proposed ordinance. Proposed changes to formatting, technical writing, and style changes are included in the proposed ordinance but are not listed here.

Chapter 8.04 PUBLIC TREES, SHRUBS, HEDGES, AND PLANTS

Changes to this chapter include the addition of a Chapter purpose statement, an expanded list of authorized officers, and updated definitions. Since the last ordinance update in 2001, new staff positions have been created, notably the position of Urban Forester who is primarily responsible for the administration of Title 8.

Sections 8.04.020, 8.04.030, & 8.04.040 – Public tree permit process

These sections have been updated to clarify when a public tree care permit is needed, the process of applying, and the conditions required for approval.

Section 8.04.070 Enforcement

This section has been updated to clarify what types of penalties can be applied when violations of the ordinance occur. The list of employees authorized to issue these violations was also updated. The following types of Penalties are included in the updated ordinance:

- Administrative penalties
- Civil penalties
- Stop work actions and development moratoriums

Chapter 8.08 WEED ABATEMENT

Fire prevention is one impetus for the weed abatement requirements defined in Chapter 8.08. More intense fires have prompted new regulations for vegetation management from the State of California. Hence, expanded authority is recommended for Palo Alto's authorized officers. Weed abatement and management regulations are also designed to combat the introduction and spread of invasive plants which may increase fire intensity or detract from native habitat. Proposed changes in this section include the addition of a Chapter purpose statement, allow for more authority by the Fire Marshal and Urban Forester to address weed abatement and include updates to the definition of weeds.

Section 8.08.010 - Weeds as public nuisance

Specific proposed changes to section include:

- Addition of parkland to the list of public places
- Expansion to the definition of "weeds" to include:
 - "(3) Plants, shrubs, and trees determined by the Fire Marshal to constitute a fire menace due to their species, proximity to ignition sources, and high potential to endanger nearby buildings;"
 - "(5) Exotic and invasive plants having high potential to invade adjacent properties and high ecological impacts in the region as defined by the California Invasive Plant Council;"

Additional proposed revisions in Chapter 8.08 specify the positions of "Fire Marshal" and "Urban Forester" as authorized officers for purposes of enforcement.

Chapter 8.10 TREE PRESERVATION AND MANAGEMENT REGULATIONS

Proposed changes to this chapter include a revision to the Chapter purpose statement, an expansion of the types of protected trees covered by this ordinance, changes related to ongoing sustainability efforts, and changes concerning tree preservation during development.

Section 8.10.020 – Definitions

There are several important updates to the definitions section in Chapter 8.10.

8.10.020 (d) - Introduction of a Designated Arborist system

The City will create and maintain a list of qualified, certified, and selected arborists. The intent of this new system is to ensure that any arborists used by applicants for development projects are qualified and are familiar with City requirements. These arborists would likely be selected through an application process and the resulting list will be used by applicants to hire for all arborist related items connected with development applications. These items may include:

- Completion of tree disclosure statements
- Submission of tree preservation reports
- Submission of hazard assessments or arborist reports
- Current draft specifies that applicant selects and hires arborist unless the project is one that requires a hearing; in those cases the City will select the arborist and bill the applicant

An uncodified section of the ordinance provides that until the City produces a list of designated arborists, any licensed arborist may perform these functions.

8.10.020 (j) – Expansion and clarification of Excessive Pruning definition

Changes to the definition of excessive pruning include:

- Inclusion of roots in the standard 25% definition
- Revision of time window from 12 to 24 months
- Separation of oak roots from main definition; now pruning of 15% or more in a 36-month period considered excessive for protected oak species

8.10.020 (l) – Definition of Protected Trees

The proposed ordinance update expands the list of protected trees based on species from the existing three native protected species (Valley Oak, Coast Live Oak & Coast Redwood) to a total of seven native species. In addition, all trees over 15" in diameter at breast/standard height (DBH) would be protected, excluding invasive species as defined by the California Invasive Plant Council (Cal-IPC), and high water users as defined by the Department of Water Resources (DWR) Water Use Classification of Landscape Species (WULCOS) list. This is anticipated to result in nearly three times as many trees being designated as protected trees.

Species proposed protected at 11.5" DBH:

- *Acer macrophyllum* (Bigleaf Maple)
- *Calocedrus decurrens* (Incense Cedar)
- *Quercus agrifolia* (Coast Live Oak)
- *Quercus douglasii* (Blue Oak)

- *Quercus kelloggii* (California Black Oak)
- *Quercus lobata* (Valley Oak)

Species protected at 18" DBH:

- *Sequoia sempervirens* (Coast Redwood)

Proposed protected species at 15" DBH:

- includes all species not listed above except:
 - Invasive species per Cal-IPC
 - High Water Users per WUCOLS (Excluding Redwood)

Other protected tree categories:

- Any tree designated for protection during review and approval of a development project
- Any tree designated for carbon sequestration and storage and/or for environmental mitigation purposes
- Any replacement mitigation tree or other tree designated to be planted due to the conditions listed in this ordinance

Expanding the types of protected trees as defined in Section 8.10.020 would assist the City in achieving goals and benchmarks contained in the Sustainability/Climate Action Plan (Natural Environment Element), 2030 Comprehensive Plan (Natural Environment Chapter), and the Urban Forest Master Plan. However, it could also have significant impacts on development activity.

Section 8.10.030 - Tree and Landscape Technical Manual

The California Model Water Efficient Landscape Ordinance (MWELO) prompted the creation of a Tree and Landscape Technical Manual to replace the existing Tree Technical Manual. This new policy document will function in a similar fashion with the addition of landscape technical requirements so that newly installed landscape meets sustainability, water conservation, and other goals. The purposes of the manual are to provide developers clear guidelines about required submissions to obtain permits, describe design and construction principles that meet City policies, and reference best practices. The new Tree and Landscape Technical Manual will be finalized once the changes to Title 8 are approved by Council.

The proposed ordinance includes clarification on the City's priorities when replacement trees are required.

1. Prioritize the use of locally native species, as listed in Section 8.10.020(I)(1), consistent with Urban Forest Master Plan Goal 2: "Re-generated native woodland and riparian landscapes as the key ecological basis of the urban forest with focus on native species and habitat;"
2. Include climate adaptive, drought tolerant, non-native species as needed to satisfy right tree in the right place principles; and

3. Incorporate a secondary goal of net tree canopy increase on the property within 15 years.

Section 8.10.040 - Disclosure of information regarding existing trees

Proposed changes clarify what trees must be disclosed when seeking development approval. The biggest change to this section is the requirement that the disclosure statement be completed by a designated arborist. Additionally, for non-protected tree disclosure the proposed update includes the phrase “within thirty feet of proposed building footprint”.

Section 8.10.050 - Removal of protected trees.

The proposed changes in this section are intended to clarify under what circumstances a protected tree may be removed and what mitigation measures (if any) will apply to each situation type. The section has been re-organized into several categories where a protected tree may be removed. These categories now include:

- Protected tree removal outside the development process
- As part of development on a low-density residential lot (previously limited to single-family zoning)
- As part of a project with a subdivision of land
- As part of any other project requiring planning approval by the City
- Any circumstances other than those listed above
- Removal where necessary to comply with minimum development provisions of state law

Allowances for removal have been changed to encompass situations not covered by current ordinance. A list of allowances per each removal category are as follows:

- Allowable reasons for removal outside the development process:
 - The tree is dead, hazardous or a nuisance
 - The tree is a detriment to or is crowding an adjacent protected tree, or is impacting the foundation or eaves of a residence or any covered parking required under Title 18.
 - Trees removed under this category may trigger a 36-month development moratorium. Mitigation measures would be required to lift the moratorium early.
- Allowable reasons for removal as part of development on a low-density residential lot:
 - The tree is dead, hazardous or a nuisance
 - The tree is a detriment to or is crowding an adjacent protected tree, or is impacting the foundation or eaves of a residence or any covered parking required under Title 18.
 - The tree is so close to the proposed development that construction would result in the death of the tree, and there is no financially feasible design alternative that would permit preservation of the tree.

- A financially feasible alternative is one that preserves the tree without increasing project cost by more than twice the replacement value of the tree or 10% of the given project valuation, whichever is greater.
 - This provision replaces existing language that allows tree removal when the trunk of the tree is within the buildable area.
- Allowable reasons for removal as part of a project with a subdivision of land:
 - The tree is dead, hazardous or a nuisance
 - Removal is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard
- Allowable reasons for removal as part of any other project requiring discretionary approval by the City:
 - Retention of the tree would result in reduction of the otherwise-permissible buildable area of the lot by more than 25%, and there is no financially feasible design alternative that would permit preservation of the tree
 - The tree should be removed because it is dead, hazardous, or a nuisance. In such cases, the dripline area of the removed tree, or an equivalent area on the site, shall be preserved for mitigation purposes from development of any structure

Section 8.10.070 - Care of protected trees

Changes in this section include:

- Expansion of list of actions that may negatively impact protected trees
- Requirement for owners of a protected tree to notify the City and publicly post their intent to work on a protected tree seven days in advance of work

Section 8.10.140 - Applications, Notice, and Appeals

This section was updated and re-organized to include details on the process of protected tree removal.

- Clarification of application process
- Introduction of detailed notification requirements
 - Notice posting on property, on city website and by mail to addresses within 300 ft
 - Notice required both when applying to remove a protected tree and again once a decision is made
- Clarification of when appeals process used in chapter 18.78 applies.
- Creation of a Public Works Department appeals pathway for tree removal permits in the absence of development.

Additional Items From October 18, 2021 Council Direction

In addition to the guidance directly related to the current proposed ordinance, Council directed staff at the October 18, 2021 meeting to address three additional items. These items and their status are described below.

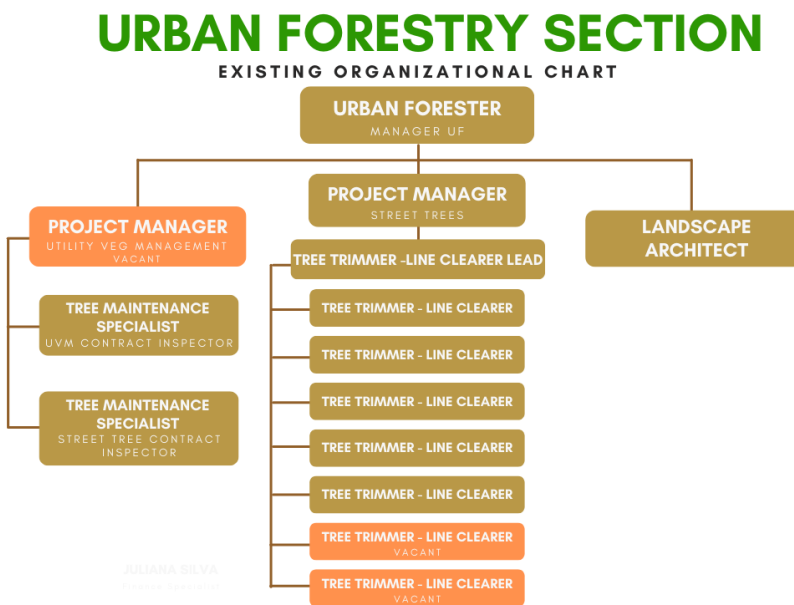
Motion Item E. - Return with a recommendation on the elevation of Urban Forester as part of the budget process.

Public Works is currently coordinating with the Human Resources Department and its consultant on an evaluation of the Urban Forester position and its placement within the Public Works organizational chart. Additionally, a salary benchmarking study planned by the Human Resources Department for this year will include the Urban Forester position.

Motion Item F. - Explore Policy and Services’ recommendation #8 on the incentives for tree planting and other issues, such as review of appeals process when there is no construction proposed, review impacts of neighboring trees, outlying structures and other concerns (e.g., fire protection and tree watering during a drought) with further amendments if needed after April 2022.

Several of the specific items included in motion item F have been addressed in the proposed ordinance. The appeals process for protected tree removals in the absence of development has been revised and updated. Impacts to structures such as accessory dwelling units and required covered parking have been addressed by modifying the language in 8.10.050 (b). Remaining items will be reviewed and evaluated for possible inclusion in future ordinance updates or through program implementation.

Motion Item H. - Direct Staff to formalize a role in the Parks and Recreation Commission on Urban Forestry issues.



This motion item was completed in January 2022. Urban forestry staff and the Parks and Recreation subcommittee drafted a guidance document allowing the Parks and Recreation Commission to serve as a public forum venue for urban forestry issues. This framework has been reviewed and approved by the Public Works Department, the Community Services Department, and the Parks and Recreation Commission.

An update to the wording included in the Parks and Recreation Commission charter (PAMC - Chapter 2.25 Parks and Recreation Commission) is included in the ordinance to support this effort.

Resource Impact

The proposed ordinance will add additional duties and responsibilities to the City's Urban Forestry staff, which is currently short several positions due to vacant authorized positions. Public Works is currently in the recruitment process to fill two vacancies for Urban Forestry field staff and for a recently vacated Urban Forestry Project Manager position.

Development review for Urban Forestry has also been impacted by the discontinuance of a professional services contract that previously provided Urban Forestry plan check, development review, and inspection services. This discontinuance was based in part on confidential advice from the City Attorney's Office. These services are currently being provided to the public by existing urban forestry staff. The additional plan check, development review, and inspection duties placed on urban forestry staff have negatively impacted service delivery for regular urban forestry programs and capacity for implementation of the Urban Forest Master Plan.

Planning and Development Review

The expansion of protected trees would increase the staff resources needed to review and inspect various types of planning applications and development permits. Under the existing ordinance approximately 45% of all planning applications are routed to Urban Forestry for review. While staff does not expect this percentage to change dramatically, the increased density of protected trees is expected to lead to a minor increase in planning application routing percentage.

Under the existing ordinance, approximately 10% of all building permit applications subject to submitting tree disclosure information are routed for Urban Forestry review. Staff anticipates a dramatic increase in routing to Urban Forestry for all types of building permits that are subject to submitting tree disclosure information. This expected increase is directly related to the increase in number of protected trees (as noted about is estimated to increase three times from current levels).

In an effort to understand and quantify the potential impact of expanding the definition of a protected tree, staff explored various methods to estimate both the current number of protected trees under the existing ordinance, and to estimate the total number of protected trees under the new ordinance.

Previous attempts at estimating a total number of urban trees or creating an accurate species distribution for the entire urban forest were limited by the use of only public street tree data. A recent review of development applications over the last two full fiscal years yielded a useable dataset of over 5,000 private trees. When combined with private tree data already in the City's possession, a dataset of almost 10,500 private trees was available to use as a representative sample. Using an average of several calculation methods contained in the 2017 California Urban Forest Study by Greg McPherson, (*McPherson G.E., 2017. The structure, function, and value of urban forests in California communities. Urban Forestry & Urban Greening 28 (2017) 43-53*) we

can estimate that the total tree population of the Palo Alto urban forest is approximately 600,000 trees¹. This excludes open space areas.

Using the species and size distribution contained in the sample data we were able to construct the following estimates.

Total Urban Forest Tree Estimates

Total Trees Estimate (excluding WUI area) 600,000

All Private Proposed Protected trees based on total trees #

Species	Count	%
COAST LIVE OAK => 11.5 DBH	35,580	5.93%
VALLEY OAK => 11.5 DBH	5,640	0.94%
REDWOOD => 18" DBH	40,500	6.75%
BIG LEAF MAPLE => 11.5" DBH	60	0.01%
INCENSE CEDAR => 11.5" DBH	1,860	0.31%
BLUE OAK => 11.5" DBH	240	0.04%
CA BLACK OAK => 11.5" DBH	60	0.01%
ALL OTHERS => 15" (Minus CallIPC/WULCOS)	140,160	23.36%
New Total	224,100	37.35%
<i>Old Total</i>	<i>81,720</i>	<i>13.62%</i>

This analysis predicts a nearly 3-fold increase in the total number of protected trees under the updated ordinance definition. Staff anticipates that many properties that would previously have submitted tree disclosure statements but were subsequently exempt from Urban Forestry review will now be routed to Urban Forestry. Staff anticipates an increase under the updated ordinance from about 240 Urban Forestry routed permits to over 650 permits annually.

Violations Investigation and Enforcement

In addition to development review, enforcement and violation investigation may become more complex and time consuming with the addition of species and individual trees that are newly protected. The Urban Forestry Section does not currently have an employee assigned to enforcement or violation investigation. Existing staff in the positions of Project Manager and Urban Forester handle these cases as time allows.

Staffing Needed for Updated Ordinance

Existing staffing levels for the Urban Forestry Section are not adequate to cover the present workload related to the existing tree ordinance. Fully staffed, the section is made up of 7.0 Tree

¹ Estimates of tree numbers are subject to multiple sources of uncertainty. Measurement and sampling error influence the accuracy of estimates from plot data. In the study used as a basis for these calculations, standard errors are 1–5% of estimates

Trimmer / Line Clearers (2 vacant), 2.0 Tree Maintenance Specialists, 1.0 Tree Trimmer Leads, 2.0 Project Managers (1 vacant), 1.0 Landscape Architects, and 1.0 Urban Forestry Manager positions. Of those positions, only the Landscape Architect and a portion of one Project Manager are regularly assigned to development review related job duties. Current staff has no additional capacity to handle an increase in development reviews, inspections, or enforcement such as is anticipated from the adoption of the new ordinance recommended in this report. Urban Forestry staff are often hard pressed to complete reviews in a timely fashion under the current workload. Historically, an Urban Forestry staff member or Urban Forestry contract plan review employee has been available to respond to applicant questions during Urban Forestry counter hours in the Development Center. This service has not been offered since the professional services contract for Urban Forestry plan check, development review, and inspection services was discontinued.

Staff used existing review time estimates for each permit type as well as historical routing information to estimate the staffing needs for Urban Forestry post ordinance adoption. Based on this analysis, the estimated total additional staffing need for the Urban Forestry Section is 2.65 FTE.

Staff recommends adding a 1.00 FTE Project Manager position, a 1.00 FTE Building Planning Technician position, and a 0.48 FTE hourly Staff Specialist position. This combination of positions would enable Urban Forestry staff to handle the increased workload anticipated from regulations contained in the new ordinance and to be adaptable and responsive to any changes in ordinance related workload over time. Based on experience with the new ordinance, staff may recommend further staffing changes in the future.

If approved, these positions would be primarily responsible for the following ordinance related job duties:

- The Building Planning Technician would help staff Urban Forestry counter hours at the Development Center, assist the existing Landscape Architect position with planning application review and building permit review, conduct onsite inspections for tree protection, assist with tree ordinance violations investigation and enforcement, conduct tree posting field verification, and process and review protected tree removal permits.
- The Project Manager position would assist the existing Landscape Architect position with planning application review and building permit review as needed, conduct onsite inspections for tree protection and for Urban Forestry final inspections, lead tree ordinance violations investigation and enforcement, process and review protected tree removal permits, assist the Urban Forester with implementation of Tree Protection Ordinance regulations and Urban Forest Master Plan programs and policies, and help staff Urban Forestry counter hours at the Development Center when needed.

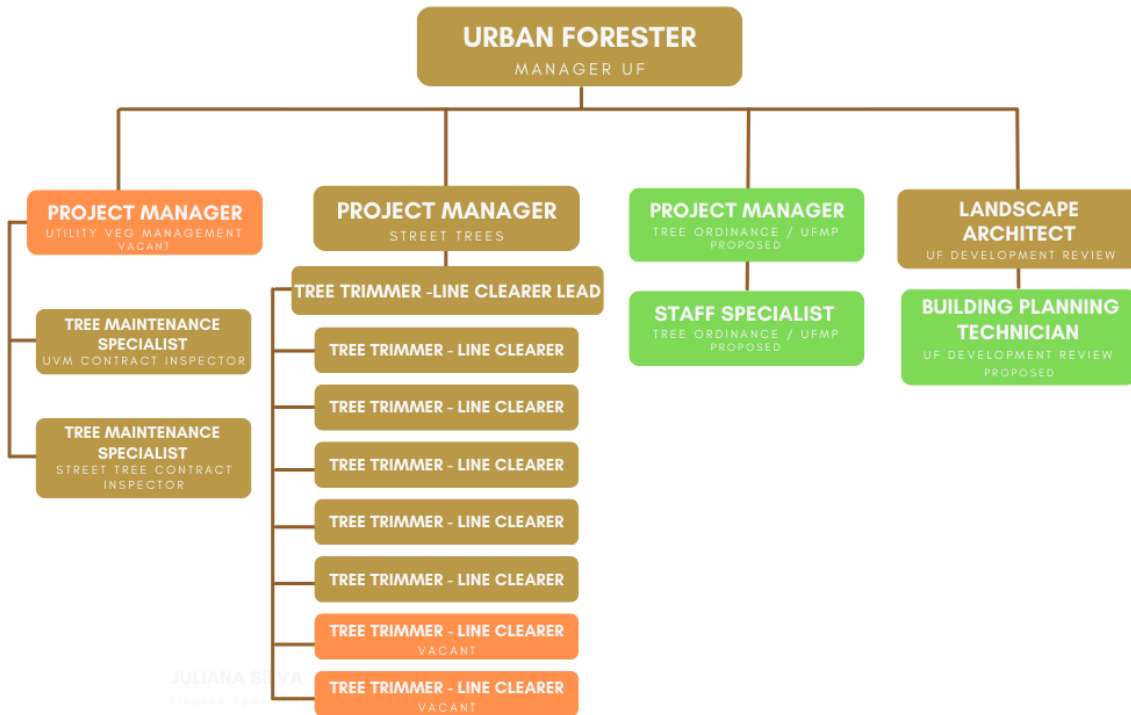
- The Staff Specialist would help staff Urban Forestry counter hours at the Development Center, conduct onsite inspections for tree protection, assist with tree ordinance violations investigation and enforcement, conduct tree posting field verification, and assist with the processing and review protected tree removal permits.

If the additional Urban Forestry positions recommended in this report are not approved, staff anticipates that most of the regulations contained in the proposed ordinance could not be fully implemented or properly enforced. Service delivery for existing Urban Forestry programs would be negatively impacted as staff would lack the capacity to address the increased workload resulting from the updated ordinance, and staff would be unable to properly review the anticipated increase volume of project applications.

The cost allocation for the recommended three new positions would follow that of other Urban Forestry staff, split between Public Works and Planning Development Services. Staff estimates the total cost for adding the three positions listed above (2.48 FTE) to be approximately \$300,000 ongoing. A portion of the cost of these positions will be recovered through the municipal fees charged for various types of planning applications and development permits.

URBAN FORESTRY SECTION

PROPOSED ORGANIZATIONAL CHART



If Council approves the changes to the Tree Ordinance recommended in this memorandum, the addition of the 2.48 FTE positions and associated \$300,000 expense will be included as part of the Adoption of the Fiscal Year 2023 Operating Budget, currently scheduled for June 20, 2022.

The changes will also include appropriate updates to the Table of Organization and associated increases to fee revenue to partially offset the cost of these positions. It is anticipated that approximately 50 percent of the expense for the positions would ultimately be offset by fee revenue, although adjustments to certain fees may be needed to ensure such revenues are realized.

Policy Implications

The proposed title 8 ordinance changes will assist with meeting the following goals and objectives from these related policy documents.

Sustainability/Climate Action Plan (Natural Environment Element)

- GOALS
 - Restore and enhance resilience and biodiversity of our natural environment
 - Increase tree canopy to 40% city-wide coverage by 2030
- KEY ACTIONS
 - Explore programs and policies that use Palo Alto's public and private natural capital (e.g., canopy, soils, watersheds) to provide carbon sequestration and other environmental benefits
 - Evaluate and modify plant palette selection in project plans to maximize biodiversity and soil health to adapt to the changing climate, and incorporate buffers for existing natural ecosystems
 - Coordinate implementation of the Urban Forest Master Plan, Parks Master Plan, and other city-wide functions through interdepartmental collaboration of the City's internal Sustainability Leadership Team
 - Expand the requirements of the Water Efficient Landscape Ordinance (WELO) to increase native and drought-tolerant species composition.
 - Ensure No Net Tree Canopy Loss for all projects

2030 Comprehensive Plan (Natural Environment Chapter)

- Policy N-1.2 Maintain a network of parks and urban forest from the urban center to the foothills and Baylands that provide ecological benefits and access to nature for all residents.
- Policy N-1.3 Program N-1.3.2 Provide information and support programs that encourage residents to enhance their private yards with native plant species and low impact landscaping.
- 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.
 - Program N-2.2.1 Periodically update the UFMP and Tree Protection Ordinance to ensure policies and regulations set leading standards for tree health practices.
- 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.

- Policy N-2.6 Improve the overall distribution of citywide canopy cover, so that neighborhoods in all areas of Palo Alto enjoy the benefits of a healthy urban canopy.
- Policy N-2.9 Minimize removal of, and damage to, trees due to construction-related activities such as trenching, excavation, soil compacting and release of toxins.
 - Program N-2.9.1 Increase awareness, severity and enforcement of penalties for tree damage.
- Policy N-2.10 Preserve and protect Regulated Trees, such as native oaks and other significant trees, on public and private property, including landscape trees approved as part of a development review process and consider strategies for expanding tree protection in Palo Alto.
 - Program N-2.10.1 Continue to require replacement of trees, including street trees lost to new development.
 - Program N-2.10.2 As part of the update of the Tree and Landscape Technical Manual, consider expanding tree protections to include additional mature trees and provide criteria for making site-specific determinations of trees that should be protected.
 - Program N-2.10.3 Consider revisions to the permit process to increase transparency regarding tree removals and expanded opportunities for community members to appeal the removal of trees.

Urban Forest Master Plan

- Policy 1.A. Strive for:
 - A greater percentage of native, drought-tolerant, and fruit tree species.
 - No loss of benefits—as defined in iTree eco analysis (or other peer-reviewed benefits-estimation model.)
 - Increased habitat, health, and social benefits.
- Policy 2.A. Conserve and grow native and introduced climate adaptive tree population to regenerate and recover native woodland ecosystem on a landscape scale.
- Policy 6.C. Strive for no net loss /increase in canopy cover.
 - Program 6.C.i. Continue to enforce the City’s Tree Protection Ordinance but also review it to ensure that it reflects state water efficiency standards as well as this master plan’s goals for regeneration of native woodland landscape.
- Policy 6.H. Minimize the negative effect on the urban forest from development and infrastructure maintenance

Timeline

Staff recommends that Council adopt the proposed ordinance to take effect as soon as administratively possible. Staff also recommends the following regarding implementation and applicability of the updated ordinance:

- Development projects already in progress (either in process for planning approval or building permit) will continue to comply with the pre-adoption ordinance and Tree Technical Manual.
- The Designated Arborist requirement will be implemented six months after ordinance

goes into effect. This will allow staff to finalize requirements and create a list of approved arborists.

- Violations for failure to notify the City and neighbors of protected tree maintenance will consist of warnings and information on the new process during the first six months after the ordinance goes into effect.
- In the event that the new Tree and Landscape Technical Manual is not approved before the ordinance goes into effect, the existing Tree Technical Manual will continue to apply until such time as the new manual is approved. The new ordinance would take precedence in situations where the documents conflict.

Stakeholder Engagement

A [community meeting webinar](#) focused on the tree ordinance was held on April 6, 2022 to solicit feedback from community members. Approximately 40 people attended to watch the presentation and participate in a question and answer session. The text summary of questions and answers has been posted to the [Tree Ordinance Update](#) webpage.

Staff received public comments as well as input from board and commission members on the proposed ordinance at an Architectural Review Board study session held on April 21, 2022 and at a Parks and Recreation Commission study session held on April 26, 2022.

Several concerns expressed during this process resulted in changes to the proposed ordinance. These items are listed below.

1. Updates to the definition of “weeds” in 8.08.010 to define the term without using the word “weeds” as well as removing the term “indigenous grasses”.
2. Restructuring the definition of “excessive pruning” for clarity. Time period changed from the proposed 36 months to 24 months for standard 25% rule and continuing to propose 36 months for oak root impacts. Specific proposed language is as follows:
 - “Excessive pruning” means any of the following:
 - Removal of more than one-fourth of the functioning leaf, and stem, or root area of a tree in any twenty-four-month period,
 - Removal of more than 15 percent of the functioning root area of any Quercus (oak) species in any thirty-six-month period, or
 - Any removal of the functioning leaf, stem, or root area of a tree so as to cause a significant decline in health, increased risk of failure, or the unbalancing of a tree.
3. Protection of structures from damage caused by protected trees. The phrase “primary residence” used in 8.10.050 (a)(1)(ii) of previous draft was modified to “residence or any covered parking required under Title 18”. This change was made to include structures such as existing Accessory Dwelling Units (ADUs) and required covered parking.
4. Clarification of a Public Works appeals pathway for tree removal permit decisions in the absence of development.

Environmental Review

The proposed code amendments have been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Specifically, the proposed amendments have been determined to be exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. In the event Section 15061(b)(3) is found not to apply, the ordinance is also exempt under Section 15308 because it involves regulatory action for the protection of the environment.

Attachments:

- **Attachment13.a:** Attachment A: Tree Ordinance Final DRAFT for CAO-PG

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Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Chapter 8.04 (Street Trees, Shrubs, and Plants); Chapter 8.08 (Weed Abatement); Chapter 8.10 (Tree Preservation and Management Regulations); and Chapter 2.25 (Parks and Recreation Commission); and Making Clerical Changes to Chapter 9.56 (Abatement of Nuisances) and Title 18 (Zoning) of the Palo Alto Municipal Code.

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

SECTION 2. Chapter 8.04 (Street Trees, Shrubs, and Plants) of Title 8 (Trees and Vegetation) of the Palo Alto Municipal Code is hereby renamed Chapter 8.04 (Public Trees, Shrubs, Hedges, and Plants and amended to read as follows (additions underlined and deletions ~~struck through~~):

Chapter 8.04

STREETPUBLIC TREES, SHRUBS, HEDGES, AND PLANTS

Sections:

8.04.005 Purpose.

8.04.010 Definitions.

8.04.015 Authority of city.

8.04.020 Permit required for certain work.

8.04.030 Application for permit.

8.04.040 Issuance of permit.

8.04.050 Public nuisances.

~~**8.04.060 Abatement of public nuisances.**~~

~~**8.04.070 Damage to streetpublic treesEnforcement.**~~

8.04.080 Interference with enforcement.

8.04.090 Adoption of regulations.

8.04.005 Purpose.

The purpose of this chapter is to protect and promote trees, shrubs, hedges, and plants located on public property within the city. In establishing these procedures and standards, the city recognizes that trees, shrubs, hedges, and plants are an essential part of the city's infrastructure, with benefits that include promoting the health, safety, welfare, and quality of life of the residents of the city; addressing climate change by sequestering carbon and providing a cooling effect; reducing air, water, and noise pollution; preventing soil erosion and stormwater runoff; providing wildlife habitat; and enhancing the aesthetic environment. It is the city's intent to encourage the preservation of trees, shrubs, hedges, and plants.

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8.04.010 Definitions.

For the purposes of this ~~chapter~~title, the following words shall have the meaning ascribed to them in this section:

- (a) "Person" means individuals, firms, associations and corporations, and agents, employees or representatives thereof.
- (b) "City" means the city of Palo Alto acting by and through its authorized representatives.
- (c) "Street" means and includes all land lying between the boundaries of property abutting on all public streets, boulevards, alleys, and walks.
- (d) "Parks" means and includes all parks to which names have been given by action of the city council.
- (e) "Public places" means and includes all grounds, other than streets or parks, owned by, ~~or~~ leased to, ~~or~~ ~~and~~ under the control of the city of Palo Alto.
- (f) "~~Street~~Tree" means and includes any woody perennial plant generally having a single main ~~axis or stem~~ and commonly achieving ten feet in height ~~and capable of being shaped and pruned to develop a branch free trunk at least nine feet in height.~~
- (g) "Shrub" means and includes any woody perennial plant generally having multiple stems and commonly less than ten feet in height, normally low, several stemmed, and capable of being shaped and pruned without injury, within the area planted.
- (h) "Hedge" means and includes any tree, shrub, or plant material, shrub or plant, when planted in a dense, continuous line or area, as to form a thicket or barrier.
- (i) "Plant" means and includes all vegetation other than trees and shrub~~other plant material, non woody, annual, or perennial in nature, not necessarily hardy.~~
- (j) "~~Street~~Public trees, shrubs, hedges, and ~~or~~ plants" means and includes any tree, shrub, hedge, or plant in any street, park, or public place in the city of Palo Alto.
- (k) "Urban forester" means public works department staff including the urban forester or their designee.
- (l) "Tree permit" means a permit issued by the urban forester for one or more of the following purposes:
 - (1) To permit removal of a public tree.
 - (2) To permit public tree care, work, or treatment.
 - (3) To permit removal of a protected tree under 8.10.050.
 - (4) To establish a tree preservation bond.
 - (5) For payment of "in-lieu" fees for required mitigation measures.

8.04.015 Authority of city.

The city of Palo Alto shall have control of all ~~street~~public trees, shrubs, hedges, and plants now or hereafter in any street, park, or public place within the city limits, and shall have the ~~power~~authority to plant, care for, remove, replace, and maintain such trees, shrubs, hedges, and plants.

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8.04.020 ~~Violations Penalty Enforcement~~ Permit required for certain work.

Unless authorized by a ~~public tree care~~ permit, no person shall do any of the following:

- (a) Plant, prune, trim, shape, remove, top, or in any way damage, destroy, injure or mutilate a ~~street~~public tree, shrub, hedge, or plant. A tree permit is not required for a property owner, resident, or their agent to maintain shrubs, hedges, or plants located within the city right of way associated with their property.
- (b) Fasten ~~any~~ sign, wire, or injurious material to any ~~street~~public tree, shrub, hedge, or plant.
- (c) Excavate any ditch or tunnel; or place concrete or other pavement within a distance of ten feet of the center of the trunk of any ~~street~~public tree.
- ~~(b) Violation of this section is a misdemeanor, punishable as provided in this code. Each day of violation constitutes a separate offense and may be separately punished.~~
- ~~(c) Persons employed in the following designated employee positions are authorized to exercise the authority provided in Penal Code Section 836.5 and are authorized to issue citations for violations of this chapter: deputy director of public works operations, managing arborist, planning arborist and code enforcement officer.~~

8.04.030 Application for permit.

Any person desiring to do any of the work described in Section 8.04.020 may apply for a tree permit so to do. The applicant shall state the nature of the work and the location where it will be done.

8.04.040 Issuance of permit.

A tree permit shall be issued authorizing ~~so much of the work as~~ that meets all the following conditions:

- (a) Will not create, continue, or aggravate any hazardous condition, or public nuisance;
- (b) Will not prevent or interfere with the growth, location or planting of any approved ~~street~~public trees;
- (c) Is consistent with the planting plan being followed by the city.

8.04.050 Public nuisances*.

~~Any of~~ the following are, for the purposes hereof, defined to be public nuisances:

- (a) Any dead, diseased, infested, or dying tree, shrub, hedge, or plant in any street; or on any public or private property so near to any ~~street~~public tree, shrub, hedge, or plant as to constitute a danger to a ~~street~~public trees, shrub, hedge, or plant, or streets, or portions thereof or public property.
- (b) Any tree, ~~or~~ shrub, hedge, or plant on any private property or in any street, of a type or species ~~apt to~~ that will destroy, impair, or otherwise interfere with any street improvements, sidewalks, curbs, approved ~~street~~public trees, gutters, sewers, other

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- public improvements, including utility mains ~~or~~ and services, or a public tree, shrub, hedge, or plant.
- (c) Any tree limb, shrub, hedge, or plant reaching a height more than three feet above the curb grade adjacent thereto, except a tree trunks having no limbs lower than nine feet above curb grade, within the thirty-five foot triangle of public or private property, measured from the projected curb lines, at the intersections of any street improved for vehicular traffic where either traffic signals, stop signs, or yield signs are not installed, or at any intersections which are determined by the chief transportation official to contain a tree limbs, shrubs, hedges, or plants that ~~obscure~~ and or impairs the view of a passing motorists, cyclists or pedestrians so as to create a safety hazard.
- (d) Vines or climbing plants growing into or over any ~~street~~ public tree, shrub, hedge, or plant; or any public hydrant, pole or electrolier.
- (e) Existence of any tree within the city limits that is ~~infested, infected or in danger of becoming~~ infested or infected with objectionable insects, scale, fungus, or growth injurious to trees.
- (f) The existence of any branches or foliage which interfere with visibility on, ~~or~~ free use of, or access to, or obstruct public vehicular or pedestrian travel on any portion of any street improved for vehicular or pedestrian travel.
- (g) Hedges or dense, thorny shrubs and plants on any street or part thereof.
- (h) Shrubs and plants more ~~then~~ than two feet in height in any tree well or planting strip between the sidewalk and curb ~~street~~, measured above top of curb grade.

* Abatement procedure - See [Chapter 9.56](#) of this code.

~~8.04.060 Abatement of public nuisances.~~

~~When any public nuisance as defined herein exists, a notice may be sent by ordinary United States mail to the owner or tenant involved. Such notice shall describe the condition, state the work necessary to remedy the condition, and shall specify the time within which the work must be performed. If, at the end of the time specified, such work has not been performed, the city may perform such work, and the cost thereof shall constitute a charge against such owner or tenant, and such charge shall be a lien on such property.~~

8.04.070 ~~Damage to street trees~~Enforcement.

- (a) Violation of any provision of this chapter is a misdemeanor, punishable as provided in this code. Each day of violation constitutes a separate offense and may be separately punished.
- (b) Persons employed in the following designated employee positions are authorized to exercise the authority provided in California Penal Code Section 836.5 and are authorized to issue citations for violations of this chapter, including but not limited to leveling fines under the city's administrative penalty authority: assistant director of public works public services division, urban forester, project manager in the urban forestry section, landscape architect, and code enforcement officer.

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- (a)(c) ~~Any person who damages to any public street tree, caused by through any act or omission by any person, whenever such act or omission is prohibited by or not authorized pursuant to this chapter, shall may be liable civilly in a sum not to exceed ten thousand dollars per tree, or the replacement value of each such tree, whichever amount is higher, charged to such person or persons.~~
- (d) Injunctive Relief. A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation.
- (e) Costs. In any civil action brought pursuant to this chapter in which the city prevails, the court shall award to the city all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.
- (f) The remedies and penalties provided in this section are cumulative and not exclusive.

8.04.080 Interference with enforcement.

No person shall interfere with or delay the authorized representatives of the city from the execution and enforcement of this chapter, except as provided by law.

8.04.090 Adoption of regulations.

The city may adopt regulations prescribing standards of landscaping and planting of streets, parks and public places, therein. A copy of such regulations shall be available for public inspection upon request, and all work performed in streets, parks or public places shall be performed in accordance therewith.

SECTION 3. Chapter 8.08 (Weed Abatement) of Title 8 (Trees and Vegetation) of the Palo Alto Municipal Code is hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

Chapter 8.08 WEED ABATEMENT*

Sections:

- 8.08.005 Purpose.**
- 8.08.010 Weeds as public nuisance.**
- 8.08.020 Resolution declaring nuisance.**
- 8.08.030 Form and publication of notice.**
- 8.08.040 Hearing ~~Power of council on~~ notice.**
- 8.08.050 Order to abate nuisance.**
- 8.08.060 Account and report of cost.**
- 8.08.070 Notice of report.**
- 8.08.080 Hearing on cost assessment.**
- 8.08.090 Collection on tax roll.**

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* For abatement provisions pertaining to nuisances other than weeds - See [Chapter 9.56](#).
Legislative body may declare weeds a nuisance and order the abatement thereof - See Gov. C.A. § 39561. City may compel removal of dirt, rubbish, weeds, etc. - See Gov. C.A. §§ 39501-39502.

8.08.005 Purpose.

The purpose of this chapter is to prohibit weeds on property within the city. In establishing these procedures and standards, it is the city's intent to ensure that all activities taken to abate weeds are sufficient to increase public safety, to preserve aesthetically or environmentally desirable trees, shrubs, hedges, and plants, and to prevent the displacement of wildlife habitats.

8.08.010 Weeds as public nuisance.

- (a) No owner, agent, lessee, or other person occupying or having charge or control of any building, lot or premises within the city shall permit weeds to remain upon the premises, or public sidewalks, or encroach into any parkland (including any weeds encroaching over fences), or streets, or alleys between the premises and the center line of any public street or alley.
- (b) ~~The word "weeds"~~ as used in this chapter means all weeds and includes any of the following, growing upon streets, parks, public places, alleys, sidewalks, or private property in the city and includes any of the following:
 - (1) ~~Weeds~~ Plants which bear or may bear seeds of a downy or wingy nature;
 - (2) ~~Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;~~
 - (2) Plants, shrubs, hedges, and trees determined by the Fire Marshall to constitute a fire menace due to their species, proximity to ignition sources, and high potential to endanger nearby buildings.
 - (3) ~~Weeds~~ Plants and shrubs which are otherwise noxious or dangerous;
 - (4) Invasive plants, shrubs, hedges, and trees having high potential to invade adjacent properties and high ecological impacts in the region as defined by the California Invasive Plant Council.
 - (4)(5) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;
 - (5)(6) Accumulations of garden refuse, cuttings, and other combustible trash.
- (c) Every property owner shall remove or destroy such weeds from ~~his~~their property, and in the abutting half of any street or alley between the lot lines as extended.

8.08.020 Resolution declaring nuisance.

Whenever any such weeds are growing upon any private property or properties or in any street or alley within the city, the council shall pass a resolution declaring the same to be a public nuisance and order the fire chief or urban forester to give notice of the passage of such resolution as herein provided, and stating therein that, unless such nuisance is abated without

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delay by the destruction or removal of such weeds, the work of abating such nuisance will be done by the city authorities, and the expense thereof assessed upon the lots and lands from which, and/or in the front and rear of which, such weeds shall have been destroyed or removed. Such resolution shall fix the time and place for hearing any objections to the proposed destruction or removal of such weeds.

8.08.030 Form and publication of notice.

- (a) ~~Such~~ The fire chief or urban forester shall cause to be published a public notice shall be in substantially ~~in~~ the following form:

NOTICE TO DESTROY WEEDS

NOTICE IS HEREBY GIVEN that on _____, 20 __, pursuant to the provisions of Section [8.08.020](#) of the Palo Alto Municipal Code, the City Council passed a resolution declaring that all weeds growing upon any private property or in any public street or alley, as defined in Section [8.08.010](#) of the Palo Alto Municipal Code, constitute a public nuisance, which nuisance must be abated by the destruction or removal thereof.

NOTICE IS FURTHER GIVEN that property owners shall without delay remove all such weeds from their property, and the abutting half of the street in front and alleys, if any, behind such property, and between the lot lines thereof as extended, or such weeds will be destroyed or moved and such nuisance abated by the city authorities, in which case the cost of such destruction or removal will be assessed upon the lots and lands from which, or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of the Council of said city, to be held in the Council Chamber of the City Hall in said city on _____, 20__, at seven p.m., when and where their objections will be heard and given due consideration.

Date _____, 1920 _____

 Fire Chief or Urban Forester
 City of Palo Alto

- (b) Such notice shall be published at least twice in a newspaper published and circulated ~~in said~~ within the city, the first publication of which shall be at least ten days prior to the time fixed by the council for hearing objections.

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8.08.040 Hearing –~~Power of council~~ on notice.

At the time stated in the notice, the council shall hear and consider any and all objections to the proposed destruction or removal of such weeds, and may continue the hearing from time to time. The council, by motion or resolution, shall allow or overrule any or all objections, if any, after which the council shall thereupon be deemed to have acquired jurisdiction to proceed and perform the work of destruction and removal of such weeds.

8.08.050 Order to abate nuisance.

The council shall by resolution order the fire chief or urban forester to abate such nuisance, or cause the same to be abated, by having the weeds referred to destroyed or removed, and the fire chief or urban forester and his deputies, assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property for that purpose. Any property owner shall have the right to destroy or remove such weeds ~~himself~~ ~~themselves~~, or have the same destroyed or removed at ~~his~~ ~~their~~ own expense; provided that such weeds shall have been removed prior to the arrival of the fire chief or urban forester or ~~his~~ ~~their~~ authorized representatives to remove them.

8.08.060 Account and report of cost.

The fire chief or urban forester shall keep an account of the cost of abating such nuisance and embody such account in a report and assessment list to the city council, which shall be filed with the clerk. Such report shall refer to each separate lot or parcel of land by description sufficient to identify such lot or parcel, together with the expense proposed to be assessed against each separate lot or parcel of land.

8.08.070 Notice of report.

The city clerk shall post a copy of such report and assessment list on the bulletin board near the entrance door at the City Hall, together with a notice of the filing thereof and of the time and place when and where it will be submitted to the city council for hearing and confirmation, notifying property owners that they may appear at such time and place, and object to any matter contained therein. A like notice shall also be published twice in a newspaper of general circulation, published and circulated within the city. The posting and first publication of said notice shall be made and completed at least ten days before the time such report shall have been submitted to the city council. Such notice, as so posted and published, shall be substantially in the following form:

NOTICE OF HEARING ON REPORT AND ASSESSMENT FOR WEED ABATEMENT

NOTICE IS HEREBY GIVEN that on _____, 20___, the Fire Chief or Urban Forester of the City of Palo Alto filed with the City Clerk of said city a report and assessment on abatement of

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weeds within said city, a copy of which is posted on the bulletin board at the entrance to the City Hall.

NOTICE IS FURTHER GIVEN that on _____, 20___, at the hour of seven p.m., in the Council Chambers of said City Hall, said report and assessment list will be presented to the City Council of said City for consideration and confirmation, and that any and all persons interested, having any objections to said report and assessment list, or to any matter or thing contained therein, may appear at said time and place and be heard.

Date _____, 20___

City Clerk of the City of Palo Alto

8.08.080 Hearing on cost assessment.

- (a) At the time and place fixed for receiving and considering such report the city council shall hear the same together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating such nuisance, and the fire chief or urban forester shall attend such meeting with ~~his~~their record thereof, and upon such hearing, the council may make such modifications in the proposed assessments therefore as it may deem necessary, after which such report and assessment list shall be confirmed by resolution.
- (b) The amount of the cost of abating such nuisance upon, or in the front or rear of, the various lots or parcels of land respectively referred to in such report, shall constitute special assessments against such respective lots or parcels of land, and after thus made and confirmed, shall constitute a lien on such property for the amount of such assessments, until paid.

8.08.090 Collection on tax roll.

On or before the first day of September of each year, the amounts of such assessments against the respective parcels of land shall be entered on the next tax roll which general city taxes are to be collected. Thereafter, such amounts shall be collected at the same time, and in the same manner, as general city taxes are collected, and shall be subject to the same interest and penalties, and the same procedure and sale in case of delinquencies. All laws applicable to the levy, collection and enforcement of city taxes are hereby made applicable to such assessments.

SECTION 4. Chapter 8.10 (Tree Preservation and Management Regulations) of Title 8 (Trees and Vegetation) of the Palo Alto Municipal Code hereby renamed Chapter 8.10 (Tree and Landscape Preservation and Management) and amended to read as follows (additions underlined and deletions ~~struck through~~):

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Chapter 8.10

LANDSCAPE AND TREE AND LANDSCAPE PRESERVATION AND PRESERVATION AND MANAGEMENT REGULATIONS

Sections:

- 8.10.010 Purpose.
- 8.10.020 Definitions.
- 8.10.030 Tree and Landscape Technical Manual.
- 8.10.040 Disclosure of information regarding existing trees.
- 8.10.050 ~~Prohibited acts~~ Removal of protected trees.
- 8.10.055 Tree replacement.
- 8.10.060 No limitation of authority under Titles 16 and 18.
- 8.10.070 Care of protected trees.
- 8.10.080 Development conditions.
- 8.10.090 Designation of heritage trees.
- 8.10.092 Tree removal in wildland-urban interface area.
- 8.10.095 ~~Tree removal in HD-Z~~ Hospital District zone.
- 8.10.100 ~~Responsibility for e~~ Enforcement.
- 8.10.110 ~~Enforcement~~ Remedies for v violation.
- 8.10.120 Fees.
- 8.10.130 Severability.
- 8.10.140 Applications, Notice, and Appeals.

8.10.010 Purpose.

The purpose of this chapter is to ~~promote the health, safety, welfare, and quality of life of the residents of the city through the protection of~~ specified trees located on private property within the city, and ~~the establishment of~~ standards for removal, maintenance, and planting of trees and landscaping. In establishing these procedures and standards, the city recognizes that trees and landscaping are an essential part of the city's infrastructure. Their benefits include promoting the health, safety, welfare, and quality of life of the residents of the city; addressing climate change by sequestering carbon and providing a cooling effect; reducing air, water, and noise pollution; preventing soil erosion and stormwater runoff; providing wildlife habitat; and enhancing the aesthetic environment. It is the city's intent to encourage both the preservation of trees and the proactive incorporation of trees and their benefits within development.

8.10.020 Definitions.

For the purposes of this chapter, ~~the following definitions shall apply~~ terms defined in Chapter 8.04 shall have the same meanings in this chapter, and the following terms shall have the meaning ascribed to them in this section:

- (a) "Basal flare" means that portion of a tree where there is a rapid increase in diameter at the confluence of the trunk and root crown.
- (b) "Buildableing area" means that area of a parcel:

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- (1) Upon which, under applicable zoning regulations, a structure may be built without a variance, design enhancement exception, or home improvement exception; or
 - (2) Necessary for construction of primary access to structures located on or to be constructed on the parcel, where there exists no feasible means of access which would avoid protected trees. On single-family residential parcels, the portion of the parcel deemed to be the buildable area under this paragraph (b)(2) shall not exceed ten feet in width.
- (c) "Building footprint" means the two-dimensional configuration of an ~~existing~~ building's perimeter boundaries as measured on a horizontal plane at ground level.
- (d) "Designated arborist" means an arborist certified by the International Society of Arboriculture or another nationally recognized tree research, care, and preservation organization, selected by the urban forester for inclusion in a list of approved arborists to be hired by:
- (1) An applicant at their own expense, or
 - (2) The city at an applicant's expense, if a project includes a public hearing.
- ~~(d)~~ "Hazardous" means an imminent hazard or threat to the safety of persons or property.
- (e) "Development" means any work upon any property in the city which requires a subdivision, planned community zone, variance, use permit, building permit, demolition permit, or other city approval or which involves excavation, landscaping or construction within the dripline area of a protected tree or is subject to requirements of the California Model Water Efficient Landscape Ordinance (MWELO).
- (f) "Director of planning and development services" means the director of planning and development services or their designee.
- ~~(f)~~(g) "Director of public works" means the director of public works ~~planning and development services or his or her~~ their designee.
- ~~(g)~~(h) "Discretionary development approval" means planned community zone, subdivision, use permit, variance, home improvement exception, design enhancement exception, ~~or~~ architectural review board approval, or any proposal or application that requires the discretion of the authorizing person or entity.
- ~~(h)~~(i) "Dripline area" means the area defined by the projection to the ground of the outer edge of the canopy or within X distance from the perimeter of the trunk of the tree at four and one-half feet (fifty-four inches) above natural grade where X equals a distance a circle with a radius ten times the diameter of the trunk as measured four and one-half feet (fifty-four inches) above natural grade, whichever is greater.
- ~~(i)~~(j) "Excessive pruning" means any of the following:
- (1) ~~Removal of more than one-fourth of the functioning leaf, and stem, or root area of a tree in any ~~twelve~~ twenty-four-month period,~~
 - (2) ~~Removal of more than 15 percent of the functioning root area of any Quercus (oak) species in any thirty-six-month period,~~
 - (3) ~~Any removal of the functioning leaf, stem, or root area of a tree foliage so as to cause a significant decline in health, increased risk of failure, or the unbalancing of a tree.~~

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(k) "Hazardous" means an imminent hazard which constitutes a high or extreme threat to the safety of persons or property as defined by American National Standards Institute A300, Part 9.

~~(j)~~(l) "Protected" tree means any of the following:

- (1) Any locally native tree of the species *Acer macrophyllum* (Bigleaf Maple), *Calocedrus decurrens* (California Incense Cedar), *Quercus agrifolia* (Coast Live Oak), *Quercus douglasii* (Blue Oak), *Quercus kelloggii* (California Black Oak), or *Quercus lobata* (Valley Oak) which is eleven and one-half inches in diameter (thirty-six inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade; ~~and~~
- (2) Any Coast Redwood tree (species *Sequoia sempervirens*) that is eighteen inches in diameter (fifty-seven inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade.
- (3) Any tree larger than fifteen inches in diameter (forty-seven inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade of any species except those invasive species described as weeds in Section 8.08.010 and those species classified as high water users by the water use classification of the landscape species list approved by the California Department of Water Resources (with the exception of Coast Redwood).
- (4) Any tree designated for protection during review and approval of a development project.
- (5) Any tree designated for carbon sequestration and storage and/or environmental mitigation purposes as identified in an agreement between the property owner and a responsible government agency or recorded as a deed restriction.
- ~~(3)~~(6) Any heritage tree designated by the city council in accordance with the provisions of this chapter.
- (7) Any replacement mitigation tree or other tree designated to be planted due to the conditions listed in Section 8.10.055.

(m) "Protected tree removal permit" means a permit issued to allow a person to remove a protected tree.

~~(k)~~(n) "Remove" or "removal" means any of the following:

- (1) Complete removal, such as cutting to the ground or extraction, of a tree; or-
- (2) Taking any action foreseeably leading to the death of a tree or permanent damage to its health; including but not limited to excessive pruning, cutting, topping, girdling, poisoning, overwatering, underwatering, unauthorized relocation or transportation of a tree, or trenching, excavating, altering the grade, or paving within the dripline area of a tree.

~~(l)~~ "Tree" means any woody plant which has a trunk four inches or more in diameter at four and one-half feet above natural grade level.

~~(m)~~(o) "Tree report" means a report prepared by an designated arborist ~~certified by the International Society of Arboriculture or another nationally recognized tree research, care, and preservation organization.~~

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(n)(p) ~~"Tree Technical Manual"~~ "Tree and Landscape Technical Manual" means the regulations issued by the city manager to implement this chapter.

8.10.030 Tree and Landscape Technical Manual.

The city manager, through the ~~urban forestry section, departments of and~~ public works and planning and ~~development services departments, community environment,~~ shall issue regulations necessary for implementation and enforcement of this chapter, which shall be known as the Tree and Landscape Technical Manual. In the event of a conflict between the provisions of this Title 8 and the Tree and Landscape Technical Manual, this Title 8 shall prevail. The Tree and Landscape Technical Manual will be made readily available to the public and shall include, but need not be limited to, standards and specifications regarding the following:

- (a) Protection of trees during construction.;
- (b) Replacement of trees allowed to be removed pursuant to this chapter where such replacements:;
 - (1) Prioritize the use of locally native species, as listed in Section 8.10.020(I)(1), consistent with Urban Forest Master Plan Goal 2: "Re-generated native woodland and riparian landscapes as the key ecological basis of the urban forest with focus on native species and habitat;"
 - (2) Include climate adaptive, drought tolerant, non-native species as needed to satisfy right tree in the right place principles; and
 - (3) Incorporate a secondary goal of net tree canopy increase on the property within 15 years.
- (c) Maintenance of protected trees (including but not limited to pruning, irrigation, and protection from disease).;
- (d) The format and content of tree reports required to be submitted to the city pursuant to this chapter.;
- (e) The criteria for determining whether a tree is ~~dangerous~~ hazardous within the meaning of this chapter.
- (f) Landscape design, irrigation, and installation standards consistent with the city's water efficient landscape regulations.

8.10.040 Disclosure of information regarding existing trees.

- (a) Any application for development or demolition shall be accompanied by a statement by a designated arborist ~~the property owner or authorized agent~~ which discloses whether any protected trees exist on the property which is the subject of the application, and describing each such tree, its species, size, dripline area, and location. This requirement shall be met by including the information on plans submitted in connection with the application.
- (b) In addition, the location of all other trees on the ~~site property~~ and in the adjacent public right of way which are within thirty feet of the building footprint ~~area~~ proposed for development, and trees located on adjacent property within thirty feet of the

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- proposed building footprint or with canopies overhanging the project site, shall be shown on the plans, identified by species.
- (c) The director of public works or urban forester may require submittal of such other information as is necessary to further the purposes of this chapter including but not limited to photographs.
- (d) Disclosure of information pursuant to this section shall not be required when the development for which the approval or permit is sought does not involve any change in an existing building footprint nor any grading, trenching, or paving, or any change in landscaping which could alter water availability to established plants, hedges, shrubs, or trees.
- (e) The urban forester or the designated arborist for a project shall add identified protected trees into the city's tree inventory database, and in coordination with the planning and development services departments, into city parcel reports.
- ~~(e)~~(f) Knowingly or negligently providing false or misleading information in response to this disclosure requirement shall constitute a violation of this chapter.

8.10.050 ~~Prohibited acts~~ Removal of protected trees.

It shall be a violation of this chapter for anyone to remove or cause to be removed a protected tree, except ~~as allowed in this section~~ pursuant to a protected tree removal permit issued under Section 8.10.140 consistent with the following:

- (a) In the absence of proposed development;
- (1) ~~a~~ A protected trees shall not be removed unless determined by the director of planning and development services, urban forester grants a protected tree removal permit, having determined, on the basis of a tree report prepared by a certified designated arborist for the applicant and other relevant information, that treatments or corrective practices are not feasible, and that the tree should be removed because any of the following apply:
- (i) ~~it~~ It is dead, is hazardous, is a detriment to or crowding an adjacent protected tree, or constitutes a nuisance under Section 8.04.050(2) of this code.
- (ii) It is a detriment to or is crowding an adjacent protected tree, or is impacting the foundation or eaves of a residence or any covered parking required under Title 18.
- (2) In the event a protected tree is removed pursuant to a protected tree removal permit granted under this subsection, the director of planning and development services in consultation with the urban forester shall may issue a temporary moratorium on development of the subject property not to exceed thirty-six months from the date the tree removal occurred. For any moratorium less than thirty-six months, the urban forester shall determine appropriate mitigation measures for the tree removal, and ensure measures are incorporated into any future development approvals for the property. Mitigation measures as determined by the urban forester shall be imposed as a condition of any subsequent permits for development on the subject property.

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- (b) In the case of any development on a single-family (R-1) or low density (RE, R-2, or RMD) residential zoned parcel~~lot~~, other than in connection with a subdivision, a protected tree shall not be removed unless determined by the urban forester, on the basis of a tree report prepared by a designated arborist and other relevant information, that any of the following apply:
- (1) The tree is so close to the proposed development that construction would result in the death of the tree, and there is no financially feasible design alternative that would permit preservation of the tree, where financially feasible means an alternative that preserves the tree unless retaining the tree would increase project cost by more than twice the replacement value of the tree or 10% of the given project valuation, whichever is greater.~~Protected trees shall not be removed unless the trunk or basal flare of the protected tree is touching or within the building footprint, or the director of planning and development services has determined, on the basis of a tree report prepared by a certified arborist for the applicant and other relevant information, that the tree should be removed because it is dead, is hazardous, is a detriment to or crowding an adjacent protected tree, or constitutes a nuisance under Section 8.04.050(2) of this code.~~
 - (2) The tree could be removed due to the conditions listed in Section 8.10.050(a)(1) and treatments or corrective practices are not feasible.~~If no building footprint exists, protected trees shall not be removed unless the trunk of the tree is located in the building area, or the director of planning and community environment has determined, on the basis of a tree report prepared by a certified arborist for the applicant and other relevant information, that the tree should be removed because it is dead, is hazardous, is a detriment to or crowding an adjacent protected tree, or constitutes a nuisance under Section 8.04.050(2) of this code.~~
 - ~~(3) .If removal is allowed because the tree trunk is located in the building footprint, or the trunk or basal flare is in the building area, or because the director of planning and community environment has determined that the tree is so close to the building area that construction would result in the death of the tree, the tree removed shall be replaced in accordance with the standards in the Tree Technical Manual.~~
- (c) ~~In connection with the case of development involving a proposed subdivision of land into two or more parcels, a~~ protected tree shall not be removed unless determined by the urban forester, on the basis of a tree report prepared by a designated arborist and other relevant information, that either of the following apply:
- ~~(1) #~~Removal is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard (landslide, repairs, etc.), in which case only the protected tree or trees necessary to allow access to the property or repair the geologic hazard may be removed.
 - ~~(1)~~(2)The tree could be removed due to the conditions listed in subsection (a)(1)(i) and treatments or corrective practices are not feasible.

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~~The tree removed shall be replaced in accordance with the standards in the Tree Technical Manual. Tree preservation and protection measures for any lot that is created by a proposed subdivision of land shall comply with the regulations of this chapter.~~

(d) In the case of development requiring planning approval under Title 18, and not included under subsections (b) or (c), a protected tree shall not be removed unless determined by the urban forester, on the basis of a tree report prepared by a designated arborist and other relevant information, that either of the following apply:

(1) Retention of the tree would result in reduction of the otherwise-permissible buildable area of the lot by more than twenty-five percent, and there is no financially feasible design alternative that would permit preservation of the tree, where financially feasible means an alternative that preserves the tree unless retaining the tree would increase project cost by more than twice the replacement value of the tree or 10% of the given project valuation, whichever is greater.

(2) The tree should be removed because it is dead, hazardous, or constitutes a nuisance under Section 8.04.050. In such cases, the dripline area of the removed tree, or an equivalent area on the site, shall be preserved for mitigation purposes from development of any structure.

~~(d)(e) In any circumstances other than those described in paragraphs subsections (a), (b), and (c), or (d) of this section, a protected trees shall not be removed unless one of the following applies: determined by the urban forester, on the basis of a tree report prepared by a designated arborist and other relevant information, that the tree is dead, is hazardous, or constitutes a nuisance under Section 8.04.050.~~

~~(1) The director of planning and community environment has determined, on the basis of a tree report prepared by a certified arborist for the applicant and other relevant information, that the tree should be removed because it is dead, dangerous or constitutes a nuisance under Section 8.04.050(2). In such cases, the dripline area of the removed tree, or an equivalent area on the site, shall be preserved from development of any structure unless removal would have been permitted under paragraph (2), and tree replacement in accordance with the standards in the Tree Technical Manual shall be required.~~

~~(2) Removal is permitted as part of project approval under Chapter 18.76 (Permits and Approvals) of this code, because retention of the tree would result in reduction of the otherwise-permissible building area by more than twenty-five percent. In such a case, the approval shall be conditioned upon replacement in accordance with the standards in the *Tree Technical Manual*.~~

8.10.055 Tree replacement.

(a) In the event a protected tree is removed pursuant to Section 8.10.050(a)(1)(i), mitigation for the removed tree, replacement tree ratio, in lieu fees, or a combination thereof shall be determined by the urban forester, based on factors including but not limited to the species, size, location, and specific reason for removal of the protected

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tree, in accordance with the standards and specifications in the Tree and Landscape Technical Manual.

- (b) In the event a protected tree is removed pursuant to Section 8.10.050 (a)(1)(ii), (b), (c), (d), or (e), the tree removed shall be replaced in accordance with the standards and specifications in the Tree and Landscape Technical Manual, including but not limited to prioritization of locally native species, satisfaction of right tree in the right place principles, and incorporation of a secondary goal of net tree canopy increase on the property within 15 years. The urban forester shall approve the number, species, size, and location of replacement trees.

8.10.060 No limitation of authority under Titles 16 and 18.

Nothing in this chapter limits or modifies the existing authority of the city under Title 18 (Zoning Ordinance) to require trees, shrubs, hedges, and other plants not covered by this chapter to be identified, retained, protected, and/or planted as conditions of the approval of development. In the event of conflict between provisions of this chapter and conditions of any permit or other approval granted pursuant to Title 16 or Title 18, the more protective requirements shall prevail.

8.10.070 Care of protected trees.

- (a) All owners of property containing protected trees shall follow the maintenance standards in the Tree and Landscape Technical Manual, including avoiding any action foreseeably leading to the death of a tree or permanent damage to its health; including but not limited to excessive pruning, cutting, topping, girdling, poisoning, overwatering, underwatering, reduced watering due to a landscape change, unauthorized relocation or transportation of a tree, or trenching, excavating, altering the grade, or paving within the dripline area of a tree.
- (b) At least seven days prior to pruning a protected tree, other than that required to remove a dead, diseased, or broken branch or branches, the property owner or their designee shall prominently post a notice on the property, in one or more locations readily visible to the public, that includes standards for pruning and a description of the tree including tree species, size, location, the date of work, and a contact phone number. The form for such notice will be available on the city's website as a printable document. Protected trees less than five (5) years old are exempt from this provision.
- ~~(b)~~(c) The standards for protection of trees during construction contained in the Tree and Landscape Technical Manual shall be followed during any development on property containing ~~protected~~ trees.
- (d) The urban forester shall add identified protected trees into the city's tree inventory database and, in coordination with the planning and development services departments, into city parcel reports.

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8.10.080 Development conditions.

- (a) Development approvals for property containing protected public trees shall~~will~~ include appropriate conditions as set forth in the Tree and Landscape Technical Manual, providing for the protection of such trees during construction and for maintenance of ~~such~~the trees thereafter. Trees may be designated for protection that are significant visually or historically, provide screening, or are healthy and important to the nearby ecosystem.
- (b) It shall be a violation of this chapter for any property owner or agent of the owner to fail to comply with any development approval or building permit condition concerning preservation, protection, and maintenance of any tree, including but not limited to protected trees.

8.10.090 Designation of heritage trees.

- (a) Upon nomination by any person and with the written consent of the property owner(s), the city council may designate a tree or trees as a heritage tree.
- (b) A tree may be designated as a heritage tree upon a finding that it is ~~unique and~~ of importance to the community due to any of the following factors:
 - (1) It is an outstanding specimen of a desirable species~~;~~
 - (2) It is one of the largest or oldest trees in Palo Alto~~;~~
 - (3) It possesses distinctive form, size, age, location, and/or historical significance.
- (c) After council approval of a heritage tree designation, the city clerk shall notify the property owner(s) in writing. A listing of trees so designated, including the specific locations thereof, shall be kept by the departments of public works ~~and planning and community environment.~~
- (d) Once designated, a heritage tree shall be considered protected and subject to the provisions of this chapter unless removed from the list of heritage trees by action of the city council. The city council may remove a tree from the list upon its own motion or upon written request by the property owner. Request for such action must originate in the same manner as nomination for heritage tree designation.

8.10.092 Tree removal in wildland-urban interface area

Tree removal and relocation in the wildland-urban interface (WUI) area, as defined in Section 15.04.190, shall be subject to the provisions in Chapter 15.04. To the extent Chapter 15.04 is inconsistent with this chapter, Chapter 15.04 shall control.

8.10.095 Tree removal in ~~HD~~ Hospital District zone.

Tree removal and relocation in the Hospital District (HD) shall be subject to the provisions in Section 18.36.070. To the extent Section 18.36.070 is inconsistent with this chapter, Section 18.36.070 shall control.

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8.10.100 Responsibility for eEnforcement.

- (a) Violation of this chapter is a misdemeanor, punishable as provided in this code. Each day of violation constitutes a separate offense and may be separately punished.
- ~~(a)~~(b) Persons employed in the following designated employee positions may enforce the provisions are authorized to exercise the authority provided in California Penal Code Section 836.5 and are authorized to issue citations for violations of this chapter, including but not limited to leveling fines under the city's administrative penalty authority by the issuance of citations: assistant director of public works public services division, urban forester, landscape architect, project manager in the urban forestry section, landscape architect chief building official, assistant building official, and code enforcement officer, planning arborist.

8.10.110 Enforcement Remedies for Vviolation.

In addition to all other remedies set forth in this code or otherwise provided by law, the following remedies shall be available to the city for violation of this chapter:

- (a) Stop Work - Temporary Moratorium.
- (1) If a violation occurs in the absence of proposed development pursuant to subdivision Section 8.10.050(a)(1), or while an application for a building permit or discretionary development approval for the lot upon which the tree is located is pending, the director of planning and development services in consultation with the urban forester shall issue a temporary moratorium on development of the subject property, not to exceed five years from the date the violation occurred. The purpose of the moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure measures are incorporated into any future development approvals for the property. Mitigation measures as determined by the urban forester shall be imposed as a condition of any subsequent permits for development on the subject property.
- ~~(1)~~(2) If a violation occurs during development pursuant to Section 8.10.050 (b), (c), (d), or (e), the city may shall issue a stop work order suspending and prohibiting further activity on the property pursuant to the grading, demolition, and/or building permit(s) (including construction, inspection, and issuance of certificates of occupancy) until a mitigation plan has been filed with and approved by the director of planning and development services in consultation with the urban forester, agreed to in writing by the property owner(s), and either implemented or guaranteed by the posting of adequate security. The mitigation plan shall include measures for protection or repair of any remaining trees on the property, and shall provide for replacement of each tree removed on the property or at locations approved by the director of planning and community and by the urban forester or director of public works, if replacement is to occur on public property. The replacement ratio shall be in accordance with the standards set forth in the Tree and Landscape Technical Manual, and

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shall be at least twice the prescribed a greater ratio than that required where tree removal is permitted pursuant to the provisions of this chapter.

- ~~(2)~~ If a violation occurs in the absence of development, or while an application for a building permit or discretionary development approval for the lot upon which the tree is located is pending, the director may issue a temporary moratorium on development of the subject property, not to exceed eighteen months from the date the violation occurred. The purpose of the moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure measures are incorporated into any future development approvals for the property. Mitigation measures as determined by the director shall be imposed as a condition of any subsequent permits for development on the subject property.

(b) Civil Penalties.

- (1) As part of a civil action brought by the city, a court may assess against any person who commits, allows, or maintains a violation of any provision of this chapter a civil penalty in an the following amount; ~~not to exceed five thousand dollars per violation.~~

(i) Ten thousand dollars per tree, or twice the replacement value of each tree, whichever amount is higher, for the complete removal of a tree, as defined in Section 8.10.020(n)(1).

(ii) Ten thousand dollars per tree, or the replacement value of each tree, whichever amount is higher, for any of the actions set forth in Section 8.10.020(n)(2).

(iii) Ten thousand dollars per tree, or twice the repair value of each tree, whichever amount is higher, for damage to a tree protected or regulated by this chapter which can be rehabilitated.

- ~~(2)~~ ~~Where the violation has resulted in removal of a tree, the civil penalty shall be in an amount not to exceed five thousand dollars per tree unlawfully removed, or the replacement value of each such tree, whichever amount is higher. Such amount Penalties shall be payable to the city.~~

- (3) Replacement or repair value for the purposes of this chapter section shall be determined utilizing the most recent edition of the *Guide for Plant Appraisal*, published by the Council of Tree and Landscape Appraisers.

- (c) Administrative Penalties. Persons listed in Section 8.10.100(b) may issue citations for violations of this chapter that level fines under the city's administrative penalty authority.

~~(e)~~(d) Injunctive Relief. A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation.

~~(d)~~(e) Costs. In any civil action brought pursuant to this chapter in which the city prevails, the court shall award to the city all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.

~~(e)~~(f) The remedies and penalties provided in this section are cumulative and not exclusive.

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8.10.120 Fees.

Tree reports required to be submitted to the city for review and evaluation pursuant to this chapter shall be accompanied by the fee prescribed therefore in the municipal fee schedule.

8.10.130 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

8.10.140 Applications, Notice, and Appeals.

(a) Applications.

- (1) All applications for removal of a protected tree pursuant to Section 8.10.050 shall be filed in accordance with this section and any applicable provisions of Chapter 18.77. Applications for removal of protected trees on non-residential zoned properties will follow review guidelines set forth in Section 8.10.050(d) and Section 18.76.020 and will follow the process set forth in Section 18.77.070.
- (2) The application form shall be prescribed by the urban forester and shall contain a list of information that must be submitted in order for the application to be deemed complete.
- (3) Each application must be signed by all owners of the real property containing the protected tree, or an agent of the owner of record of the real property on which the protected tree occurs, when duly authorized by the owner in writing.
- (4) No application shall be deemed received until all fees for the application as set forth in the municipal fees schedule have been paid, and all documents specified as part of the application in this chapter or on the application form have been filed.
- (5) Protected tree removal permits shall automatically expire after twelve months, unless otherwise provided in the permit, from the date of issuance of the permit if within such twelve--month period, the proposed tree has not been removed.

(b) Notice.

- (1) All applications for removal of a protected tree pursuant to Section 8.10.050 shall give notice in accordance with this section, the Tree and Landscape Technical Manual, and any applicable provisions of Chapter 18.77.
- (2) After submittal of an application to remove a protected tree, notice shall be given consistent with subsection (b)(4) and shall include the date of the proposed removal and the basis for the application.
- (3) Upon determination of a protected tree removal application, notice shall be given consistent with subsection (b)(4) and shall include a description of the decision and how to appeal it.

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- (4) Notices required pursuant to this section shall include the address of the property, a description of the protected tree, including species, size, and location, and urban forestry contact information, and shall be given as follows:
- (i) In writing to all owners and residents of property within 300 feet of the exterior boundary of the property containing the protected tree, and to all principal urban forestry partner organizations.
 - (ii) By posting on the property, in one or more locations visible to the public.
 - (iii) By posting on the city's website.

~~(a)~~(c) Appeals.

- (1) Any person applying to remove a protected tree in the absence of proposed development pursuant to Section 8.10.050(a), and any owner or resident of property within 600 feet of the exterior boundary of the property containing the protected tree, may request a public hearing by the director of public works to review the urban forester's decision, and may appeal the director of public works' determination to the city council. Any such request or appeal shall be filed with the public works department in a manner prescribed by the urban forester.
- (2) Any person ~~seeking the director's approval~~ applying to remove a protected tree pursuant to Section 8.10.050(b), (c), (d), or (e), and any owner or resident of property within 600 feet of the exterior boundary of the property containing the protected tree ~~the ordinance codified in this chapter who is aggrieved by a decision of the director~~ may appeal the director of planning and development service's such decision in accordance with the procedures set forth in Chapter 18.78 (Appeals).
- (3) All appeals must be filed within fourteen days of posting of notice on the property pursuant to subsection (b)(4)(ii).

SECTION 5. Section 9.56.030 (Nuisances described - Authority to abate) of Chapter 9.56 (Abatement of Nuisances) of Title 9 (Public Peace, Morals and Safety) of the Palo Alto Municipal Code is hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

9.56.030 Nuisances described - Authority to abate.

(a) Each of the following conditions constitutes a nuisance, and whenever an enforcement officer determines that any of such conditions exist upon any premises, he may require or provide for the abatement thereof pursuant to this chapter and make the costs of abatement a lien upon the property:

- (1) The existence of any accumulation of solid waste upon the premises so as to be a nuisance under Section 5.20.180.
- (2) The existence of weeds upon the premises, or public sidewalks, or streets, or alleys between said premises and the centerline of any public street or alley, so as to be a nuisance under Section 8.08.010.
- (3) The existence of any dead, diseased, infested, or dying tree in any street; or on any private property so near to any street tree as to constitute a danger to street trees, or streets, or portions thereof, so as to be a nuisance under Section 8.04.050(a)(1).

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(4) The existence of any tree or shrub on any private property or in any street, of a type or species apt to destroy, impair or otherwise interfere with any street improvements, sidewalks, curbs, approved street trees, gutters, sewers, other public improvements, including utility mains or services so as to be a nuisance under Section [8.04.050\(ab\)](#)(2).

(5) The existence within the thirty-five foot triangle of property at the intersection of streets improved for vehicular traffic, of any tree limb, shrub, hedge, or plant exceeding three feet in height where either traffic signals, stop signs, or yield signs are not installed, or at any intersections which are determined by the chief transportation official to contain tree limbs, shrubs, hedges, or plants that obscure and impair the view of passing motorists or pedestrians so as to create a safety hazard, so as to be a nuisance under Section [8.04.050\(ac\)](#)(3).

(6) The existence of any vines or climbing plants growing into or over any street tree or any public hydrant, pole or electrolier contrary to the provisions of Section [8.04.050\(ad\)](#)(4) or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, alarm box, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto by the fire department.

(7) The existence of any tree within the city limits that is infested, infected or in danger of becoming infested or infected with objectionable insects, scale, fungus or growth injurious to trees so as to be a nuisance under Section [8.04.050\(ae\)](#)(5).

(8) The existence of any branches or foliage which interfere with visibility on, or free use of, or access to, or obstruct public vehicular or pedestrian travel on any portion of any street improved for vehicular or pedestrian travel so as to be a nuisance under Section [8.04.050\(af\)](#)(6).

(9) The existence of hedges or dense thorny shrubs and plants on any street or part thereof so as to be a nuisance under Section [8.04.050\(ag\)](#)(7).

(10) The existence of shrubs and plants more than two feet in height in any street, measured above top of curb grade so as to be a nuisance under Section [8.04.050\(ah\)](#)(8).

(11) The existence of any open pit in any closed or abandoned trampoline center.

(12) The existence of any act or condition that presents a fire, panic, or life safety hazard, or would contribute to the rapid spread of fire or inhibit mitigation or increase the chance of release of hazardous material, or would interfere with, hinder or delay the egress of occupants or response of emergency personnel, so as to be a nuisance under Section 15.04.055.

(13) The existence upon the sidewalk in front of any premises of anything which shall restrict the public use thereof so as to be a nuisance under Section [9.48.020](#).

(14) The existence upon the sidewalk in front of any premises of any dirt, debris or litter so as to be a nuisance under Section [9.48.050](#).

(15) The existence of any sign erected, constructed or maintained in violation of or which fails to comply in any way with the provisions of [Chapter 16.20](#) of this code.

(16) The existence of a sidewalk or a portion of a sidewalk adjacent to any premises which is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk.

(17) The storage or keeping of any used or unused building material in a location out of doors for more than thirty days within a year; provided, that nothing in this subsection shall:

(A) Make lawful any such storage when it is prohibited by other ordinances or laws;

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(B) Prohibit such storage upon the premises of a bona fide lumberyard or other dealer in building materials when the same is permitted under the Zoning Code and other applicable laws;

(C) Prohibit such storage for ninety days when done in conjunction with the construction project for which a valid building permit is in effect if required and which is being prosecuted diligently to completion; extensions for additional periods of time may be granted by the building official when additional storage time is necessary and upon proof that such construction project will be diligently pursued.

"Building materials," as used in this subsection, means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, concrete block, roofing materials, cans of paint and similar materials.

(18) The storage or keeping in a location out of doors of any unused and abandoned open pit or excavation, building foundation, automobile, trailer, house trailer, boat or other vehicle or major parts thereof. Without limiting the foregoing, any such thing stored or kept for a period in excess of thirty days in a year shall be presumed to be unused and abandoned for purposes of this provision.

(19) The existence of any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk or place, which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition.

(20) The existence of any driveway which is determined to have been abandoned, pursuant to the provisions of Section [12.08.090](#); provided, that no notice need be given to the owner of the property with respect to the abatement of such condition other than that provided in this chapter.

(21) Any other condition on or use of property which is in fact a menace to the public peace, health, or safety.

SECTION 6. Subsection (f) of Section 18.09.040 (Units Subject to Local Standards) of Chapter 18.09 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 18 (Zoning) of the Palo Alto Municipal Code is hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

18.09.040 Units Subject to Local Standards.

[. . .]

(f) No protected tree shall be removed for the purpose of establishing an accessory dwelling unit unless the tree is dead, dangerous or constitutes a nuisance under Section 8.04.050. Any protected tree removed pursuant to this subsection shall be replaced in accordance with the standards in the Tree and Landscape Technical Manual.

[. . .]

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SECTION 7. Section 18.36.060 (Parking and Loading) of Chapter 18.36 (Hospital (HD) District) of Title 18 (Zoning) of the Palo Alto Municipal Code is hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

18.36.060 Parking and Loading

[. . .]

(e) For the purposes of calculating shading percentage pursuant to Section 18.54.040(d):

- (1) Shade structures may be utilized in lieu of trees;
- (2) The canopies of protected trees (as defined by Section [8.10.020\(j\)](#)) transplanted on the site will count as double the actual tree canopy; and
- (3) Valet parking facilities may be designed to achieve twenty-five percent shading (rather than fifty percent shading).

SECTION 8. Section 18.36.070 (Tree Preservation) of Chapter 18.36 (Hospital (HD) District) of Title 18 (Zoning) of the Palo Alto Municipal Code is hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

-18.36.070 Tree Preservation

(a) Applicability

(1) Except as provided in this section, development in the HD district shall comply with Palo Alto Municipal Code [Chapter 8.10](#) (Tree Preservation and Management Regulations), and the city Tree and Landscape Technical Manual.

(2) No protected tree (as defined by Section [8.10.020\(j\)](#)), shall be removed or relocated until the director of planning and development services ("director"), in consultation with the ~~city arborist~~ urban forester, has determined whether the protected tree meets the standards of Group 1 or Group 2 Trees, as defined below, and the applicable Protected Tree Removal Permit or Protected Tree Relocation Permit has been obtained. The city's determination whether a protected tree meets the standards of Group 1 or Group 2 Trees shall be valid for a period of ten years following the date of such determination.

(3) For the purposes of this chapter, "Biological tree resources" shall have the same meaning as "Protected trees" as defined in Section [8.10.020\(j\)](#).

[. . .]

(b) Preservation.

Notwithstanding [Chapter 8.10](#), Group 1 Trees shall not be removed unless they meet the standard in Section [8.10.050\(a\)\(1\)\(i\)](#). Authorized relocation of Group 1 Trees shall not constitute removal.

(c) Relocation.

Notwithstanding [Chapter 8.10](#), Group 1 and Group 2 Trees may be relocated upon issuance of a Protected Tree Relocation Permit from the director in consultation with the ~~city~~

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~~arborist~~ urban forester. For purposes of this section, authorized relocation of Group 1 and 2 Trees shall not constitute removal. The requirements for a Protected Tree Relocation Permit shall be as follow:

(1) The applicant shall submit a proposed Tree Relocation and Maintenance Plan (TRMP) that (i) evaluates the feasibility of moving the tree to another location on or near the development site; and (ii) identifies the actions to be taken to increase the likelihood that relocation is successful including the following information: pre-relocation irrigation, relocation procedures, monitoring inspections, and post-relocation tree irrigation and maintenance.

(2) If the director determines the proposed relocation is feasible, the director shall issue a Protected Tree Relocation Permit requiring the following:

(A) The Protected Tree Relocation Permit shall specify the actions required to increase the likelihood that relocation is successful.

(B) Location of relocated trees is subject to review and approval by the director in consultation with the ~~city arborist~~ urban forester.

(C) If the relocated tree does not survive after a period of five years, the relocated tree shall be replaced with a tree or a combination of trees and tree value standards consistent with ~~Section 3.20, Table 3-1~~ Tree Canopy Replacement provisions, of the *Tree and Landscape Technical Manual*. If, after relocation, a relocated tree is disfigured, leaning with supports needed, or in decline with a dead top or dieback of more than twenty-five percent, the tree shall be considered a total loss and replaced as described in this subsection.

(D) The applicant shall provide a security guarantee for relocated trees, as determined by the director of planning and development services, in consultation with the ~~city arborist~~ urban forester, in an amount consistent with the *Tree and Landscape Technical Manual*.

(d) Removal of Group 2 Trees.

Notwithstanding [Chapter 8.10](#), removal of Group 2 Trees shall be allowed in the HD district, upon issuance of a Protected Tree Removal Permit from the director in consultation with the city arborist. The requirements for a Protected Tree Removal Permit shall be as follows:

(1) Group 2 Trees that are removed without being relocated shall be replaced in accordance with the ratios set forth in ~~Table 3-1~~ of the City of Palo Alto *Tree and Landscape Technical Manual* in the following way:

(A) The Protected Tree Removal Permit issued shall stipulate the tree replacement requirements for the removed tree, including number of trees, size, location, and irrigation. The number and size of trees required for replacement shall be calculated in accordance with Tree Canopy Replacement provisions, ~~Table 3-1~~ of the *Tree and Landscape Technical Manual*.

(B) The difference between the required tree replacement and the number of trees that cannot be feasibly planted on site shall be mitigated through contribution to the City of Palo Alto Forestry Fund as provided in ~~Section 3.15~~ of the *Tree and Landscape Technical Manual*. Payment to the Forestry Fund would be in the amount representing the fair market value, as described in ~~Section 3.25~~ of the *Tree and Landscape Technical Manual*, of the replacement trees that cannot be feasibly planted on site.

(2) Location of replacement trees is subject to review and approval by the director in consultation with the ~~City Arborist~~ urban forester.

(e) Appeal. Any person seeking the director's classification of Group 1 or 2 Trees, or seeking the approval to remove or relocate a protected tree pursuant to this chapter who is aggrieved

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by a decision of the director may appeal such decision in accordance with the procedures set forth in [Chapter 18.78](#) (Appeals).

SECTION 9. Section 18.54.050 (Miscellaneous Design Standards) of Chapter 18.54 (Parking Facility Design Standards) of Title 18 (Zoning) of the Palo Alto Municipal Code is hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

18.54.050 Miscellaneous Design Standards

(b) Sight Distance

(1) For residential uses of three or more units, and for all nonresidential uses, including public facilities, clear sight distance triangles for exiting driveways shall be provided as shown in [Figure 6](#) of this Section [18.54.070](#). In the non-zero setback zone only, if a stop sign is provided at the driveway exit, the director may decrease the required dimensions of the sight distance triangles. For cases not covered by [Figure 6](#), sight distance triangles shall be provided as required by the director. Neither the sight distance triangles nor any portion of the public right of way shall contain any wall, sign, berm, or other obstruction that is greater than three feet high above driveway grade, unless its width (measured in any direction or diameter) is eighteen inches or less. Nor shall the sight distance triangles or any portion of the public right of way contain any landscaping, except trees, that is greater than two feet in height above top of curb grade (refer also to Sections [8.04.050\(a\)\(8\)](#) and [9.56.030\(a\)\(10\)](#)). The height of landscaping shall be its maximum untrimmed natural growth height.

SECTION 10. Section 2.25.050 (Purpose and Duties) of Chapter 2.25 (Parks and Recreation Commission) of Title 2 (Administrative Code) of the Palo Alto Municipal Code hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

(a) The purpose of the parks and recreation commission shall be to advise the city council on matters relating to the activities of the open space, parks and golf division and the recreation division of the community services department, excluding daily administrative operations.

(b) The commission shall have the following duties:

[. . .]

(7) Serve as a community forum for Urban Forestry matters and provide feedback, recommendations, and interpretations to City Council on the Urban Forest Master Plan and other associated policies.

(c) The parks and recreation commission shall not have the power or authority to cause the expenditure of city funds or to bind the city to any written or implied contract.

SECTION 11. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the

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fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 12. The Council finds that this ordinance is exempt from the provisions of the California Environmental Quality Act (“CEQA”), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. Alternatively, the ordinance is also exempt under CEQA Guidelines Section 15308 because it involves regulatory action for the protection of the environment.

SECTION 13. This ordinance shall be effective on the thirty-first day after the date of its adoption. However, this ordinance shall not apply to any projects that have submitted a complete application as of the ordinance’s effective date. In addition, until such time as a list of designated arborists is established by the Urban Forester, the term “designated arborist” shall mean any arborist certified by the International Society of Arboriculture or another nationally recognized tree research, care, and preservation organization.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning & Development Services

Director of Public Works

Schedule of Meetings

Published May 26, 2022

This is a courtesy notice only. Meeting dates, times, and locations are subject to change. Almost all Palo Alto Council and some Standing Committee meetings are cablecast live on Channel 26. If there happens to be concurrent meetings, one meeting will be broadcast on Channel 29.

Meetings are held in-person and by virtual teleconference.

WEDNESDAY, June 1

Ad Hoc Architectural Review Board Meeting, 3:00 p.m.

Sp. City Council Meeting, 5:30 p.m.

MONDAY, June 6

Sp. City Council Meeting, 5:00 p.m.

TUESDAY, June 7

Sp. Finance Committee Meeting, 5:30 p.m.

WEDNESDAY, June 8

Planning & Transportation Commission Meeting, 6:00 p.m.

Sp. Utilities Advisory Committee Meeting, 6:00 p.m.

THURSDAY, June 9

Human Relations Commission, 6:00 p.m.

MONDAY, June 13

Sp. City Council Meeting, 5:00 p.m.

TUESDAY, June 14

Policy & Services Committee Meeting, 7:00 p.m.

THURSDAY, June 16

Architectural Review Board Meeting, 8:30 a.m.

City/School Liaison Committee Meeting, 8:30 a.m.

Public Art Commission Meeting, 7:00 p.m.

MONDAY, June 20

Sp. City Council Meeting, 3:00 p.m.

TUESDAY, June 21

Sp. City Council Meeting, 3:00 p.m.

TUESDAY, June 28

Parks and Recreation Commission, 7:00 p.m.



City of Palo Alto

City Council Staff Report

(ID # 14495)

Meeting Date: 6/6/2022

Report Type: Information Reports

Title: Supplemental Report Item - Update to the Tree Protection Ordinance, Title 8 of Palo Alto Municipal Code

From: City Manager

Lead Department: Public Works

Following publication of the staff report for this agenda item, staff identified three oversights and omissions in the draft ordinance, which are corrected in the attachment to this supplemental memo. Changes from the prior draft are as follows:

1. Section 8.04.020: the first sentence is edited to add “or other City approval.” This addresses an issue with a permit being required to plant or remove shrubs and plants on City property as part of a City approved program or partnership.
2. Sections 8.04.070(c); 8.10.050(b)(1), (d)(1); 8.10.110(b)(1)(i),(ii),(iii) & (b)(3): references to the tree appraisal terms of “replacement value” and “repair value” have been changed to align with current tree appraisal industry standards of “reproduction cost” and “repair cost”.
3. Section 18.09.040(f): the section is edited to align the ADU code with the proposed Tree Ordinance. Currently, the ADU code contains more restrictive provisions than Title 8 for some ADU development. Combined with the expanded scope of tree protection proposed in the attached ordinance, this could have the unintended effect of unduly restricting ADUs. Staff had planned for this change to be included in a broader update to the ADU code; however, as that item has been delayed, staff recommends addressing tree protection issues now.

Attachments:

- **Attachment:** Attachment A: Ordinance Amending Ch 8.04, Ch 8.08, Ch8.10, and Making Related Changes to Ch2.25, Ch 9.566 and Title 18 of PAMC

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Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Chapter 8.04 (Street Trees, Shrubs, and Plants); Chapter 8.08 (Weed Abatement); Chapter 8.10 (Tree Preservation and Management Regulations); and Making Related Changes to Chapter 2.25 (Parks and Recreation Commission); Chapter 9.56 (Abatement of Nuisances); and Title 18 (Zoning) of the Palo Alto Municipal Code.

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

SECTION 2. Chapter 8.04 (Street Trees, Shrubs, and Plants) of Title 8 (Trees and Vegetation) of the Palo Alto Municipal Code is hereby renamed Chapter 8.04 (Public Trees, Shrubs, Hedges, and Plants and amended to read as follows (additions underlined and deletions ~~struck through~~):

Chapter 8.04

STREET PUBLIC TREES, SHRUBS, HEDGES, AND PLANTS

Sections:

- 8.04.005 Purpose.**
- 8.04.010 Definitions.**
- 8.04.015 Authority of city.**
- 8.04.020 Permit required for certain work.**
- 8.04.030 Application for permit.**
- 8.04.040 Issuance of permit.**
- 8.04.050 Public nuisances.**
- ~~**8.04.060 Abatement of public nuisances.**~~
- ~~**8.04.070 Damage to street public trees Enforcement.**~~
- 8.04.080 Interference with enforcement.**
- 8.04.090 Adoption of regulations.**

8.04.005 Purpose.

The purpose of this chapter is to protect and promote trees, shrubs, hedges, and plants located on public property within the city. In establishing these procedures and standards, the city recognizes that trees, shrubs, hedges, and plants are an essential part of the city’s infrastructure, with benefits that include promoting the health, safety, welfare, and quality of life of the residents of the city; addressing climate change by sequestering carbon and providing a cooling effect; reducing air, water, and noise pollution; preventing soil erosion and stormwater runoff; providing wildlife habitat; and enhancing the aesthetic environment. It is the city’s intent to encourage the preservation of trees, shrubs, hedges, and plants.

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8.04.010 Definitions.

For the purposes of this ~~chapter~~title, the following words shall have the meaning ascribed to them in this section:

- (a) "Person" means individuals, firms, associations and corporations, and agents, employees or representatives thereof.
- (b) "City" means the city of Palo Alto acting by and through its authorized representatives.
- (c) "Street" means and includes all land lying between the boundaries of property abutting on all public streets, boulevards, alleys, and walks.
- (d) "Parks" means and includes all parks to which names have been given by action of the city council.
- (e) "Public places" means and includes all grounds, other than streets or parks, owned by, ~~or~~ leased to, ~~or~~ ~~and~~ under the control of the city of Palo Alto.
- (f) "~~Street~~Tree" means and includes any woody perennial plant generally having a single main ~~axis or stem~~ and commonly achieving ten feet in height ~~and capable of being shaped and pruned to develop a branch free trunk at least nine feet in height.~~
- (g) "Shrub" means and includes any woody perennial plant generally having multiple stems and commonly less than ten feet in height, normally low, several stemmed, and capable of being shaped and pruned without injury, within the area planted.
- (h) "Hedge" means and includes any tree, shrub, or plant material, shrub or plant, when planted in a dense, continuous line or area, as to form a thicket or barrier.
- (i) "Plant" means and includes all vegetation other than trees and shrub~~other plant material, non woody, annual, or perennial in nature, not necessarily hardy.~~
- (j) "~~Street~~Public trees, shrubs, hedges, and ~~or~~ plants" means and includes any tree, shrub, hedge, or plant in any street, park, or public place in the city of Palo Alto.
- (k) "Urban forester" means public works department staff including the urban forester or their designee.
- (l) "Tree permit" means a permit issued by the urban forester for one or more of the following purposes:
 - (1) To permit removal of a public tree.
 - (2) To permit public tree care, work, or treatment.
 - (3) To permit removal of a protected tree under 8.10.050.
 - (4) To establish a tree preservation bond.
 - (5) For payment of "in-lieu" fees for required mitigation measures.

8.04.015 Authority of city.

The city of Palo Alto shall have control of all ~~street~~public trees, shrubs, hedges, and plants now or hereafter in any street, park, or public place within the city limits, and shall have the ~~power~~authority to plant, care for, remove, replace, and maintain such trees, shrubs, hedges, and plants.

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8.04.020 ~~Violations—Penalty—Enforcement~~ Permit required for certain work.

Unless authorized by a ~~public tree care permit~~ or other City approval, no person shall do any of the following:

- (a) Plant, prune, trim, shape, remove, top, or in any way damage, destroy, injure or mutilate a ~~street~~public tree, shrub, hedge, or plant. A tree permit is not required for a property owner, resident, or their agent to maintain shrubs, hedges, or plants located within the city right of way associated with their property.
- (b) Fasten ~~any~~ sign, wire, or injurious material to any ~~street~~public tree, shrub, hedge, or plant.
- (c) Excavate any ditch or tunnel; or place concrete or other pavement within a distance of ten feet of the center of the trunk of any ~~street~~public tree.
- ~~(b) Violation of this section is a misdemeanor, punishable as provided in this code. Each day of violation constitutes a separate offense and may be separately punished.~~
- ~~(c) Persons employed in the following designated employee positions are authorized to exercise the authority provided in Penal Code Section 836.5 and are authorized to issue citations for violations of this chapter: deputy director of public works operations, managing arborist, planning arborist and code enforcement officer.~~

8.04.030 Application for permit.

Any person desiring to do any of the work described in Section 8.04.020 may apply for a tree permit so to do. The applicant shall state the nature of the work and the location where it will be done.

8.04.040 Issuance of permit.

A tree permit shall be issued authorizing ~~so much of the work as~~ that meets all the following conditions:

- (a) Will not create, continue, or aggravate any hazardous condition, or public nuisance;
- (b) Will not prevent or interfere with the growth, location or planting of any approved street-public trees;
- (c) Is consistent with the planting plan being followed by the city.

8.04.050 Public nuisances*.

~~Any of~~ the following are, for the purposes hereof, defined to be public nuisances:

- (a) Any dead, diseased, infested, or dying tree, shrub, hedge, or plant in any street; or on any public or private property so near to any ~~street~~public tree, shrub, hedge, or plant as to constitute a danger to a street-public trees, shrub, hedge, or plant, or streets, or portions thereof or public property.
- (b) Any tree, ~~or~~ shrub, hedge, or plant on any private property or in any street, of a type or species ~~apt to~~ that will destroy, impair, or otherwise interfere with any street improvements, sidewalks, curbs, approved ~~street~~public trees, gutters, sewers, other

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- public improvements, including utility mains ~~or~~ and services, or a public tree, shrub, hedge, or plant.
- (c) Any tree limb, shrub, hedge, or plant reaching a height more than three feet above the curb grade adjacent thereto, except a tree trunks having no limbs lower than nine feet above curb grade, within the thirty-five foot triangle of public or private property, measured from the projected curb lines, at the intersections of any street improved for vehicular traffic where either traffic signals, stop signs, or yield signs are not installed, or at any intersections which are determined by the chief transportation official to contain a tree limbs, shrubs, hedges, or plants that ~~obscure~~ and or ~~impairs~~ the view of a passing motorists, cyclists or pedestrians so as to create a safety hazard.
- (d) Vines or climbing plants growing into or over any ~~street~~ public tree, shrub, hedge, or plant; or any public hydrant, pole or electrolier.
- (e) Existence of any tree within the city limits that is ~~infested, infected or in danger of becoming~~ infested or infected with objectionable insects, scale, fungus, or growth injurious to trees.
- (f) The existence of any branches or foliage which interfere with visibility on, ~~or~~ free use of, or access to, or obstruct public vehicular or pedestrian travel on any portion of any street improved for vehicular or pedestrian travel.
- (g) Hedges or dense, thorny shrubs and plants on any street or part thereof.
- (h) Shrubs and plants more ~~then~~ than two feet in height in any tree well or planting strip between the sidewalk and curb ~~street~~, measured above top of curb grade.

* Abatement procedure - See [Chapter 9.56](#) of this code.

~~8.04.060 Abatement of public nuisances.~~

~~When any public nuisance as defined herein exists, a notice may be sent by ordinary United States mail to the owner or tenant involved. Such notice shall describe the condition, state the work necessary to remedy the condition, and shall specify the time within which the work must be performed. If, at the end of the time specified, such work has not been performed, the city may perform such work, and the cost thereof shall constitute a charge against such owner or tenant, and such charge shall be a lien on such property.~~

8.04.070 ~~Damage to street trees~~Enforcement.

- (a) Violation of any provision of this chapter is a misdemeanor, punishable as provided in this code. Each day of violation constitutes a separate offense and may be separately punished.
- (b) Persons employed in the following designated employee positions are authorized to exercise the authority provided in California Penal Code Section 836.5 and are authorized to issue citations for violations of this chapter, including but not limited to leveling fines under the city's administrative penalty authority: assistant director of public works public services division, urban forester, project manager in the urban forestry section, landscape architect, and code enforcement officer.

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- (a)(c) ~~Any person who damages to any public street tree, caused by through any act or omission by any person, whenever such act or omission is prohibited by or not authorized pursuant to this chapter, shall may be liable civilly in a sum not to exceed ten thousand dollars per tree, or the reproduction cost of each such tree, whichever amount is higher, charged to such person or persons.~~
- (d) Injunctive Relief. A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation.
- (e) Costs. In any civil action brought pursuant to this chapter in which the city prevails, the court shall award to the city all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.
- (f) The remedies and penalties provided in this section are cumulative and not exclusive.

8.04.080 Interference with enforcement.

No person shall interfere with or delay the authorized representatives of the city from the execution and enforcement of this chapter, except as provided by law.

8.04.090 Adoption of regulations.

The city may adopt regulations prescribing standards of landscaping and planting of streets, parks and public places, therein. A copy of such regulations shall be available for public inspection upon request, and all work performed in streets, parks or public places shall be performed in accordance therewith.

SECTION 3. Chapter 8.08 (Weed Abatement) of Title 8 (Trees and Vegetation) of the Palo Alto Municipal Code is hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

Chapter 8.08 WEED ABATEMENT*

Sections:

- 8.08.005 Purpose.**
- 8.08.010 Weeds as public nuisance.**
- 8.08.020 Resolution declaring nuisance.**
- 8.08.030 Form and publication of notice.**
- 8.08.040 Hearing ~~Power of council~~ on notice.**
- 8.08.050 Order to abate nuisance.**
- 8.08.060 Account and report of cost.**
- 8.08.070 Notice of report.**
- 8.08.080 Hearing on cost assessment.**
- 8.08.090 Collection on tax roll.**

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* For abatement provisions pertaining to nuisances other than weeds - See [Chapter 9.56](#).
Legislative body may declare weeds a nuisance and order the abatement thereof - See Gov. C.A. § 39561. City may compel removal of dirt, rubbish, weeds, etc. - See Gov. C.A. §§ 39501-39502.

8.08.005 Purpose.

The purpose of this chapter is to prohibit weeds on property within the city. In establishing these procedures and standards, it is the city's intent to ensure that all activities taken to abate weeds are sufficient to increase public safety, to preserve aesthetically or environmentally desirable trees, shrubs, hedges, and plants, and to prevent the displacement of wildlife habitats.

8.08.010 Weeds as public nuisance.

- (a) No owner, agent, lessee, or other person occupying or having charge or control of any building, lot or premises within the city shall permit weeds to remain upon the premises, or public sidewalks, or encroach into any parkland (including any weeds encroaching over fences), or streets, or alleys between the premises and the center line of any public street or alley.
- (b) ~~The word "weeds"~~ Weeds as used in this chapter means ~~all weeds and includes any of the following, growing upon streets, parks, public places, alleys, sidewalks, or private property in the city and includes any of the following:~~
 - (1) ~~Weeds~~ Plants which bear or may bear seeds of a downy or wingy nature;
 - (2) ~~Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;~~
 - (2) Plants, shrubs, hedges, and trees determined by the Fire Marshall to constitute a fire menace due to their species, proximity to ignition sources, and high potential to endanger nearby buildings.
 - (3) ~~Weeds~~ Plants and shrubs which are otherwise noxious or dangerous;
 - (4) Invasive plants, shrubs, hedges, and trees having high potential to invade adjacent properties and high ecological impacts in the region as defined by the California Invasive Plant Council.
 - (4)(5) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;
 - (5)(6) Accumulations of garden refuse, cuttings, and other combustible trash.
- (c) Every property owner shall remove or destroy such weeds from ~~his~~ their property, and in the abutting half of any street or alley between the lot lines as extended.

8.08.020 Resolution declaring nuisance.

Whenever any such weeds are growing upon any private property or properties or in any street or alley within the city, the council shall pass a resolution declaring the same to be a public nuisance and order the fire chief or urban forester to give notice of the passage of such resolution as herein provided, and stating therein that, unless such nuisance is abated without

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delay by the destruction or removal of such weeds, the work of abating such nuisance will be done by the city authorities, and the expense thereof assessed upon the lots and lands from which, and/or in the front and rear of which, such weeds shall have been destroyed or removed. Such resolution shall fix the time and place for hearing any objections to the proposed destruction or removal of such weeds.

8.08.030 Form and publication of notice.

- (a) ~~Such~~ The fire chief or urban forester shall cause to be published a public notice shall be in substantially ~~in~~ the following form:

NOTICE TO DESTROY WEEDS

NOTICE IS HEREBY GIVEN that on _____, 20 __, pursuant to the provisions of Section [8.08.020](#) of the Palo Alto Municipal Code, the City Council passed a resolution declaring that all weeds growing upon any private property or in any public street or alley, as defined in Section [8.08.010](#) of the Palo Alto Municipal Code, constitute a public nuisance, which nuisance must be abated by the destruction or removal thereof.

NOTICE IS FURTHER GIVEN that property owners shall without delay remove all such weeds from their property, and the abutting half of the street in front and alleys, if any, behind such property, and between the lot lines thereof as extended, or such weeds will be destroyed or moved and such nuisance abated by the city authorities, in which case the cost of such destruction or removal will be assessed upon the lots and lands from which, or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of the Council of said city, to be held in the Council Chamber of the City Hall in said city on _____, 20__, at seven p.m., when and where their objections will be heard and given due consideration.

Date _____, 1920 _____

Fire Chief or Urban Forester
City of Palo Alto

- (b) Such notice shall be published at least twice in a newspaper published and circulated ~~in said~~ within the city, the first publication of which shall be at least ten days prior to the time fixed by the council for hearing objections.

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8.08.040 Hearing ~~Power of council~~ on notice.

At the time stated in the notice, the council shall hear and consider any and all objections to the proposed destruction or removal of such weeds, and may continue the hearing from time to time. The council, by motion or resolution, shall allow or overrule any or all objections, if any, after which the council shall thereupon be deemed to have acquired jurisdiction to proceed and perform the work of destruction and removal of such weeds.

8.08.050 Order to abate nuisance.

The council shall by resolution order the fire chief or urban forester to abate such nuisance, or cause the same to be abated, by having the weeds referred to destroyed or removed, and the fire chief or urban forester and his deputies, assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property for that purpose. Any property owner shall have the right to destroy or remove such weeds ~~himself~~ themselves, or have the same destroyed or removed at ~~his~~ their own expense; provided that such weeds shall have been removed prior to the arrival of the fire chief or urban forester or ~~his~~ their authorized representatives to remove them.

8.08.060 Account and report of cost.

The fire chief or urban forester shall keep an account of the cost of abating such nuisance and embody such account in a report and assessment list to the city council, which shall be filed with the clerk. Such report shall refer to each separate lot or parcel of land by description sufficient to identify such lot or parcel, together with the expense proposed to be assessed against each separate lot or parcel of land.

8.08.070 Notice of report.

The city clerk shall post a copy of such report and assessment list on the bulletin board near the entrance door at the City Hall, together with a notice of the filing thereof and of the time and place when and where it will be submitted to the city council for hearing and confirmation, notifying property owners that they may appear at such time and place, and object to any matter contained therein. A like notice shall also be published twice in a newspaper of general circulation, published and circulated within the city. The posting and first publication of said notice shall be made and completed at least ten days before the time such report shall have been submitted to the city council. Such notice, as so posted and published, shall be substantially in the following form:

NOTICE OF HEARING ON REPORT AND ASSESSMENT FOR WEED ABATEMENT

NOTICE IS HEREBY GIVEN that on _____, 20__ , the Fire Chief or Urban Forester of the City of Palo Alto filed with the City Clerk of said city a report and assessment on abatement of

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weeds within said city, a copy of which is posted on the bulletin board at the entrance to the City Hall.

NOTICE IS FURTHER GIVEN that on _____, 20___, at the hour of seven p.m., in the Council Chambers of said City Hall, said report and assessment list will be presented to the City Council of said City for consideration and confirmation, and that any and all persons interested, having any objections to said report and assessment list, or to any matter or thing contained therein, may appear at said time and place and be heard.

Date _____, 20___

City Clerk of the City of Palo Alto

8.08.080 Hearing on cost assessment.

- (a) At the time and place fixed for receiving and considering such report the city council shall hear the same together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating such nuisance, and the fire chief or urban forester shall attend such meeting with ~~his~~their record thereof, and upon such hearing, the council may make such modifications in the proposed assessments therefore as it may deem necessary, after which such report and assessment list shall be confirmed by resolution.
- (b) The amount of the cost of abating such nuisance upon, or in the front or rear of, the various lots or parcels of land respectively referred to in such report, shall constitute special assessments against such respective lots or parcels of land, and after thus made and confirmed, shall constitute a lien on such property for the amount of such assessments, until paid.

8.08.090 Collection on tax roll.

On or before the first day of September of each year, the amounts of such assessments against the respective parcels of land shall be entered on the next tax roll which general city taxes are to be collected. Thereafter, such amounts shall be collected at the same time, and in the same manner, as general city taxes are collected, and shall be subject to the same interest and penalties, and the same procedure and sale in case of delinquencies. All laws applicable to the levy, collection and enforcement of city taxes are hereby made applicable to such assessments.

SECTION 4. Chapter 8.10 (Tree Preservation and Management Regulations) of Title 8 (Trees and Vegetation) of the Palo Alto Municipal Code hereby renamed Chapter 8.10 (Tree and Landscape Preservation and Management) and amended to read as follows (additions underlined and deletions ~~struck through~~):

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Chapter 8.10
LANDSCAPE AND TREE AND LANDSCAPE PRESERVATION AND PRESERVATION AND
MANAGEMENT REGULATIONS

Sections:

- 8.10.010 Purpose.**
- 8.10.020 Definitions.**
- 8.10.030 Tree and Landscape Technical Manual.**
- 8.10.040 Disclosure of information regarding existing trees.**
- 8.10.050 ~~Prohibited acts~~ Removal of protected trees.**
- 8.10.055 Tree replacement.**
- 8.10.060 No limitation of authority under Titles 16 and 18.**
- 8.10.070 Care of protected trees.**
- 8.10.080 Development conditions.**
- 8.10.090 Designation of heritage trees.**
- 8.10.092 Tree removal in wildland-urban interface area.**
- 8.10.095 ~~Tree removal in HD-Z~~ Hospital District zone.**
- 8.10.100 ~~Responsibility for e~~ Enforcement.**
- 8.10.110 ~~Enforcement~~ Remedies for v violation.**
- 8.10.120 Fees.**
- 8.10.130 Severability.**
- 8.10.140 Applications, Notice, and Appeals.**

8.10.010 Purpose.

The purpose of this chapter is to ~~promote the health, safety, welfare, and quality of life of the residents of the city through the protection of~~ specified trees located on private property within the city, and ~~the establishment of~~ standards for removal, maintenance, and planting of trees and landscaping. In establishing these procedures and standards, the city recognizes that trees and landscaping are an essential part of the city's infrastructure. Their benefits include promoting the health, safety, welfare, and quality of life of the residents of the city; addressing climate change by sequestering carbon and providing a cooling effect; reducing air, water, and noise pollution; preventing soil erosion and stormwater runoff; providing wildlife habitat; and enhancing the aesthetic environment. It is the city's intent to encourage both the preservation of trees and the proactive incorporation of trees and their benefits within development.

8.10.020 Definitions.

For the purposes of this chapter, ~~the following definitions shall apply~~ terms defined in Chapter 8.04 shall have the same meanings in this chapter, and the following terms shall have the meaning ascribed to them in this section:

- (a) "Basal flare" means that portion of a tree where there is a rapid increase in diameter at the confluence of the trunk and root crown.
- (b) "Buildable area" means that area of a parcel:

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- (1) Upon which, under applicable zoning regulations, a structure may be built without a variance, design enhancement exception, or home improvement exception; or
 - (2) Necessary for construction of primary access to structures located on or to be constructed on the parcel, where there exists no feasible means of access which would avoid protected trees. On single-family residential parcels, the portion of the parcel deemed to be the buildable area under this paragraph (b)(2) shall not exceed ten feet in width.
- (c) "Building footprint" means the two-dimensional configuration of an ~~existing~~ building's perimeter boundaries as measured on a horizontal plane at ground level.
- (d) "Designated arborist" means an arborist certified by the International Society of Arboriculture or another nationally recognized tree research, care, and preservation organization, selected by the urban forester for inclusion in a list of approved arborists to be hired by:
- (1) An applicant at their own expense, or
 - (2) The city at an applicant's expense, if a project includes a public hearing.
- ~~(d)~~ "Hazardous" means an imminent hazard or threat to the safety of persons or property.
- (e) "Development" means any work upon any property in the city which requires a subdivision, planned community zone, variance, use permit, building permit, demolition permit, or other city approval or which involves excavation, landscaping or construction within the dripline area of a protected tree or is subject to requirements of the California Model Water Efficient Landscape Ordinance (MWELO).
- (f) "Director of planning and development services" means the director of planning and development services or their designee.
- ~~(f)~~(g) "Director of public works" means the director of public works ~~planning and development services or his or her~~ their designee.
- ~~(g)~~(h) "Discretionary development approval" means planned community zone, subdivision, use permit, variance, home improvement exception, design enhancement exception, ~~or~~ architectural review board approval, or any proposal or application that requires the discretion of the authorizing person or entity.
- ~~(h)~~(i) "Dripline area" means the area defined by the projection to the ground of the outer edge of the canopy or within X distance from the perimeter of the trunk of the tree at four and one-half feet (fifty-four inches) above natural grade where X equals a distance a circle with a radius ten times the diameter of the trunk as measured four and one-half feet (fifty-four inches) above natural grade, whichever is greater.
- ~~(i)~~(j) "Excessive pruning" means any of the following:
- (1) ~~Removal of more than one-fourth of the functioning leaf, and stem, or root area of a tree in any ~~twelve~~ twenty-four-month period,~~
 - (2) ~~Removal of more than 15 percent of the functioning root area of any Quercus (oak) species in any thirty-six-month period,~~
 - ~~(3) or a~~ Any removal of the functioning leaf, stem, or root area of a tree foliage so as to cause a significant decline in health, increased risk of failure, or the unbalancing of a tree.

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(k) "Hazardous" means an imminent hazard which constitutes a high or extreme threat to the safety of persons or property as defined by American National Standards Institute A300, Part 9.

~~(j)~~(l) "Protected" tree means any of the following:

- (1) Any locally native tree of the species *Acer macrophyllum* (Bigleaf Maple), *Calocedrus decurrens* (California Incense Cedar), *Quercus agrifolia* (Coast Live Oak), *Quercus douglasii* (Blue Oak), *Quercus kelloggii* (California Black Oak), or *Quercus lobata* (Valley Oak) which is eleven and one-half inches in diameter (thirty-six inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade; ~~and~~
- (2) Any Coast Redwood tree (species *Sequoia sempervirens*) that is eighteen inches in diameter (fifty-seven inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade.
- (3) Any tree larger than fifteen inches in diameter (forty-seven inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade of any species except those invasive species described as weeds in Section 8.08.010 and those species classified as high water users by the water use classification of the landscape species list approved by the California Department of Water Resources (with the exception of Coast Redwood).
- (4) Any tree designated for protection during review and approval of a development project.
- (5) Any tree designated for carbon sequestration and storage and/or environmental mitigation purposes as identified in an agreement between the property owner and a responsible government agency or recorded as a deed restriction.
- ~~(3)~~(6) Any heritage tree designated by the city council in accordance with the provisions of this chapter.
- (7) Any replacement mitigation tree or other tree designated to be planted due to the conditions listed in Section 8.10.055.

(m) "Protected tree removal permit" means a permit issued to allow a person to remove a protected tree.

~~(k)~~(n) "Remove" or "removal" means any of the following:

- (1) Complete removal, such as cutting to the ground or extraction, of a tree; or-
- (2) Taking any action foreseeably leading to the death of a tree or permanent damage to its health; including but not limited to excessive pruning, cutting, topping, girdling, poisoning, overwatering, underwatering, unauthorized relocation or transportation of a tree, or trenching, excavating, altering the grade, or paving within the dripline area of a tree.

~~(l)~~ "Tree" means any woody plant which has a trunk four inches or more in diameter at four and one-half feet above natural grade level.

~~(m)~~(o) "Tree report" means a report prepared by an designated arborist certified by the International Society of Arboriculture or another nationally recognized tree research, care, and preservation organization.

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(n)(p) ~~"Tree Technical Manual"~~ "Tree and Landscape Technical Manual" means the regulations issued by the city manager to implement this chapter.

8.10.030 Tree and Landscape Technical Manual.

The city manager, through the ~~urban forestry section, departments of and~~ public works and planning and ~~development services departments, community environment,~~ shall issue regulations necessary for implementation and enforcement of this chapter, which shall be known as the Tree and Landscape Technical Manual. In the event of a conflict between the provisions of this Title 8 and the Tree and Landscape Technical Manual, this Title 8 shall prevail. The Tree and Landscape Technical Manual will be made readily available to the public and shall include, but need not be limited to, standards and specifications regarding the following:

- (a) Protection of trees during construction.;
- (b) Replacement of trees allowed to be removed pursuant to this chapter where such replacements:;
 - (1) Prioritize the use of locally native species, as listed in Section 8.10.020(I)(1), consistent with Urban Forest Master Plan Goal 2: "Re-generated native woodland and riparian landscapes as the key ecological basis of the urban forest with focus on native species and habitat;"
 - (2) Include climate adaptive, drought tolerant, non-native species as needed to satisfy right tree in the right place principles; and
 - (3) Incorporate a secondary goal of net tree canopy increase on the property within 15 years.
- (c) Maintenance of protected trees (including but not limited to pruning, irrigation, and protection from disease).;
- (d) The format and content of tree reports required to be submitted to the city pursuant to this chapter.;
- (e) The criteria for determining whether a tree is ~~dangerous~~ hazardous within the meaning of this chapter.
- (f) Landscape design, irrigation, and installation standards consistent with the city's water efficient landscape regulations.

8.10.040 Disclosure of information regarding existing trees.

- (a) Any application for development or demolition shall be accompanied by a statement by a designated arborist ~~the property owner or authorized agent~~ which discloses whether any protected trees exist on the property which is the subject of the application, and describing each such tree, its species, size, dripline area, and location. This requirement shall be met by including the information on plans submitted in connection with the application.
- (b) In addition, the location of all other trees on the ~~site property~~ and in the adjacent public right of way which are within thirty feet of the building footprint ~~area~~ proposed for development, and trees located on adjacent property within thirty feet of the

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- proposed building footprint or with canopies overhanging the project site, shall be shown on the plans, identified by species.
- (c) The director of public works or urban forester may require submittal of such other information as is necessary to further the purposes of this chapter including but not limited to photographs.
- (d) Disclosure of information pursuant to this section shall not be required when the development for which the approval or permit is sought does not involve any change in an existing building footprint nor any grading, trenching, or paving, or any change in landscaping which could alter water availability to established plants, hedges, shrubs, or trees.
- (e) The urban forester or the designated arborist for a project shall add identified protected trees into the city's tree inventory database, and in coordination with the planning and development services departments, into city parcel reports.
- ~~(e)~~(f) Knowingly or negligently providing false or misleading information in response to this disclosure requirement shall constitute a violation of this chapter.

8.10.050 ~~Prohibited acts~~ Removal of protected trees.

It shall be a violation of this chapter for anyone to remove or cause to be removed a protected tree, except ~~as allowed in this section~~ pursuant to a protected tree removal permit issued under Section 8.10.140 consistent with the following:

- (a) In the absence of proposed development:-
- (1) ~~a~~ A protected trees shall not be removed unless determined by the director of planning and development services, urban forester grants a protected tree removal permit, having determined, on the basis of a tree report prepared by a certified designated arborist for the applicant and other relevant information, that treatments or corrective practices are not feasible, and that the tree should be removed because any of the following apply:
- (i) ~~it~~ It is dead, is hazardous, is a detriment to or crowding an adjacent protected tree, or constitutes a nuisance under Section 8.04.050(2) of this code.
- (ii) It is a detriment to or is crowding an adjacent protected tree, or is impacting the foundation or eaves of a residence or any covered parking required under Title 18.
- (2) In the event a protected tree is removed pursuant to a protected tree removal permit granted under this subsection, the director of planning and development services in consultation with the urban forester shall may issue a temporary moratorium on development of the subject property not to exceed thirty-six months from the date the tree removal occurred. For any moratorium less than thirty-six months, the urban forester shall determine appropriate mitigation measures for the tree removal, and ensure measures are incorporated into any future development approvals for the property. Mitigation measures as determined by the urban forester shall be imposed as a condition of any subsequent permits for development on the subject property.

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- (b) In the case of any development on a single-family (R-1) or low density (RE, R-2, or RMD) residential zoned parcel~~lot~~, other than in connection with a subdivision, a protected tree shall not be removed unless determined by the urban forester, on the basis of a tree report prepared by a designated arborist and other relevant information, that any of the following apply:
- (1) The tree is so close to the proposed development that construction would result in the death of the tree, and there is no financially feasible design alternative that would permit preservation of the tree, where financially feasible means an alternative that preserves the tree unless retaining the tree would increase project cost by more than twice the reproduction cost of the tree or 10% of the given project valuation, whichever is greater.~~Protected trees shall not be removed unless the trunk or basal flare of the protected tree is touching or within the building footprint, or the director of planning and development services has determined, on the basis of a tree report prepared by a certified arborist for the applicant and other relevant information, that the tree should be removed because it is dead, is hazardous, is a detriment to or crowding an adjacent protected tree, or constitutes a nuisance under Section 8.04.050(2) of this code.~~
 - (2) The tree could be removed due to the conditions listed in Section 8.10.050(a)(1) and treatments or corrective practices are not feasible.~~If no building footprint exists, protected trees shall not be removed unless the trunk of the tree is located in the building area, or the director of planning and community environment has determined, on the basis of a tree report prepared by a certified arborist for the applicant and other relevant information, that the tree should be removed because it is dead, is hazardous, is a detriment to or crowding an adjacent protected tree, or constitutes a nuisance under Section 8.04.050(2) of this code.~~
 - (3) ~~If removal is allowed because the tree trunk is located in the building footprint, or the trunk or basal flare is in the building area, or because the director of planning and community environment has determined that the tree is so close to the building area that construction would result in the death of the tree, the tree removed shall be replaced in accordance with the standards in the Tree Technical Manual.~~
- (c) ~~In connection with~~ the case of development involving a proposed subdivision of land into two or more parcels, ~~a~~no protected tree shall not be removed unless determined by the urban forester, on the basis of a tree report prepared by a designated arborist and other relevant information, that either of the following apply:
- (1) ~~Removal is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard (landslide, repairs, etc.), in which case only the protected tree or trees necessary to allow access to the property or repair the geologic hazard may be removed.~~
 - (2) The tree could be removed due to the conditions listed in subsection (a)(1)(i) and treatments or corrective practices are not feasible.

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~~The tree removed shall be replaced in accordance with the standards in the Tree Technical Manual. Tree preservation and protection measures for any lot that is created by a proposed subdivision of land shall comply with the regulations of this chapter.~~

- ~~(d)~~ In the case of development requiring planning approval under Title 18, and not included under subsections (b) or (c), a protected tree shall not be removed unless determined by the urban forester, on the basis of a tree report prepared by a designated arborist and other relevant information, that either of the following apply:
- (1) Retention of the tree would result in reduction of the otherwise-permissible buildable area of the lot by more than twenty-five percent, and there is no financially feasible design alternative that would permit preservation of the tree, where financially feasible means an alternative that preserves the tree unless retaining the tree would increase project cost by more than twice the reproduction cost of the tree or 10% of the given project valuation, whichever is greater.
 - (2) The tree should be removed because it is dead, hazardous, or constitutes a nuisance under Section 8.04.050. In such cases, the dripline area of the removed tree, or an equivalent area on the site, shall be preserved for mitigation purposes from development of any structure.
- ~~(d)(e)~~ In any# circumstances other than those described in paragraphs subsections (a), (b), and (c), or (d) of this section, a protected trees shall not be removed unless one of the following applies: determined by the urban forester, on the basis of a tree report prepared by a designated arborist and other relevant information, that the tree is dead, is hazardous, or constitutes a nuisance under Section 8.04.050.
- ~~(1) The director of planning and community environment has determined, on the basis of a tree report prepared by a certified arborist for the applicant and other relevant information, that the tree should be removed because it is dead, dangerous or constitutes a nuisance under Section 8.04.050(2). In such cases, the dripline area of the removed tree, or an equivalent area on the site, shall be preserved from development of any structure unless removal would have been permitted under paragraph (2), and tree replacement in accordance with the standards in the Tree Technical Manual shall be required.~~
 - ~~(2) Removal is permitted as part of project approval under Chapter 18.76 (Permits and Approvals) of this code, because retention of the tree would result in reduction of the otherwise-permissible building area by more than twenty-five percent. In such a case, the approval shall be conditioned upon replacement in accordance with the standards in the Tree Technical Manual.~~

8.10.055 Tree replacement.

- (a) In the event a protected tree is removed pursuant to Section 8.10.050(a)(1)(i), mitigation for the removed tree, replacement tree ratio, in lieu fees, or a combination thereof shall be determined by the urban forester, based on factors including but not limited to the species, size, location, and specific reason for removal of the protected

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tree, in accordance with the standards and specifications in the Tree and Landscape Technical Manual.

- (b) In the event a protected tree is removed pursuant to Section 8.10.050 (a)(1)(ii), (b), (c), (d), or (e), the tree removed shall be replaced in accordance with the standards and specifications in the Tree and Landscape Technical Manual, including but not limited to prioritization of locally native species, satisfaction of right tree in the right place principles, and incorporation of a secondary goal of net tree canopy increase on the property within 15 years. The urban forester shall approve the number, species, size, and location of replacement trees.

8.10.060 No limitation of authority under Titles 16 and 18.

Nothing in this chapter limits or modifies the existing authority of the city under Title 18 (Zoning Ordinance) to require trees, shrubs, hedges, and other plants not covered by this chapter to be identified, retained, protected, and/or planted as conditions of the approval of development. In the event of conflict between provisions of this chapter and conditions of any permit or other approval granted pursuant to Title 16 or Title 18, the more protective requirements shall prevail.

8.10.070 Care of protected trees.

- (a) All owners of property containing protected trees shall follow the maintenance standards in the Tree and Landscape Technical Manual, including avoiding any action foreseeably leading to the death of a tree or permanent damage to its health; including but not limited to excessive pruning, cutting, topping, girdling, poisoning, overwatering, underwatering, reduced watering due to a landscape change, unauthorized relocation or transportation of a tree, or trenching, excavating, altering the grade, or paving within the dripline area of a tree.
- (b) At least seven days prior to pruning a protected tree, other than that required to remove a dead, diseased, or broken branch or branches, the property owner or their designee shall prominently post a notice on the property, in one or more locations readily visible to the public, that includes standards for pruning and a description of the tree including tree species, size, location, the date of work, and a contact phone number. The form for such notice will be available on the city's website as a printable document. Protected trees less than five (5) years old are exempt from this provision.
- ~~(b)~~(c) The standards for protection of trees during construction contained in the Tree and Landscape Technical Manual shall be followed during any development on property containing ~~protected~~ trees.
- (d) The urban forester shall add identified protected trees into the city's tree inventory database and, in coordination with the planning and development services departments, into city parcel reports.

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8.10.080 Development conditions.

- (a) Development approvals for property containing protected public trees shall~~will~~ include appropriate conditions as set forth in the Tree and Landscape Technical Manual, providing for the protection of such trees during construction and for maintenance of ~~such~~the trees thereafter. Trees may be designated for protection that are significant visually or historically, provide screening, or are healthy and important to the nearby ecosystem.
- (b) It shall be a violation of this chapter for any property owner or agent of the owner to fail to comply with any development approval or building permit condition concerning preservation, protection, and maintenance of any tree, including but not limited to protected trees.

8.10.090 Designation of heritage trees.

- (a) Upon nomination by any person and with the written consent of the property owner(s), the city council may designate a tree or trees as a heritage tree.
- (b) A tree may be designated as a heritage tree upon a finding that it is ~~unique and~~ of importance to the community due to any of the following factors:
 - (1) It is an outstanding specimen of a desirable species~~;~~
 - (2) It is one of the largest or oldest trees in Palo Alto~~;~~
 - (3) It possesses distinctive form, size, age, location, and/or historical significance.
- (c) After council approval of a heritage tree designation, the city clerk shall notify the property owner(s) in writing. A listing of trees so designated, including the specific locations thereof, shall be kept by the departments of public works ~~and planning and community environment.~~
- (d) Once designated, a heritage tree shall be considered protected and subject to the provisions of this chapter unless removed from the list of heritage trees by action of the city council. The city council may remove a tree from the list upon its own motion or upon written request by the property owner. Request for such action must originate in the same manner as nomination for heritage tree designation.

8.10.092 Tree removal in wildland-urban interface area

Tree removal and relocation in the wildland-urban interface (WUI) area, as defined in Section 15.04.190, shall be subject to the provisions in Chapter 15.04. To the extent Chapter 15.04 is inconsistent with this chapter, Chapter 15.04 shall control.

8.10.095 Tree removal in ~~HD~~ Hospital District zone.

Tree removal and relocation in the Hospital District (HD) shall be subject to the provisions in Section 18.36.070. To the extent Section 18.36.070 is inconsistent with this chapter, Section 18.36.070 shall control.

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8.10.100 ~~Responsibility for e~~Enforcement.

- (a) Violation of this chapter is a misdemeanor, punishable as provided in this code. Each day of violation constitutes a separate offense and may be separately punished.
- ~~(a)~~(b) Persons employed in the following designated employee positions may enforce the provisions are authorized to exercise the authority provided in California Penal Code Section 836.5 and are authorized to issue citations for violations of this chapter, including but not limited to leveling fines under the city's administrative penalty authority by the issuance of citations: assistant director of public works public services division, urban forester, landscape architect, project manager in the urban forestry section, landscape architect chief building official, assistant building official, and code enforcement officer, planning arborist.

8.10.110 ~~Enforcement~~ Remedies for ~~V~~iolation.

In addition to all other remedies set forth in this code or otherwise provided by law, the following remedies shall be available to the city for violation of this chapter:

- (a) Stop Work - Temporary Moratorium.
- (1) If a violation occurs in the absence of proposed development pursuant to subdivision Section 8.10.050(a)(1), or while an application for a building permit or discretionary development approval for the lot upon which the tree is located is pending, the director of planning and development services in consultation with the urban forester shall issue a temporary moratorium on development of the subject property, not to exceed five years from the date the violation occurred. The purpose of the moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure measures are incorporated into any future development approvals for the property. Mitigation measures as determined by the urban forester shall be imposed as a condition of any subsequent permits for development on the subject property.
- ~~(1)~~(2) If a violation occurs during development pursuant to Section 8.10.050 (b), (c), (d), or (e), the city may shall issue a stop work order suspending and prohibiting further activity on the property pursuant to the grading, demolition, and/or building permit(s) (including construction, inspection, and issuance of certificates of occupancy) until a mitigation plan has been filed with and approved by the director of planning and development services in consultation with the urban forester, agreed to in writing by the property owner(s), and either implemented or guaranteed by the posting of adequate security. The mitigation plan shall include measures for protection or repair of any remaining trees on the property, and shall provide for replacement of each tree removed on the property or at locations approved by the director of planning and community and by the urban forester or director of public works, if replacement is to occur on public property. The replacement ratio shall be in accordance with the standards set forth in the Tree and Landscape Technical Manual, and

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shall be at least twice the prescribed a greater ratio than that required where tree removal is permitted pursuant to the provisions of this chapter.

- ~~(2)~~ If a violation occurs in the absence of development, or while an application for a building permit or discretionary development approval for the lot upon which the tree is located is pending, the director may issue a temporary moratorium on development of the subject property, not to exceed eighteen months from the date the violation occurred. The purpose of the moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure measures are incorporated into any future development approvals for the property. Mitigation measures as determined by the director shall be imposed as a condition of any subsequent permits for development on the subject property.

(b) Civil Penalties.

- (1) As part of a civil action brought by the city, a court may assess against any person who commits, allows, or maintains a violation of any provision of this chapter a civil penalty in an the following amount: ~~not to exceed five thousand dollars per violation.~~

(i) Ten thousand dollars per tree, or twice the reproduction cost of each tree, whichever amount is higher, for the complete removal of a tree, as defined in Section 8.10.020(n)(1).

(ii) Ten thousand dollars per tree, or the reproduction cost of each tree, whichever amount is higher, for any of the actions set forth in Section 8.10.020(n)(2).

(iii) Ten thousand dollars per tree, or twice the repair cost of each tree, whichever amount is higher, for damage to a tree protected or regulated by this chapter which can be rehabilitated.

- (2) ~~Where the violation has resulted in removal of a tree, the civil penalty shall be in an amount not to exceed five thousand dollars per tree unlawfully removed, or the replacement value of each such tree, whichever amount is higher. Such amount~~ Penalties shall be payable to the city.

- (3) ~~Replacement value~~ Reproduction or repair cost for the purposes of this chapter ~~section~~ shall be determined utilizing the most recent edition of the *Guide for Plant Appraisal*, published by the Council of Tree and Landscape Appraisers.

- (c) Administrative Penalties. Persons listed in Section 8.10.100(b) may issue citations for violations of this chapter that level fines under the city's administrative penalty authority.

~~(e)(d)~~ Injunctive Relief. A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation.

~~(d)(e)~~ Costs. In any civil action brought pursuant to this chapter in which the city prevails, the court shall award to the city all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.

~~(e)(f)~~ The remedies and penalties provided in this section are cumulative and not exclusive.

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8.10.120 Fees.

Tree reports required to be submitted to the city for review and evaluation pursuant to this chapter shall be accompanied by the fee prescribed therefore in the municipal fee schedule.

8.10.130 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

8.10.140 Applications, Notice, and Appeals.

(a) Applications.

- (1) All applications for removal of a protected tree pursuant to Section 8.10.050 shall be filed in accordance with this section and any applicable provisions of Chapter 18.77. Applications for removal of protected trees on non-residential zoned properties will follow review guidelines set forth in Section 8.10.050(d) and Section 18.76.020 and will follow the process set forth in Section 18.77.070.
- (2) The application form shall be prescribed by the urban forester and shall contain a list of information that must be submitted in order for the application to be deemed complete.
- (3) Each application must be signed by all owners of the real property containing the protected tree, or an agent of the owner of record of the real property on which the protected tree occurs, when duly authorized by the owner in writing.
- (4) No application shall be deemed received until all fees for the application as set forth in the municipal fees schedule have been paid, and all documents specified as part of the application in this chapter or on the application form have been filed.
- (5) Protected tree removal permits shall automatically expire after twelve months, unless otherwise provided in the permit, from the date of issuance of the permit if within such twelve--month period, the proposed tree has not been removed.

(b) Notice.

- (1) All applications for removal of a protected tree pursuant to Section 8.10.050 shall give notice in accordance with this section, the Tree and Landscape Technical Manual, and any applicable provisions of Chapter 18.77.
- (2) After submittal of an application to remove a protected tree, notice shall be given consistent with subsection (b)(4) and shall include the date of the proposed removal and the basis for the application.
- (3) Upon determination of a protected tree removal application, notice shall be given consistent with subsection (b)(4) and shall include a description of the decision and how to appeal it.

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- (4) Notices required pursuant to this section shall include the address of the property, a description of the protected tree, including species, size, and location, and urban forestry contact information, and shall be given as follows:
- (i) In writing to all owners and residents of property within 300 feet of the exterior boundary of the property containing the protected tree, and to all principal urban forestry partner organizations.
 - (ii) By posting on the property, in one or more locations visible to the public.
 - (iii) By posting on the city's website.

~~(a)~~(c) Appeals.

- (1) Any person applying to remove a protected tree in the absence of proposed development pursuant to Section 8.10.050(a), and any owner or resident of property within 600 feet of the exterior boundary of the property containing the protected tree, may request a public hearing by the director of public works to review the urban forester's decision, and may appeal the director of public works' determination to the city council. Any such request or appeal shall be filed with the public works department in a manner prescribed by the urban forester.
- (2) Any person ~~seeking the director's approval~~ applying to remove a protected tree pursuant to Section 8.10.050(b), (c), (d), or (e), and any owner or resident of property within 600 feet of the exterior boundary of the property containing the protected tree ~~the ordinance codified in this chapter who is aggrieved by a decision of the director~~ may appeal the director of planning and development service's such decision in accordance with the procedures set forth in Chapter 18.78 (Appeals).
- (3) All appeals must be filed within fourteen days of posting of notice on the property pursuant to subsection (b)(4)(ii).

SECTION 5. Section 9.56.030 (Nuisances described - Authority to abate) of Chapter 9.56 (Abatement of Nuisances) of Title 9 (Public Peace, Morals and Safety) of the Palo Alto Municipal Code is hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

9.56.030 Nuisances described - Authority to abate.

(a) Each of the following conditions constitutes a nuisance, and whenever an enforcement officer determines that any of such conditions exist upon any premises, he may require or provide for the abatement thereof pursuant to this chapter and make the costs of abatement a lien upon the property:

- (1) The existence of any accumulation of solid waste upon the premises so as to be a nuisance under Section 5.20.180.
- (2) The existence of weeds upon the premises, or public sidewalks, or streets, or alleys between said premises and the centerline of any public street or alley, so as to be a nuisance under Section 8.08.010.
- (3) The existence of any dead, diseased, infested, or dying tree in any street; or on any private property so near to any street tree as to constitute a danger to street trees, or streets, or portions thereof, so as to be a nuisance under Section 8.04.050(a)(1).

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(4) The existence of any tree or shrub on any private property or in any street, of a type or species apt to destroy, impair or otherwise interfere with any street improvements, sidewalks, curbs, approved street trees, gutters, sewers, other public improvements, including utility mains or services so as to be a nuisance under Section [8.04.050\(ab\)](#)~~(2)~~.

(5) The existence within the thirty-five foot triangle of property at the intersection of streets improved for vehicular traffic, of any tree limb, shrub, hedge, or plant exceeding three feet in height where either traffic signals, stop signs, or yield signs are not installed, or at any intersections which are determined by the chief transportation official to contain tree limbs, shrubs, hedges, or plants that obscure and impair the view of passing motorists or pedestrians so as to create a safety hazard, so as to be a nuisance under Section [8.04.050\(ac\)](#)~~(3)~~.

(6) The existence of any vines or climbing plants growing into or over any street tree or any public hydrant, pole or electrolier contrary to the provisions of Section [8.04.050\(ad\)](#)~~(4)~~ or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, alarm box, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto by the fire department.

(7) The existence of any tree within the city limits that is infested, infected or in danger of becoming infested or infected with objectionable insects, scale, fungus or growth injurious to trees so as to be a nuisance under Section [8.04.050\(ae\)](#)~~(5)~~.

(8) The existence of any branches or foliage which interfere with visibility on, or free use of, or access to, or obstruct public vehicular or pedestrian travel on any portion of any street improved for vehicular or pedestrian travel so as to be a nuisance under Section [8.04.050\(af\)](#)~~(6)~~.

(9) The existence of hedges or dense thorny shrubs and plants on any street or part thereof so as to be a nuisance under Section [8.04.050\(ag\)](#)~~(7)~~.

(10) The existence of shrubs and plants more than two feet in height in any street, measured above top of curb grade so as to be a nuisance under Section [8.04.050\(ah\)](#)~~(8)~~.

(11) The existence of any open pit in any closed or abandoned trampoline center.

(12) The existence of any act or condition that presents a fire, panic, or life safety hazard, or would contribute to the rapid spread of fire or inhibit mitigation or increase the chance of release of hazardous material, or would interfere with, hinder or delay the egress of occupants or response of emergency personnel, so as to be a nuisance under Section 15.04.055.

(13) The existence upon the sidewalk in front of any premises of anything which shall restrict the public use thereof so as to be a nuisance under Section [9.48.020](#).

(14) The existence upon the sidewalk in front of any premises of any dirt, debris or litter so as to be a nuisance under Section [9.48.050](#).

(15) The existence of any sign erected, constructed or maintained in violation of or which fails to comply in any way with the provisions of [Chapter 16.20](#) of this code.

(16) The existence of a sidewalk or a portion of a sidewalk adjacent to any premises which is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk.

(17) The storage or keeping of any used or unused building material in a location out of doors for more than thirty days within a year; provided, that nothing in this subsection shall:

(A) Make lawful any such storage when it is prohibited by other ordinances or laws;

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(B) Prohibit such storage upon the premises of a bona fide lumberyard or other dealer in building materials when the same is permitted under the Zoning Code and other applicable laws;

(C) Prohibit such storage for ninety days when done in conjunction with the construction project for which a valid building permit is in effect if required and which is being prosecuted diligently to completion; extensions for additional periods of time may be granted by the building official when additional storage time is necessary and upon proof that such construction project will be diligently pursued.

"Building materials," as used in this subsection, means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, concrete block, roofing materials, cans of paint and similar materials.

(18) The storage or keeping in a location out of doors of any unused and abandoned open pit or excavation, building foundation, automobile, trailer, house trailer, boat or other vehicle or major parts thereof. Without limiting the foregoing, any such thing stored or kept for a period in excess of thirty days in a year shall be presumed to be unused and abandoned for purposes of this provision.

(19) The existence of any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk or place, which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition.

(20) The existence of any driveway which is determined to have been abandoned, pursuant to the provisions of Section [12.08.090](#); provided, that no notice need be given to the owner of the property with respect to the abatement of such condition other than that provided in this chapter.

(21) Any other condition on or use of property which is in fact a menace to the public peace, health, or safety.

SECTION 6. Subsection (f) of Section 18.09.040 (Units Subject to Local Standards) of Chapter 18.09 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 18 (Zoning) of the Palo Alto Municipal Code is hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

18.09.040 Units Subject to Local Standards.

[. . .]

(f) No protected tree shall be removed for the purpose of establishing an accessory dwelling unit except in accordance with Chapter 8.10. ~~unless the tree is dead, dangerous or constitutes a nuisance under Section 8.04.050. Any protected tree removed pursuant to this subsection shall be replaced in accordance with the standards in the Tree and Landscape Technical Manual.~~

[. . .]

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SECTION 7. Section 18.36.060 (Parking and Loading) of Chapter 18.36 (Hospital (HD) District) of Title 18 (Zoning) of the Palo Alto Municipal Code is hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

18.36.060 Parking and Loading

[. . .]

(e) For the purposes of calculating shading percentage pursuant to Section 18.54.040(d):

- (1) Shade structures may be utilized in lieu of trees;
- (2) The canopies of protected trees (as defined by Section 8.10.020(j)) transplanted on the site will count as double the actual tree canopy; and
- (3) Valet parking facilities may be designed to achieve twenty-five percent shading (rather than fifty percent shading).

SECTION 8. Section 18.36.070 (Tree Preservation) of Chapter 18.36 (Hospital (HD) District) of Title 18 (Zoning) of the Palo Alto Municipal Code is hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

-18.36.070 Tree Preservation

(a) Applicability

(1) Except as provided in this section, development in the HD district shall comply with Palo Alto Municipal Code Chapter 8.10 (Tree Preservation and Management Regulations), and the city Tree and Landscape Technical Manual.

(2) No protected tree (as defined by Section 8.10.020(j)), shall be removed or relocated until the director of planning and development services ("director"), in consultation with the ~~city arborist~~ urban forester, has determined whether the protected tree meets the standards of Group 1 or Group 2 Trees, as defined below, and the applicable Protected Tree Removal Permit or Protected Tree Relocation Permit has been obtained. The city's determination whether a protected tree meets the standards of Group 1 or Group 2 Trees shall be valid for a period of ten years following the date of such determination.

(3) For the purposes of this chapter, "Biological tree resources" shall have the same meaning as "Protected trees" as defined in Section 8.10.020(j).

[. . .]

(b) Preservation.

Notwithstanding Chapter 8.10, Group 1 Trees shall not be removed unless they meet the standard in Section 8.10.050(a)(1)(i). Authorized relocation of Group 1 Trees shall not constitute removal.

(c) Relocation.

Notwithstanding Chapter 8.10, Group 1 and Group 2 Trees may be relocated upon issuance of a Protected Tree Relocation Permit from the director in consultation with the ~~city~~

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~~arborist~~ urban forester. For purposes of this section, authorized relocation of Group 1 and 2 Trees shall not constitute removal. The requirements for a Protected Tree Relocation Permit shall be as follow:

(1) The applicant shall submit a proposed Tree Relocation and Maintenance Plan (TRMP) that (i) evaluates the feasibility of moving the tree to another location on or near the development site; and (ii) identifies the actions to be taken to increase the likelihood that relocation is successful including the following information: pre-relocation irrigation, relocation procedures, monitoring inspections, and post-relocation tree irrigation and maintenance.

(2) If the director determines the proposed relocation is feasible, the director shall issue a Protected Tree Relocation Permit requiring the following:

(A) The Protected Tree Relocation Permit shall specify the actions required to increase the likelihood that relocation is successful.

(B) Location of relocated trees is subject to review and approval by the director in consultation with the ~~city arborist~~ urban forester.

(C) If the relocated tree does not survive after a period of five years, the relocated tree shall be replaced with a tree or a combination of trees and tree value standards consistent with ~~Section 3.20, Table 3-1~~ Tree Canopy Replacement provisions, of the *Tree and Landscape Technical Manual*. If, after relocation, a relocated tree is disfigured, leaning with supports needed, or in decline with a dead top or dieback of more than twenty-five percent, the tree shall be considered a total loss and replaced as described in this subsection.

(D) The applicant shall provide a security guarantee for relocated trees, as determined by the director of planning and development services, in consultation with the ~~city arborist~~ urban forester, in an amount consistent with the *Tree and Landscape Technical Manual*.

(d) Removal of Group 2 Trees.

Notwithstanding [Chapter 8.10](#), removal of Group 2 Trees shall be allowed in the HD district, upon issuance of a Protected Tree Removal Permit from the director in consultation with the city arborist. The requirements for a Protected Tree Removal Permit shall be as follows:

(1) Group 2 Trees that are removed without being relocated shall be replaced in accordance with the ratios set forth in ~~Table 3-1~~ of the City of Palo Alto *Tree and Landscape Technical Manual* in the following way:

(A) The Protected Tree Removal Permit issued shall stipulate the tree replacement requirements for the removed tree, including number of trees, size, location, and irrigation. The number and size of trees required for replacement shall be calculated in accordance with Tree Canopy Replacement provisions, ~~Table 3-1~~ of the *Tree and Landscape Technical Manual*.

(B) The difference between the required tree replacement and the number of trees that cannot be feasibly planted on site shall be mitigated through contribution to the City of Palo Alto Forestry Fund as provided in ~~Section 3.15~~ of the *Tree and Landscape Technical Manual*. Payment to the Forestry Fund would be in the amount representing the fair market value, as described in ~~Section 3.25~~ of the *Tree and Landscape Technical Manual*, of the replacement trees that cannot be feasibly planted on site.

(2) Location of replacement trees is subject to review and approval by the director in consultation with the ~~City Arborist~~ urban forester.

(e) Appeal. Any person seeking the director's classification of Group 1 or 2 Trees, or seeking the approval to remove or relocate a protected tree pursuant to this chapter who is aggrieved

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by a decision of the director may appeal such decision in accordance with the procedures set forth in [Chapter 18.78](#) (Appeals).

SECTION 9. Section 18.54.050 (Miscellaneous Design Standards) of Chapter 18.54 (Parking Facility Design Standards) of Title 18 (Zoning) of the Palo Alto Municipal Code is hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

18.54.050 Miscellaneous Design Standards

(b) Sight Distance

(1) For residential uses of three or more units, and for all nonresidential uses, including public facilities, clear sight distance triangles for exiting driveways shall be provided as shown in [Figure 6](#) of this Section [18.54.070](#). In the non-zero setback zone only, if a stop sign is provided at the driveway exit, the director may decrease the required dimensions of the sight distance triangles. For cases not covered by [Figure 6](#), sight distance triangles shall be provided as required by the director. Neither the sight distance triangles nor any portion of the public right of way shall contain any wall, sign, berm, or other obstruction that is greater than three feet high above driveway grade, unless its width (measured in any direction or diameter) is eighteen inches or less. Nor shall the sight distance triangles or any portion of the public right of way contain any landscaping, except trees, that is greater than two feet in height above top of curb grade (refer also to Sections [8.04.050\(a\)\(8\)](#) and [9.56.030\(a\)\(10\)](#)). The height of landscaping shall be its maximum untrimmed natural growth height.

SECTION 10. Section 2.25.050 (Purpose and Duties) of Chapter 2.25 (Parks and Recreation Commission) of Title 2 (Administrative Code) of the Palo Alto Municipal Code hereby amended to read as follows (additions underlined and deletions ~~struck through~~):

(a) The purpose of the parks and recreation commission shall be to advise the city council on matters relating to the activities of the open space, parks and golf division and the recreation division of the community services department, excluding daily administrative operations.

(b) The commission shall have the following duties:

[. . .]

(7) Serve as a community forum for Urban Forestry matters and provide feedback, recommendations, and interpretations to City Council on the Urban Forest Master Plan and other associated policies.

(c) The parks and recreation commission shall not have the power or authority to cause the expenditure of city funds or to bind the city to any written or implied contract.

SECTION 11. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the

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fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 12. The Council finds that this ordinance is exempt from the provisions of the California Environmental Quality Act (“CEQA”), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. Alternatively, the ordinance is also exempt under CEQA Guidelines Section 15308 because it involves regulatory action for the protection of the environment.

SECTION 13. This ordinance shall be effective on the thirty-first day after the date of its adoption. However, this ordinance shall not apply to any projects that have submitted a complete application as of the ordinance’s effective date. In addition, until such time as a list of designated arborists is established by the Urban Forester, the term “designated arborist” shall mean any arborist certified by the International Society of Arboriculture or another nationally recognized tree research, care, and preservation organization.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Public Works