



**City Council  
Special & Regular Meeting  
Monday, September 12, 2022  
5:00 PM & 6:00 PM  
Council Chamber & Virtual  
AMENDED AGENDA**

*Amended agenda items appear in red below.*

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](mailto: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](mailto: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 – 5:25 pm)

2. Appreciation for Congresswoman Anna G. Eshoo, United States Representative of California’s 18th Congressional District, for advocating for the Historic Inflation Reduction Act and for securing \$7 million for a variety of projects through Community Project Funding to support Palo Alto *Item reordered*
1. Appointment of Candidates for the Human Relations Commission

STUDY SESSION

3. Report and Discussion on Valley Water’s Purified Water Project Including Location of the Advanced Water Purification Facility at the Former Los Altos Treatment Plant Site, Reverse Osmosis Concentrate Management, Upcoming Agreements and Decisions (5:25 – 6:30 PM)

Presentation

ADJOURN SPECIAL MEETING AND CONVENE REGULAR MEETING

4. 70 Encina Avenue (22PLN-00198): Request for a Prescreening to Consider Rezoning the Subject Property From Community Commercial (CC) to Planned Community (PC/PHZ) to Allow Development of a Building With Approximately 20 Dwelling Units and 28 Parking Spaces. Environmental Assessment: Not a Project. The Formal Application Will be Subject to California Environmental Quality Act (CEQA) Review. Zoning District: CC (Community Commercial). (6:30 – 7:30 PM)

Applicant Presentation

Staff Presentation

Public Letters

5. 4333 and 4345 El Camino Real [22PLN-00210]: Request by Toll Bros. for Prescreening of Their Proposal to Rezone the Subject Properties from CS to PHZ to Allow Redevelop the Two Sites with 12 Dwelling Units and 55 Dwelling Units, Respectively. Environmental Assessment: Not a Project. (7:30 – 8:30 PM)

Applicant Presentation

Staff Presentation

BREAK (8:30 – 8:40 PM)

AGENDA CHANGES, ADDITIONS AND DELETIONS

PUBLIC COMMENT (8:40 – 8:55 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 (8:55 – 9:00 PM)

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

6. Approve Minutes from the August 8, 2022 , August 10, 2022, August 15, 2022, and the August 22, 2022 City Council Meetings
7. Approval of Amendment Number 1 to Contract Number C20177684 with SCA for Street Sweeping Services, for Modification and Increase of Contract by \$1,080,674 to Include Prevailing Wages for a Revised Not to Exceed amount of \$6,688,906 for the Remaining Three Years of a Five Year Contract; and Approval of Budget Amendment in the Refuse Fund
8. Adoption of the Amended Community Development Block Grant (CDBG) Citizen Participation Plan
9. Adoption of a Resolution Authorizing Use of Teleconferencing for Council Meetings During Covid-19 State of Emergency
10. Adoption of a Park Improvement Ordinance for Renovation of the Mitchell Park Dog Park as Recommended by the Parks and Recreation Commission
11. Recommendation from the Human Relations Commission on the naming of the holiday on the second Monday in October
12. Approval of Contract No. C23183740 with StreetSense CA, LLC for Economic Development Consulting Services for a Term Expiring December 31, 2025 and a Total Amount Not-to-Exceed \$261,995; and Approval of a Budget Amendment in the General Fund
13. QUASI-JUDICIAL. 215/217 Alma Street {22PLN-00164}: Ratification of Director's Approval of Waiver From the Retail Preservation Ordinance for an Alternative Viable Use to Allow for an Animal Care Provider (Modern Animal) to Occupy a 4,200 Square Foot Portion of the Site. Zone District: Commercial Downtown Neighborhood with a Pedestrian Combining District (CD-N[P]). Environmental Assessment: Exempt from CEQA in Accordance With Guidelines Section 15061(b)(3) and 15301.

Q&A

Q&A

CITY MANAGER COMMENTS (9:00 – 9:15 PM)

Presentation

ACTION ITEMS

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

14. PUBLIC HEARING: Adoption of a Resolution Confirming the Weed Abatement Report and Ordering the Cost of Abatement to be a Special

Q&A

Assessment on the Respective Properties Described Therein  
*Item number updated* (9:15 – 9:45 PM)

- 15.** Adoption of an Ordinance Approving the Police Department's Military Equipment Use Policy Under AB 481 *Item number updated* (9:45 – 10:30 PM)

**Presentation**

**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.*

**Q&A**

- 16.** Semiannual Update on the Status of Capital Improvement Program Projects *Item number updated*
- 17.** Local Hazard Mitigation Plan Annual Update *Item number updated*

**OTHER INFORMATION**

Standing Committee Meetings

Policy & Services Committee Meeting September 13, 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](mailto: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**  
**Office of the City Clerk**  
**City Council CAO Report**

**(ID # 14581)**

**Meeting Date: 9/12/2022**

**Report Type: Special Orders of the Day**

**Title: Appointment of Candidates for the Human Relations Commission**

**From: Lesley Milton, City Clerk**

### **Recommendation**

Staff recommends City Council vote to appoint one candidate to the following position on the Human Relations Commission:

- One (1) position with a term ending on March 31, 2023.

*\*\*A majority vote (4 yes's) is required to appoint an applicant.*

### **Background**

Boards and Commissions are established as advisory bodies to the City Council, made up of community volunteers that provide essential feedback on matters of importance to the community. The City Clerk's office advertises and recruits for vacancies, the Council considers the applications, interviews desired candidates, and makes recommendations for appointment for the open positions.

Commissioner Patti Regehr resigned from the Human Relations Commission on May 31, 2022. As such, the current vacancy staff is requesting to be filled is:

- One (1) position on the Human Relations Commission, with term expiring March 31, 2023

A total of 6 applications have been submitted during the recruitment period.

### **Interviews**

At the August 8, 2022 City Council meeting, the Council elected to interview all 6 applicants ([August 8 HRC Recruitment Report](#)). Interviews were conducted on August 22, 2022 at approximately 5:00 PM as a special City

Council meeting. Video recordings of the interviews are available on our [City of Palo Alto YouTube Channel](#). Applicants Katie Causey and Sunita de Tourreil withdrew prior to the interview.

All applications received for this position can be accessed online ([All HRC Applications](#)). City Council will incorporate all interviews into the final selection.

## Membership Requirements

Per PAMC [2.22.010](#), The Human Relations Commission requires each member of the commission to have Palo Alto residency.

### **Human Relations Commission: One position**

Term ending March 31, 2023

- Palo Alto Residency
- APPLICANTS:
  1. Donald Barr
  2. Katie Causey (withdrew)
  3. Sunita de Tourreil (withdrew)
  4. Tracy Alejandra Navichoque
  5. Chitra Sharma
  6. Kat Synder

## Public Outreach

Palo Alto Municipal Code 2.16.060 requires public notification regarding vacancies of the Commissions as follows, "The City Clerk shall exercise their discretion in choosing the method of advertisement that will most effectively reach potential candidates." Based on the September 14, 2021 Policy & Services Committee meeting report ([available here](#)) regarding Board and Commission Member demographics and community representation the City Clerk's office expanded recruitment efforts through additional means to "most effectively reach potential candidates".

The Human Relations Commission special recruitment invited applications from June 10, 2022 through July 27, 2022 through the new online application process. The vacancy was advertised through various methods in partnership with the Communications team. This included paid and digital print advertisements in the Daily Post and Palo Alto Weekly; via the City's website and social media channels; in physical locations of the Palo Alto Libraries and Community Centers; and distributed by e-mail and through the City subscription-based notification lists.



**City of Palo Alto**  
**City Council Staff Report**

**(ID # 14734)**

---

**Meeting Date: 9/12/2022**

**Report Type: Special Orders of the Day**

**Title: Appreciation for Congresswoman Anna G. Eshoo, United States Representative of California's 18th Congressional District, for advocating for the Historic Inflation Reduction Act and for securing \$7 million for a variety of projects through Community Project Funding to support Palo Alto**

**From: City Manager**

**Lead Department: City Clerk**

**Recommendation**

There is no report for this item. A verbal presentation will take place at the meeting.



## City of Palo Alto City Council Staff Report

(ID # 14650)

Meeting Date: 9/12/2022

Report Type: Study Session

**Title: Report and Discussion on Valley Water’s Purified Water Project Including Location of the Advanced Water Purification Facility at the Former Los Altos Treatment Plant Site, Reverse Osmosis Concentrate Management, Upcoming Agreements and Decisions**

**From: City Manager**

**Lead Department: Public Works**

### Recommendation

This is a study session, and no action is required from Council at this time.

### Background

The purpose of this study session is to provide the Council with a status update on the City’s efforts with the Santa Clara Valley Water District and the City of Mountain View to improve the quality of recycled water produced by the Regional Water Quality Control Plant (RWQCP) and increase water reuse in the region.

#### Local Salt Removal Facility: Improving Existing Recycled Water Quality at the RWQCP

The RWQCP treats wastewater from six communities, including Palo Alto. Currently, much of the treated effluent is discharged into the Bay rather than being reused. The RWQCP produces and distributes approximately 230 million gallons per year of tertiary-treated recycled water to the City of Mountain View, several City-owned parks and facilities, and a commercial truck fill standpipe at the RWQCP. Following public concerns regarding the irrigation of redwood trees and other salt-sensitive species with recycled water, the City prepared an Environmental Impact Report (EIR) focused on water quality issues and salinity impacts. On January 25, 2010, Council approved the Recycled Water Salinity Reduction Policy ([Staff Report ID #111:10](#), [Resolution 9035](#)), including a goal of reducing the recycled water total dissolved solids level to 600 parts per million. In 2017, Valley Water, Palo Alto, and Mountain View finalized a feasibility study and the preliminary design report for a local salt removal facility ([Staff Report ID #10627](#)).

Highly treated water produced by the local salt removal facility would benefit landscapes currently irrigated with recycled water in Palo Alto, enable Palo Alto to expand its non-potable distribution system, and/or provide a first step toward small-scale potable water production for direct or indirect potable reuse in Palo Alto. The local salt removal project was estimated in 2017 to cost approximately \$20.0 million. Under the terms of the Agreement, Valley Water will

contribute \$16.0 million ([Staff Report ID #10627](#)) toward the design and construction of the facility with the balance split between Palo Alto and Mountain View at 25% and 75%, respectively.

#### Partnership Agreement to Advance Resilient Water Reuse Programs in Santa Clara County

In order to increase the quality of recycled water in Palo Alto and increase water reuse in Santa Clara County, a Partnership Agreement to Advance Resilient Water Reuse Programs in Santa Clara County between Valley Water and the Cities of Palo Alto and Mountain View (Agreement) was executed at the end of 2019 ([Staff Report ID # 10627](#)). The Agreement includes three major components: Partial funding by Valley Water (\$16 million) for a local salt removal facility at the RWQCP; a Valley Water option to use about half of the effluent from the RWQCP to be treated at a regional purification facility and used elsewhere in the county; and a water supply option for the cities of Palo Alto and Mountain View to request additional water supply if needed. Palo Alto agreed to assist with siting a regional purification facility in the City and to make best efforts to accommodate reverse osmosis concentrate (ROC) discharge to the wastewater treatment plant's outfall. Per the terms of the Agreement, Valley Water has been making annual payments of \$0.2 million since 2020 for the effluent transfer option. Valley Water will provide an annual payment of \$1.0 million for the effluent once the project is complete. Another collaborative effort between Valley Water and Palo Alto was the Northwest County Recycled Water Strategic Plan (Strategic Plan), completed in 2019 and presented to Council on March 2, 2020 ([Staff Report ID # 10913](#)). The Strategic Plan included a preliminary design and business plan for a recycled water distribution system expansion to customers in the Stanford Research Park. Variations of the project, contemplating recycled water service to parts of Los Altos, Los Altos Hills, Mountain View, and East Palo Alto, were also evaluated and compared to potable reuse alternatives.

#### Proposed Regional Purified Water Project at the Former Los Altos Treatment Plant Site Area B

The Purified Water Project is part of Valley Water's water resources strategy to provide a reliable water supply from a variety of sources consistent with its [Water Supply Master Plan 2040](#). Valley Water's objectives are to:

- Implement an indirect potable reuse supply project that provides 10 million gallons per day (MGD) production capacity (11,200 AFY, or acre-feet per year) of sustainable water supply for long-term and future demands.
- Design-construct-operate the project so that it reduces or minimizes environmental impacts.
- Deliver the project in a manner that is cost-effective and provides value to the ratepayers.

The Purified Water Project would include the construction of a new advanced regional water purification facility, associated pump station, and conveyance pipelines. Conveyance will be needed to move effluent from the RWQCP to the purification facility and from the facility to Valley Water's existing Los Gatos Recharge System complex located in the City of Campbell. The

Valley Water Board of Directors directed Valley Water staff in December 2021 to finalize agreements with Palo Alto to locate the facility on the City's property on San Antonio Road (the former Los Altos Treatment Plant (LATP) site).

Valley Water plans to implement the Purified Water Project via a Public-Private Partnership (P3) to harness private sector innovation. The benefits to Palo Alto include payments for treated wastewater and a land lease, as well as increased use of treated wastewater to further regional sustainability and climate adaptation goals.

### Discussion

The Project includes several components and will require extensive coordination between the participating agencies. The following table outlines the components and the responsibilities of Valley Water, Palo Alto, and Mountain View.

Project Component	Valley Water Role	Palo Alto Role	Mountain View Role
<b>Local Salt Removal Facility</b>	-Funding -Support Valley Water's goal to increase recycled water use within the County	-Funding -Design, construction, operation, and maintenance; Distribute enhanced recycled water	-Funding -Offtake treated water
<b>Regional Advanced Water Purification Facility</b>			
<ul style="list-style-type: none"> <li>Regional Water Purification Facility</li> </ul>	-Funding, design, construction, operation, and maintenance of project	-Provide effluent  -Receive and discharge ROC	N/A
<ul style="list-style-type: none"> <li>Site Location</li> </ul>	-Environmental review and mitigation including clean-up; wetland mitigation -Design -Lessee for LATP site	-Property Owner -Negotiate lease agreement with Valley Water	N/A
<ul style="list-style-type: none"> <li>Pump Station</li> </ul>	Funding, design, construction, operation and maintenance	-Designate location -Negotiate lease and operations and maintenance agreement with Valley Water	N/A
<ul style="list-style-type: none"> <li>Conveyance system</li> </ul>	Funding, design, and construction	Review and approval	Review and approval
<ul style="list-style-type: none"> <li>Reverse Osmosis</li> </ul>	-Co-negotiate with	-Co-negotiate with	N/A

Project Component	Valley Water Role	Palo Alto Role	Mountain View Role
Concentrate (ROC)	regulators to discharge at Palo Alto outfall location -Assume liability associated with discharge of ROC	regulators to discharge at Palo Alto outfall location -Determine where ROC will enter effluent	
Regulatory approvals	Lead agency on CEQA and permits for the Regional Purification Facility Coordinate with lead federal agency on NEPA compliance	Support Valley Water efforts on receiving regulatory approval specifically from the Regional Water Quality Control Board	N/A

Local Salt Removal Facility at the RWQCP

In 2021, the City of Palo Alto hired Black & Veatch to design the local salt removal facility ([Staff Report ID # 11782](#)). In May 2022, staff received a cost estimate for the 60% design that is significantly higher than the original estimate developed in in 2017. A comparison of the two estimates is shown in the table below:

**Table 1: SRF Application and 30% Design Cost Estimates**

Estimate	SRF Application (2017) (10% Project Definition)	B&V Design Submittal (2022) (60% Project Definition)
<b>Facility</b>	1.125 MGD AWPS	1.125 MGD AWPS
<b>Indexed Dollar Value</b>	2020	2023
<b>Construction Costs</b>		
Direct and Contractor Costs	\$13,904,000	\$33,191,000
Design Contingency and Market Volatility	\$4,900,800	\$4,735,000
Escalation	\$698,200	\$1,977,000
<b>Estimated Bid Price</b>	\$19,503,000	\$40,523,000
<b>Other Project Costs</b>		
Owner Controlled Change Order Contingency, Engineering Services, Construction Management, and Program Management	\$2,850,000	\$12,139,000
<b>Total Project Costs</b>	<b>\$22,353,000</b>	<b>\$52,622,000</b>
AACE Estimate Class (Anticipated Bid Price)	Class 3 (-20% to +30%)	Class 3 (-20% to +30%)

Accuracy)		
-----------	--	--

The updated cost estimate from Black & Veatch reflects the volatility and increases in construction prices since 2017 and the progression of the design from conceptual level to a fuller design that includes elements not initially considered. For example, the 60% design includes modifications of required foundations for the facility that require pile driving rather than a mat foundation and raising electrical equipment in alignment with the City’s Sea Level Rise policy requirements.

Because this project will receive some funding from Valley Water (\$16.0 million), and anticipates receiving a WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects (USBR Grant for \$12.9 million) the remainder of the project will be funded three quarters by Mountain View (approximately \$18.5 million) and one quarter by Palo Alto (approximately \$6.2 million) if the project moves forward. Mountain View and Valley Water staff are part of the review process during the design of this project. The 90% design and cost estimate is expected by the end of September 2022, and the cost estimate will be evaluated prior to moving forward with construction.

Site Location and Lease of the Regional Water Purification Facility

The proposed site for the regional water purification facility in Palo Alto is the former LAMP Area B site located at the end of San Antonio Road in Palo Alto. The environmental work has included the delineation of existing wetlands and characterization of hazardous material site conditions. The geotechnical work included a field exploration to determine soil conditions at the site. Valley Water and Palo Alto are negotiating a land lease of the 6.4-acre portion of the larger 13.2-acre LAMP for construction of the facility and siting of a pump station at the RWQCP. A Comprehensive Plan amendment for a portion of the Area B site and a parcel subdivision will be needed. The lease agreement and operations and maintenance agreements will be presented to Council for consideration at a future date. The project will be subject to discretionary review by the Architectural Review Board.

Reverse Osmosis Concentrate Management

Reverse Osmosis is a process that removes minerals, viruses, and other constituents; the same technology is used to convert seawater into fresh drinking water. The average efficiency of Reverse Osmosis is 85 percent. That means, for every 100 gallons of treated wastewater feedwater, the purification facility will produce 85 gallons of purified water and 15 gallons of Reverse Osmosis Concentrate (ROC). ROC contains all the dissolved constituents that were in the feedwater already with no chemicals or other constituents added.

Valley Water has been operating a large, advanced water purification facility in San Jose since 2014. The Silicon Valley Advanced Water Purification Center (SVAWPC) is capable of producing up to 8 MGD of highly purified water. The ROC produced at the SVAWPC is blended with the wastewater effluent at the San Jose-Santa Clara Regional Wastewater Facility (RWF) and discharged to the Bay under their existing wastewater permit. This approach has been used

without any negative environmental impact since 2014. Valley Water is working closely with the Palo Alto RWQCP staff and the regulators on an approach for discharging the ROC from the regional water purification facility in Palo Alto in a similar fashion.

The San Francisco Bay Regional Water Quality Control Board (Regional Board), which issues the RWQCP's discharge permit, has been very supportive of the proposed Water Purification Project and this blending approach. The Regional Board has concurred with a suite of technical studies that will be conducted by Valley Water to inform the renewal of the RWQCP's permit required to support the ROC discharge. The Regional Board will require further studies and may require pretreatment of ROC through feasible means in the future, for example horizontal levees. Palo Alto will ensure risk associated with the discharge of ROC will be borne by Valley Water in the final ROC management agreement.

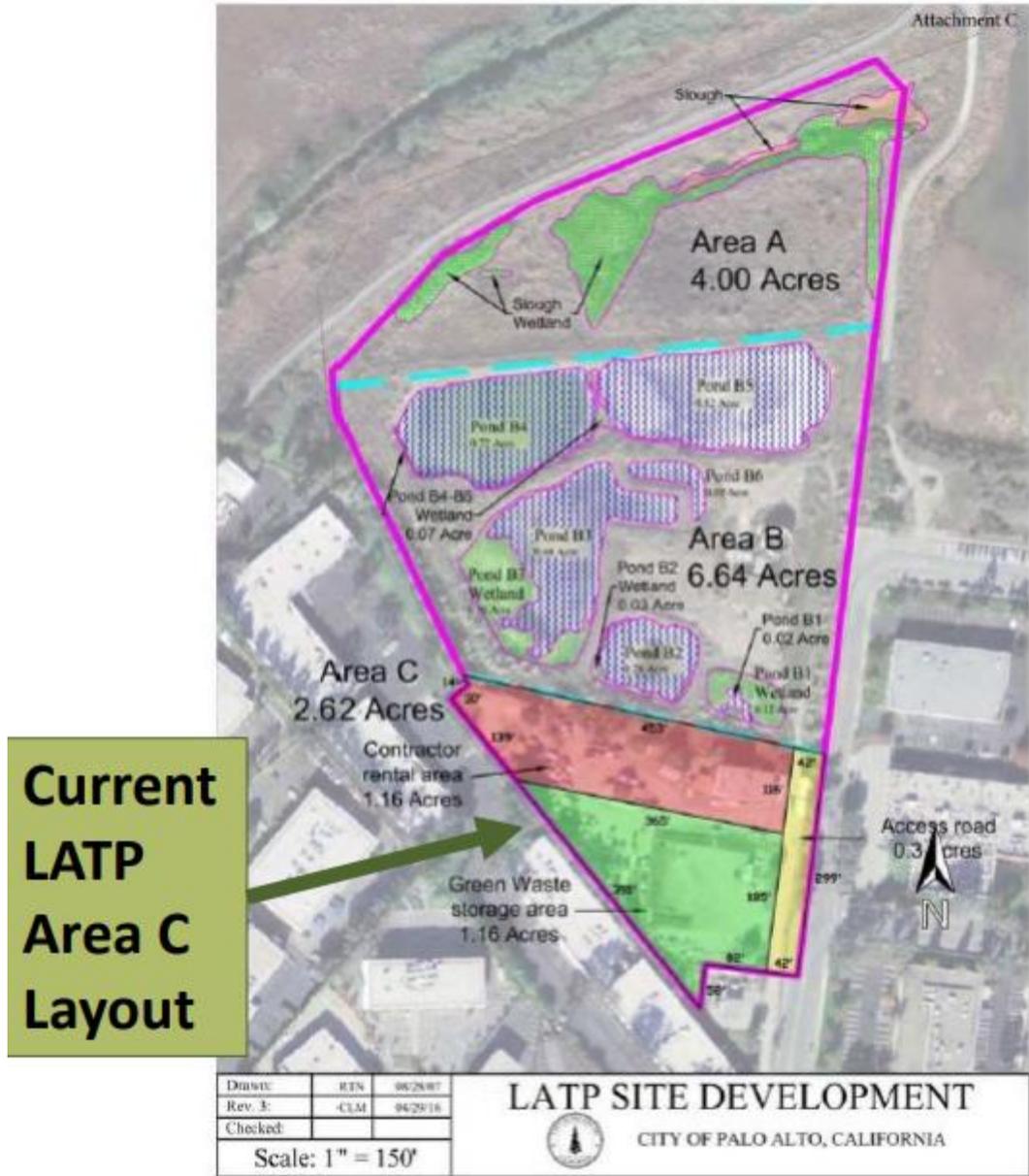
#### Homekey Palo Alto Project

As part of the planning process for the Project, the City recognizes a need to coordinate the construction and operation of any new facilities with the emergency shelter project that is also planned for development on another part of the former LAMP site (part of Area C).

Last month, the City and its project partner, LifeMoves, received a \$26.6 million grant from the State Department of Housing and Community Development (HCD) for an 88-unit interim transitional housing shelter on a portion of Area C. The design is reflected in the most recent documents through the Architectural Review Board on July 21, 2022 ([ARB Staff Report 14546](#)).

Staff is working with LifeMoves and Valley Water to ensure that both projects are compatible on the site. Project Homekey will be located on a portion of Area C of the LAMP site whereas the purification project will be located on Area B (Figures 1 and 2). Staff is working to find a suitable construction staging area outside of the LAMP site, or Valley Water will stage within Area B for the purification project. The staging area concern will require further discussion during the project's design stage.

Staff believes these two projects can coexist since, unlike the RWQCP, the purification plant does not emit any odors and is relatively quiet. Staff also recognizes a need to address the impacts associated with the construction of the purification facility. Homekey Palo Alto will be adjacent to the Greenwaste operation yard, which is another commercial (sorting) facility currently planned through June 20, 2026, the term of the Greenwaste contract.



**Current  
LAMP  
Area C  
Layout**

Figure 1. Current use of the old Los Altos Treatment Plant site Area C; Greenwaste and Homekey Palo Alto will share Area C; Area B is anticipated for the future Valley Water Regional Purification Facility.



Figure 2. Potential future layout of Area C with Homekey Palo Alto and Greenwaste Yard.

### Timeline

Valley Water's procurement process is ongoing. A Request for Qualification (RFQ) was released, and eight statements of qualifications were submitted. Four teams were shortlisted. A Request for Proposals (RFP) and the draft EIR are anticipated to be released in late 2022. Valley Water's preferred tentative timeline is as follows:

- Fall 2022: Decisions by City Council on the LAMP site for the regional AWWP and Reverse Osmosis Concentrate management
- Winter 2023: Initiate Comprehensive Plan amendment and parcel subdivision (City)
- Winter 2023: Final EIR (Valley Water) and approval of lease agreement (City)
- Fall 2023: Selection and contract award (Valley Water)
- 2023 – 2024: Design by selected entity with Valley Water oversight and Palo Alto site and design review
- 2025-2028: Construction and beginning of operations

### Resource Impact

Significant City of Palo Alto staff resources are required in support of the Purified Water Project including staff from multiple departments including Public Works, Utilities, Administrative

Services, Planning and Development Services, and the City Attorney's Office. The project requires review from the City for the siting of the facility at the Former Los Altos Treatment Plant site; installing a new pump station at the Regional Water Quality Control Plant; installation of underground pipes to convey the effluent and reverse osmosis concentrate back and forth to the RWQCP; and the negotiation with the Regulatory Agency to ensure that Palo Alto can comply with future permit requirements. Staff is working with Valley Water on a Reimbursement Agreement with Valley Water to assist staff to comply with the added workload associated with this project.

Once Valley Water executes the portion of the Partnership Agreement to start treating effluent from the RWQCP; RWQCP will receive approximately \$1.0 million per year that will be divided by flow share amongst the cities that have committed their effluent, which are currently, Palo Alto, Mountain View, and Los Altos.

Funding for the current design work on the small salt removal facility at the Regional Water Quality Control Plant is provided by Capital Improvement Program project WQ-19003, Advanced Water Purification Facility. The amounts currently budgeted are based on the 2017 conceptual design and will need to be adjusted.

### **Stakeholder Engagement**

Palo Alto and Valley Water staff collaborate on outreach for the project. Valley Water staff conducted virtual tours of the Silicon Valley Advanced Water Purification Center for several stakeholder groups in Palo Alto and surrounding area including the following:

- Oshman Family Jewish Community Center
- Palo Alto Fellowship Forum
- Interfaith Peninsula Climate Action Group
- CA League of Cities Peninsula Division (in-person)
- Public Library tours with Palo Alto and Mountain View
- City of Palo Alto Public Works staff

Valley Water presented a Purified Water Project update at the September 2021 City of Palo Alto Parks and Recreation Committee meeting. Valley Water staff also held informational meetings with environmental stakeholders in Mountain View and Palo Alto, and faith-based organizations such as Spark Church, First Congregational Church, Peninsula Bible Church, Etz Chayim, First Congregational Church, University AME Zion Church, and University Lutheran Church.

Additionally, Valley Water worked with the Santa Clara County Medical Association (SCCMA) to coauthor a series of articles on the benefits of Purified Water. In June, SCCMA released a special Water edition of their medical journal, "The Bulletin" highlighting Purified Water as a safe and drought-proof source of local water supply. The digital version of the journal can be accessed [here](#).

Palo Alto is working with LifeMoves on applying for Project HomeKey funding to locate an emergency homeless shelter project on a portion of the LATP Area C site. Palo Alto, Valley Water, and LifeMoves staff are collaborating to ensure compatibility of these neighboring projects.

In addition, Palo Alto and Valley Water have coordinated on engaging stakeholders on the environmental review process for the proposed Water Purification Project. Valley Water, acting as the “lead agency”, has determined that an EIR is required to satisfy the requirements of the California Environmental Quality Act (CEQA). The draft EIR will evaluate the proposed project’s environmental conditions, range of alternatives, potential environmental impacts associated with the proposed project implementation, and provide mitigation measures. The Notice of Preparation (NOP) was released on March 19, 2021 and the public scoping meeting was held on March 29, 2021. Outreach was conducted to encourage attendance at the scoping meeting via an outreach mailer, announcements at tours of the Silicon Valley Advanced Purification Center, and continued engagements with staff from the cities of San Jose and Palo Alto to reach key stakeholder groups. Prior to the release of the NOP, Valley Water staff and consultants met with the planning department staff of both Palo Alto and San Jose as these cities will be the responsible agencies under CEQA. Currently, both City’s sites are being evaluated at equal level of details in the CEQA document by Valley Water. The Valley Water Board directed staff to focus on Palo Alto at this time. In the future, Valley Water anticipates that an additional purification plant will be required to augment future drinking water supplies within Santa Clara County. The next steps after the NOP will be development a full environmental impact report, which will focus on the old Los Altos Treatment Plant Site as the proposed site; Palo Alto will be the responsible agency. Additional coordination will occur prior to release of the EIR.

### **Environmental Review**

This study session is presented for information and discussion purposes only and is therefore not a project as defined by section 15378 of the CEQA Guidelines.

Valley Water, acting as lead agency for the proposed Water Purification Project, has determined that an EIR is required to satisfy the requirements of CEQA. Palo Alto will be the responsible party throughout the CEQA process. Valley Water is currently in the process of preparing the Draft EIR; which the City will review prior to its release.



# City of Palo Alto

## City Council Staff Report

(ID # 14591)

**Report Type: Study Session**

**Meeting Date: 9/12/2022**

**Summary Title: 70 Encina Avenue: PHZ Prescreening for 20 units**

**Title: 70 Encina Avenue (22PLN-00198): Request for a Prescreening to Consider Rezoning the Subject Property From Community Commercial (CC) to Planned Community (PC/PHZ) to Allow Development of a Building With Approximately 20 Dwelling Units and 28 Parking Spaces. Environmental Assessment: Not a Project. The Formal Application Will be Subject to California Environmental Quality Act (CEQA) Review. Zoning District: CC (Community Commercial).**

**From: City Manager**

**Lead Department: Planning and Development Services**

### **Recommendation**

Staff recommends that Council conduct a prescreening and provide informal comments regarding the applicant's request to rezone 70 Encina Ave from Community Commercial (CC) to a Planned Home Zoning (PHZ).<sup>1</sup> Comments provided during the prescreening process are not binding on the City nor the applicant.

### **Executive Summary**

This prescreening is a request by the applicant to rezone the subject property, which is currently zoned Community Commercial (CC), to Planned Home Zoning (PHZ).<sup>1</sup> The project site consists of two parcels totaling 12,120 square feet (sf), and until recently, the site was used as a paved parking facility for Town and Country Village shopping center and is otherwise vacant. The project includes construction of a 29,076 sf building (2.40:1 FAR) with 20 residential ownership/condominium units.

The project is located adjacent to Town and Country Village, on two parcels identified in the

<sup>1</sup> Referred to in this report as "Planned Housing Zone" to emphasize the focus on housing as the benefit to the community. PAMC Section 18.38, which outlines the requirement and process for Planned Community (PC) Zoning, remains the underlying code supporting application of this policy.

Zoning Code as being part of Town & Country; however, these parcels are not under Town & Country's ownership or control.

To be eligible for the Planned Community (PC) zoning process, a PHZ application must meet two initial qualifying criteria established by the City Council: 1) provide 20% of the total units as affordable housing selected from a prescribed menu of options, and 2) provide housing units that meet or exceed the demand generated by any net new jobs. In this case, no new jobs are proposed, as this project is 100% residential. The project would meet the 20% affordable requirement.

The project would require a formal rezoning application consistent with Palo Alto Municipal Code (PAMC), Zoning Regulations, Chapter 18.38 to allow for a Development Plan with increased height, and increased floor area ratio (FAR) compared to existing CC requirements. The project would also require an architectural review application and subdivision map application.

## **Background**

On February 3, 2020, Council unanimously endorsed using Planned Housing Zoning (PHZ) for housing and mixed-use housing projects to help spur housing production. In exchange for deviation from certain standards as allowed under the rezoning, if approved by Council, the project must include at least 20% of the housing units as deed restricted for lower income households.

In accordance with Palo Alto Municipal Code (PAMC) Section 18.79.030(A), a prescreening review is required for legislative changes, including rezoning, prior to submittal of a formal application. Pre-screenings are intended to solicit early feedback on proposed projects and, like all study sessions, cannot result in any formal action. Since this proposal may return to the City Council as a formal application, Councilmembers should refrain from forming firm opinions supporting or opposing the project.

## **Project Description**

A location map of the proposed site is included in Attachment A. The preliminary schematic drawings, included in Attachment D, are conceptual, as is appropriate at this stage of project consideration. As shown in these schematic drawings, the applicant is proposing a multi-family residential building approximately 29,076 sf with 20 housing units. The units would be a mix of one-bedroom units (12) and two-bedroom units (8). As part of the project, the two parcels would be merged, and the 70 Encina Avenue address would be formally assigned. Currently, the parcel address is unassigned.

The development would be four-stories of residential above a one-story podium level parking,

with a proposed height of 55 feet. In conformance with the Code, this does not include the height of the rooftop mechanical equipment, which is allowed an additional 15 feet in height. This information was not included in the conceptual plans, except for a small projection that is likely the elevator tower.

The primary entrances for pedestrians and cars would be provided from Encina Ave. Parking is primarily proposed on the ground floor, with parking lifts that would descend to a subterranean vault. Proposed parking facilities include two “regular” stalls, four EV Accessible stalls, six tandem stalls (allowed for residential uses when assigned to the same unit), and 16 lift stalls, for a total of 28 parking spaces.

### Surrounding Uses

Adjacent zoning and uses include the Town and Country Village Shopping Center and associated parking areas to the south, east, and west. To the north across Encina are CS zoned office buildings. The offices are two-story and tall one-story. The portion of Town and Country adjacent to the site is mostly developed with one-story structures, though the building height increases to two stories towards the eastern side of the building.

### **Discussion**

Staff will prepare a thorough analysis of the zoning and Comprehensive Plan compliance upon submittal of a formal application, if filed. A review of the conceptual plans, however, highlights key policy considerations associated with the applicant’s request.

### Comprehensive Plan Compliance

The Comprehensive Plan designation is Community Commercial, which is defined as: Larger shopping centers and districts that have a wider variety of goods and services than the neighborhood shopping areas. They rely on larger trade areas and include such uses as department stores, bookstores, furniture stores, toy stores, apparel shops, restaurants, theaters and non-retail services such as offices and banks. Examples include Stanford Shopping Center and Town & Country Village. Non-retail uses such as medical and dental offices may also locate in this designation. In some locations, residential and mixed use projects may also locate in this category. Non-residential FARs range from 0.35 to 2.0. Consistent with the Comprehensive Plan’s encouragement of housing near transit centers, higher density multi-family housing may be allowed in specific locations.

Policy L2.4 states the intent to encourage housing near “retail, employment, and transit, in a way that connects to and enhances existing neighborhoods”. In addition to being near retail, this site is also near the Palo Alto CalTrain station (.5 miles), and VTA bus lines. In terms of employment centers, it is close to Stanford University and the Stanford University Medical Center, and Downtown Palo Alto.

There are policy statements that relate to housing at the Town and Country Village. Program L2.4.4 states: Assess non-residential development potential in the Community Commercial, Service Commercial and Downtown Commercial Districts (CC, CS and CD) and the Neighborhood Commercial District (CN), and convert non-retail commercial FAR to residential FAR, where appropriate. Conversion to residential capacity should not be considered in Town and Country Village.

Additionally, policies L-4.12, 13, and 14 are exclusive to Town and Country Village:

- Policy L-4.12 - Recognize and preserve Town and Country Village as an attractive retail center serving Palo Altans and residents of the wider region. Future development at this site should preserve its existing amenities, pedestrian scale and architectural character while also improving safe access for bicyclists and pedestrians and increasing the amount of bicycle parking.
- Policy L-4.13 - In Town and Country Village, encourage a vibrant retail environment and urban greening.
- Policy L-4.14 - In Town and Country Village, encourage improvement of pedestrian, bicycle and auto circulation and landscaping improvements, including maintenance of existing oak trees and planting additional trees.

These policy statements seek to preserve or retain existing amenities and commercial floor area but the concept to convert portion of the surface parking lot to housing does not appear inconsistent with these Comprehensive Plan polices. Specifically, the proposal does not reduce commercial floor area or otherwise impede the vitality of the Town & County Village. Arguably the placement of a new residential structure at the subject location disrupts the availability of parking spaces and requires consideration of drive aisle re-alignment, but this also holds true if the independently owned parcel were developed with commercial uses. Moreover, adding housing to this location may actually prove beneficial to the Town & Country Village as it introduces new residents that could shop at the market and enjoy many of the other restaurants and retail stores within the immediate proximity.

Greater housing density could be achieved if the project incorporated adjacent Town & County Village parcels currently used for surface parking and still be generally consistent with the Comprehensive Plan though there would be a need to accommodate and replace any displaced parking spaces.

### Zoning Compliance

For projects rezoning to a PHZ, Council has the authority to set the parameters for most development standards, which would be reflected in the tailored ordinance for the new PHZ District. However, for informational purposes, Attachment B compares the development

standards under the current CC zone district with the proposed project. The project is not located within the immediate vicinity of residential uses and therefore is not subject to the special standards outlined in PAMC Section 18.38.150.

While this property is not under Town & Country's control, it is considered within Town & Country by the Zoning Code. PAMC Section 18.16.030(c) states "Town and Country Village Shopping Center" is defined as all properties zoned CC and bounded by El Camino Real, Embarcadero Road, Encina Avenue, and the Southern Pacific right-of-way.

In comparison to the existing zoning, the applicant is requesting that the new PHZ allow for increases in floor area and height, and an allowance for a 100% residential project. Specifically, the applicant is requesting a floor area ratio (FAR) of 2.4:1. In the CC zoning district, the FAR is determined by the use. Per PAMC 18.16.060(c), exclusively residential uses are generally prohibited in the CN, CS, and CC zone districts, except on housing inventory sites identified in the Housing Element, and on CS and CN sites on El Camino Real and CC(2) sites. In accordance with PAMC 18.16.060 (e), the maximum floor area ratio for mixed use development for the Town and Country Village Shopping Center is limited to .50 to 1; provided that no more than .35 to 1 floor area shall be nonresidential and not more than .15 to 1 floor area shall be residential. This would limit the site to 4,241 sf of commercial development and 1,817 sf of residential development. The allowed .5:1 FAR, (.15 for a residential component), is significantly less than the proposed 2.4:1 FAR.

The applicant is also requesting a height increase to 55 feet and proposes a majority of the roofline reach this limit, which exceeds the 50 foot height limit by 5 feet.

A preliminary analysis of the project with the recently adopted Objective Design Standards was also completed. Complying with the Objective Design Standards allows the Architectural Review component of the project to be streamlined, however the applicant may through the PHZ process, seek exceptions to individual standards. Most of the Objective Standards are met, with a couple notable exceptions:

- The building massing as proposed is not stepped back in the places where it is adjacent to a one story building. All buildings in the vicinity are one-story or two-stories. Per PAMC 18.24.050(b)(1)(B), when the height of the subject building is more than 20 feet above the average height (i.e., average of low and high roof elevations) of an adjacent building, an upper floor step back shall start within two vertical feet of the height of the adjacent building. The step back shall be a minimum depth of six feet along both the façade on the primary building frontage and the facing façade of the adjacent building, and the step shall occur for a minimum of 70% of each façade length.
- A daylight plane would also be applicable in this context, which would further define the step-back (PAMC 18.24.050(b)(1)(C)).

- The façade is flat across the Encina frontage, and the Objective Design Standards require modulation. Per PAMC 18.24.050(b)(3), any building greater than 25 feet in height and 70 feet in length shall not have a continuous façade plane greater than 70% of the façade length without an upper floor modulation, which can include bay windows. Upper floor façade modulations shall be a minimum two feet in depth, which can be a recess or a projection. The proposed building includes recessed balconies, but those are not currently considered a true recess of the building.
- A non-residential ground floor requires a minimum of 50% transparent glazing between four and ten feet in height from sidewalk or terrace grade (PAMC 18.24.060(c)(6)).
- This project includes a ground-level parking facility, rather than an underground garage. In order to do so, the applicant must propose commercial or habitable uses at the parking facility's edge with a minimum depth of 20 feet along the street frontage (Encina Ave. side). The alternative is to place the parking facilities underground (PAMC 18.24.060(c)(7)).
- The materials were not specified in the plan set, and therefore staff did not compare these to the Residential and Residential Mixed-use Material List.

#### Multi-Modal Access & Parking

The project is located close to high-frequency transit, including the Valley Transit Authority 22 bus line (El Camino and Embarcadero stop) and within walking distance of the Palo Alto Caltrain station (0.5 mile). Stanford University's Marguerite Shuttle also provides service from the Caltrain Station, as well as stops near El Camino and Encino Ave. and El Camino and Galvez St.

This project has not yet been analyzed for consistency with the City's Bicycle and Pedestrian Transportation Plan and other transportation policies such as Council's Local Transportation Impact Analysis Policy adopted on June 15, 2019 (CMR 11256). This analysis would be conducted as a part of any formal application and reviewed by the Office of Transportation.

The proposed project would add a new curb cut along Encina Avenue, approximately 45 feet from the existing entrance to the Town and Country Village parking lot, which has not been reviewed by the Office of Transportation at this time. The trash bins would be accessed from the Encina Avenue driveway.

#### *Parking*

The project would include 28 vehicle parking spaces (including two "regular" stalls, four EV Accessible stalls, six tandem stalls, and 16 lift stalls) on the ground floor, with the lifts descending into below grade vaults. This meets the Code required minimum off-street parking spaces. Six of the residential spaces would be provided in a tandem configuration, in conformance with parking regulations in PAMC Section 18.54.020(d). No loading space is required for residential use. It should be considered that associated activities to the residential

use, such as drop-off/pick-up for rideshare, loading for residents moving, or guests visiting residents may impact the adjacent Town & Country Village parking lots. This should be considered as part of any formal application.

Bicycle parking is currently shown within the ground level parking garage, with access from within the garage and outside of the building in the utility corridor. The proposed bike parking area holds 20 bikes, as required by PAMC 18.52.040, and meets or can be designed to meet the requirements of a Restricted-Access Bicycle Enclosure as defined in PAMC 18.54.060(a)(2)(B). Two visitor bicycle racks would also be available in the front yard near the garage entrance.

#### Inclusionary Requirement and Jobs Housing Imbalance

The intent of limiting PC projects to residential and residential mixed-use is to address the job/housing imbalance. PHZ projects are required to provide more housing than jobs on site. As this is a 100% residential project, no new jobs would be created.

The project would also provide 20% of the units at Below Market Rate in accordance with Council's requirements for projects seeking to rezone using the PHZ process. The applicant's representative anticipates the affordable units would allocate as follows, consistent with the City Council's endorsed formula:<sup>2</sup>

	Income Level	Area Median Income	Number of Units Based on a 20-Unit Project	Percent of Income Restricted Units
Below Market Rate Units	Very Low-Income	50% and below	1	5%
	Low-Income	51% - 80%	1	5%
	Moderate-Income	81% - 120%	1	5%
Workforce Housing Units	Above Moderate-Income	121% - 140%	1	5%
Market Rate Units	Above Moderate-Income	141% and above	16	80%
<b>Total</b>			<b>20 Units</b>	<b>100%</b>

<sup>2</sup> City Council staff report establishing PHZ Affordable Housing Obligation: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2020-2/id-11478.pdf?t=43675.41>

## Policy Implications

Pre-screenings are intended to solicit early feedback on proposed projects and, like all study sessions, cannot result in any formal action. Therefore, informal comments from Councilmembers would not impact policy. That said, there is interest among other home builders and property owners to learn of the Council's initial reaction to the subject request, which may influence the filing of future prescreening requests.

## Resource Impact

The prescreening and processing of a formal application, if filed, are services paid for by fees from the applicant. Additionally, impact fees are charged on the project to account for impacts the project has on public services and infrastructure.

## Timeline

Following the prescreening review, the applicant will consider Council's comments and determine how they want to proceed. Any formal application to rezone the property to a PHZ would be subject to the Planning and Transportation Commission (PTC), Architectural Review Board (pending compliance with the Objective Design Standards), and Council's purview.

## Stakeholder Engagement

The Palo Alto Municipal Code requires notice of this public hearing be published in a local paper and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance. Notice of a public hearing for this project was published in the Daily Post on September 2, 2022, which is 10 days in advance of the meeting. Postcard mailing occurred on August 31, 2022 which is 12 days in advance of the meeting.

As of the writing of this report no project-related public comments were received.

## Environmental Review

The prescreening is a preliminary review process in which Councilmembers may provide comment, but no formal action will be taken. Therefore, no review under the California Environmental Quality Action (CEQA) is required at this time. A full review in accordance with CEQA would be initiated with the formal filing of a development application.

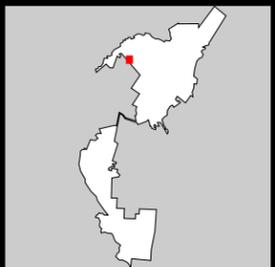
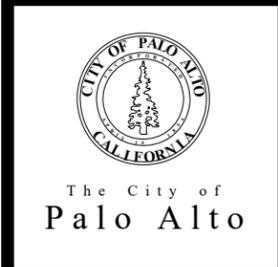
### Attachments:

- Attachment4.a:**      **Attachment A: Location Map(PDF)**
- Attachment4.b:**      **Attachment B: Zoning Comparison Table    (DOCX)**
- Attachment4.c:**      **Attachment C: Applicant's Project Description      (PDF)**
- Attachment4.d:**      **Attachment D - Project Plans(DOCX)**



**Legend**

- Assessment Parcel Palo Alto
- Assessment Parcel Palo Alto
- Assessment Parcel Outside Palo Alto
- Road Centerline Small Text (TC)
- Curb Face (RF)
- Pavement Edge (RF)
- Address Label Points (AP)
- Current Features



## Attachment A 70 Encina Location Map

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

**ATTACHMENT B**  
**ZONING COMPARISON TABLE**  
70 Encina, 22PLN-00198

**Table 1: COMPARISON WITH CHAPTER 18.16 (CC DISTRICT)**  
**Mixed-use and Residential Development Standards**  
*Note: 100% Residential not typically allowed in CC District*

Regulation	Required	Existing	Proposed
Minimum Site Area, width and depth	No Requirement	12,118 sf 100 ft wide, 121 ft deep	12,118 sf 100 ft wide, 121 ft deep
Minimum Front Yard (Encina Ave)	No Requirement	Vacant/parking lot	5 feet
Rear Yard	10 feet		0 feet
Side Yard	No Requirement		9 feet left 0 feet right
Min. yard for lot lines abutting or opposite residential districts or residential PC districts	Not Applicable		Not Applicable
Build-to-lines (1)	50% of frontage built to setback on Encina Ave.		Complies
Max. Site Coverage	50% 6,060 sf		86.5% 10,483 sf
Max. Building Height	50 feet		55 feet, 5 stories
Max. Floor Area Ratio (FAR)	See note (e) .15 to 1 for residential		29,076 sf 2.40 to 1
Daylight Plane for lot lines abutting one or more residential zone districts other than an RM-40 or PC Zone	Not applicable		
Landscape Open Space	30%		31.43%
Useable Open Space	150 sf per unit (Private and/or Common)		Average balcony size 60 sf per unit Average common space 890 sf per unit

(e) CC District Shopping Center Floor Area Ratio Regulations

(1) The maximum floor area ratio for the Town and Country Village Shopping Center shall be .35 to 1; and office uses at said shopping center shall be limited to 15% of the floor area of the shopping center existing as of August 1, 1989. Hotel use shall not be included as part of the .35 to 1 maximum floor area ratio, but shall not exceed an additional .25 to 1 floor area ratio, for a maximum site floor area ratio of .60 to 1.

(2) The maximum floor area ratio for mixed use development for the Town and Country Village Shopping Center shall be limited to .50 to 1; provided that no more than .35 to 1 floor area shall be nonresidential, consistent with part (1) above, and not more than .15 to 1 floor area shall be residential.

(3) Stanford Shopping Center shall not be permitted to add more than 80,000 square feet of floor area to the total amount of floor area of the shopping center existing as of June 14, 1996, 1,332,362 square feet, for a total square footage not to exceed 1,412,362. Any hotel or mixed use development for the Stanford Shopping Center shall only be included if approved as part of a Development Agreement for the site.

<b>Table 2: CONFORMANCE WITH CHAPTER 18.52 (Off-Street Parking and Loading) for Residential</b>			
<b>Type</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Vehicle Parking	<p>1 per 1-bedroom unit 2 per 2-bedroom or larger unit At least one space per unit must be covered</p> <p>Tandem parking allowed for any unit requiring two spaces (one tandem space per unit, associated directly with another parking space for the same unit, up to a maximum of 25% of total required spaces for any project with more than four (4) units)</p> <p>28 stalls required</p>	Approximately 50 parking spaces	<p>28 parking stalls provided</p> <p>2 per 2-bedroom 1 per 1-bedroom</p> <p>6 tandem stalls 16 lift stalls 2 EV Accessible Stalls 2 EV Accessible Van Stalls</p>
Bicycle Parking	<p>1 long term space per unit</p> <p>1 guest space per 10 units</p>		<p>20 long term</p> <p>2 guest/short term</p>
Loading Space	None required		None provided



May 20<sup>th</sup>, 2022

**Jodie Gerhardt**  
 City of Palo Alto  
 Planning & Development Services Department  
 285 Hamilton St, 1<sup>st</sup> Floor  
 Palo Alto, CA 94301

## **DEVELOPMENT PROGRAM STATEMENT**

### **RE: 70 ENCINA AVE - PHZ PRE-SCREENING SUBMITTAL**

Dear Ms. Gerhardt,

On behalf of our client Storm Land LLC., Hayes Group Architects submits this development program Statement pursuant to PAMC 18.38.070 for a proposed multi-family residential development at 70 Encina Avenue in Palo Alto.

Application of PHZ designation for this project is necessary for the following reasons:

- a. The underlying Zoning designation of CC would only allow for an FAR of 0.6:1. This limited development potential severely hinders the number of housing units that can be built. Coupled with the high price of land it also further challenges the inclusion of affordable housing. Under these regulations the site would be limited to a maximum of 4 residential units atop fully or semi-underground parking. Application of PHZ regulations would allow for roughly a five-fold increase in unit count as illustrated in the attached plans. The proposed residential design is supported with the surroundings as there are adjacent planned community and hospital buildings of similar height.
- b. The proposed uses in this project are limited to private residential condominiums, including support and amenity spaces related to residential use. Support and amenity spaces include usable open space, parking, mechanical and storage spaces, shared circulation, utilities, and trash & recycling.
- c. The nature of all proposed uses is that of residential living and associated activities. Each residential unit will contain its' own private kitchen and bathing facilities, with all parking behind screened or solid walls. Portions of the site are designed as usable outdoor space for the condominium users and their guests to use.
- d. Below is a schedule of unit types and sizes and anticipated sales prices. Please note that sales prices are based on an estimated sales price of \$1,250 per occupied square foot, not including common areas such as parking and utilities etc.

unit description	BR#	unit size (avg)	quantity	sales price (avg)
2 BEDROOM	2BR	1,320 SF	8	\$1,650,000
1 BEDROOM	1BR	1,035 SF	12	\$1,293,750
<b>TOTAL:</b>			<b>20</b>	

Note: Sales prices shown above are for market rate units. 20% of units will be sold or rented as BMR units. Pricing for Below Market Rate units shall be established by the Director of Planning & Development Services in accordance with the City's website.

If you have any questions regarding the contents of this letter or the accompanying plans, please feel free to contact me by phone or email.

Sincerely,




---

Jeff Galbraith  
Principal  
Hayes Group Architects Inc.  
(650) 223-4026  
jgalbraith@thehayesgroup.com

## Attachment D

### **Project Plans**

In order to reduce paper consumption, a limited number of hard copy project plans are provided to Council members for their review. The same plans are available to the public, at all hours of the day, via the following online resources.

#### **Directions to review Project plans online:**

1. Go to: [bit.ly/PAPendingprojects](http://bit.ly/PAPendingprojects)
2. Scroll down to find “70 Encina Avenue” and click the address link
3. On this project specific webpage you will find a link to the project plans and other important information

#### **Direct Link to Project Webpage:**

<https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/70-Encina-Avenue>



# City of Palo Alto

## City Council Staff Report

(ID # 14594)

**Report Type: Study Session**

**Meeting Date: 9/12/2022**

**Summary Title: 4345 El Camino Real: PHZ Prescreening**

**Title: 4333 and 4345 El Camino Real [22PLN-00210]: Request by Toll Bros. for Prescreening of Their Proposal to Rezone the Subject Properties from CS to PHZ to Allow Redevelop the Two Sites with 12 Dwelling Units and 55 Dwelling Units, Respectively. Environmental Assessment: Not a Project.**

**From: City Manager**

**Lead Department: Planning and Development Services**

### Recommendation

Staff recommends that Council conduct a prescreening and provide informal comments regarding the applicant's request to rezone the two parcels at 4333/4335 and 4345 El Camino Real from Service Commercial (CS) to a Planned Home Zoning (PHZ).<sup>1</sup> Comments provided during the prescreening process are not binding on the City or the applicant.

### Executive Summary

This prescreening is a request by the applicant to rezone two properties (project site) currently zoned Service Commercial (CS) to "Planned Home Zoning (PHZ)."<sup>1</sup> The project includes:

- a proposed 12-unit multi-family housing development on a 17,426 square foot (sf) parcel located at 4333/4335 El Camino Real (Site A). The proposed 12-unit project would replace 6,565 sf of retail and personal service space (Peninsula Piano Brokers and Massage Envy) and would be comprised of six townhome units and six accessory dwelling units (ADUs) in two proposed buildings.
- a proposed 55-unit multi-family housing development on a 43,035-sf parcel located at 4345 El Camino Real (Site B). The proposed 55-unit project would replace an 18,128-sf hotel (Country Inn Motel) with 55 residential condominiums (for-sale housing units).

<sup>1</sup> Referred to in this report as "Planned Housing Zone" to emphasize the focus on housing as the benefit to the community. PAMC Section 18.38, which outlines the requirement and process for Planned Community (PC) Zoning, remains the underlying code supporting application of this policy.

The project site is located along El Camino Real within the proximity of major bus transit stops and one mile from the San Antonio Caltrain Station. It is also within the vicinity of numerous retail stores; these are located primarily within Mountain View and Los Altos. Nearby parks include Del Medio Park in Mountain View and Monroe Park in Palo Alto (both within 0.5 miles).

This prescreening application responds to the City Council's expressed interest in learning from home builders what it takes to create more housing opportunities in Palo Alto. Utilizing the Planned Community (PC) zoning process, a PHZ application must meet two initial qualifying criteria established by the City Council: 1) provide 20% of the total units as affordable housing selected from a prescribed menu of options, and 2) provide housing units that meet or exceed the demand generated by any net new jobs.

The project would require a formal application consistent with Palo Alto Municipal Code (PAMC), Zoning Regulations, Chapter 18.38 to allow for a Development Plan with increased height, increased floor area ratio (FAR), reduced open space, and reduced setbacks compared to existing CS requirements. The project would require a zoning map change to Planned Community for the properties.

## **Background**

In February 2020, Council unanimously endorsed using Planned Housing Zoning (PHZ) for housing and mixed-use housing projects to help spur housing production. In exchange for deviation from certain standards as allowed under the rezoning, if approved by Council, the project must include at least 20% of the housing units as deed restricted for lower-income households. Moreover, the number of housing units must offset the number of net new commercial jobs that are generated by the project.

In accordance with Palo Alto Municipal Code (PAMC) Section 18.79.030(A), a prescreening review is required for legislative changes, including rezoning, prior to the submittal of a formal application. Pre-screenings are intended to solicit early feedback on proposed projects and, like all study sessions, cannot result in any formal action. Since this proposal may return to the City Council as a formal application, Councilmembers should refrain from forming firm opinions supporting or opposing the project.

## **Project Description**

A location map of the proposed site is included in Attachment A. The preliminary schematic drawings, included in Attachment C, are conceptual, as is appropriate at this stage of project consideration. As shown in these schematic drawings, the applicant is proposing a 12-unit multi-family housing development on Site A and a 55-unit multi-family housing development on Site B.

### *Site A*

The proposed 12-unit development at Site A would replace approximately 6,600 sf of retail and personal service space (Peninsula Piano Brokers and Massage Envy). The housing units would be contained in two buildings with a total floor area ratio (FAR) of 1.02:1. The applicant would propose a condominium subdivision to subdivide the lot into six total “air parcels” for condominium purposes. Each condominium parcel would have one townhome and one ADU.

Both buildings would be 44 feet tall; the deck of the rooftop open space area for each townhome unit would be set at approximately 34 feet. Pedestrian entrances to the building fronting El Camino Real would be provided from El Camino Real to both the townhome and the ADU. For the building without El Camino Real frontage, pedestrian access would be provided from Cesano Court along pathways within the rear setback. Vehicular access would be provided between the buildings from a single driveway curb cut on Cesano Court. Two parking spaces would be provided for each townhome unit. No parking spaces would be provided for the ADUs.

### *Site B*

The proposed 55-unit development at Site B would replace an existing 18,348 sf hotel (Country Inn Motel) with a multi-family residential condominium building with one level of underground parking. The project would include a mix of one-bedroom (12 units), two-bedroom (35 units); and three-bedroom units (8 units). The building would have a total floor area ratio (FAR) of 2.4:1. Staff notes that the zoning table on the plans references mixed-use floor area; however, the applicant has stated, and the project description indicates, that the proposal does not include commercial uses.

The proposed building would be five stories tall, with a proposed height of 66 feet, eight inches to the top of the stairs, and the proposed canopy covers over the rooftop open space. The height to the top of the parapet would be 59 feet, eight inches. In conformance with the Code, this does not include the height of the rooftop mechanical equipment, including the elevator overrun; the elevator housing is allowed an additional 15 feet in height above the maximum allowable height. The elevator overruns appear to be similar in height to the stairwell.

Pedestrian entrances to the building would be provided from the corner of Cesano Court and El Camino Real. The building would include one level of below-grade parking. Vehicular access to the parking garage would be provided from the rear of the lot via Cesano Court, allowing for the removal of the curb cut along El Camino Real. The below-grade parking structure would include 71 parking stalls. Another 39 parking stalls would be provided within the building at ground level, for a total of 110 parking spaces where 98 parking spaces are required.

### Surrounding Uses

Adjacent land uses are primarily located within other jurisdictions, including Los Altos to the west across El Camino Real and Mountain View to the south. Immediately adjacent to 4345 El Camino Real within Mountain View is a recently constructed 65-foot housing development with 211 units (2700 West El Camino Real) with ground floor commercial space. Across El Camino Real within Los Altos is the 3-story Courtyard by Marriot Hotel and a planned five-story (63-foot) multi-family housing development. To the North within Palo Alto is the 4-story Homewood Suites by Hilton Hotel located within the CS Zone District. To the west (rear) of the parcels is an existing 3-story office development.

## Discussion

Staff will prepare a thorough analysis of the zoning and Comprehensive Plan compliance upon submittal of a formal application if filed. A review of the conceptual plans, however, highlights key concessions that the applicant is requesting.

### Zoning Compliance

For projects rezoning to a PHZ, Council has the authority to set the parameters for most development standards, which would be reflected in the tailored ordinance for the new PHZ District. However, for informational purposes, Attachment B compares the development standards under the current CS zone district with the proposed project. The project is not located within the immediate vicinity of residential uses within Palo Alto and therefore is not subject to the special standards outlined in PAMC Section 18.38.150. Although there are residential uses within Mountain View and Palo Alto, these uses are of higher density than the proposed project and of a similar height.

### *Site A*

In comparison to the existing zoning, the applicant is requesting that the new PHZ allow for:

- An increase in floor area (approximately 1:1 for Site A; 2.4:1 for Site B)
- A waiver of the retail preservation requirements (no retail where a minimum of 1,500 sf is required to be replaced for sites proposing high density housing [30 dwelling units per acre or more])
- An exception to the requirements in PAMC Chapter 18.09 to allow more than one ADU on a site of a proposed multi-family development

The applicant is requesting a floor area ratio of 1.02 where 0.6 is allowed per code (or 1.5 is allowed in accordance with the housing incentive program) for housing projects. However, staff notes that the new private street has not been deducted from the lot area as required per the code; therefore, the project may further exceed the total FAR allowance. The plans do not provide information to confirm how this would change the identified floor area ratio.

The proposed project complies with the 50-foot height limit, providing a 44-foot building. The

plans indicate that the project complies with the required setbacks, lot coverage, and other development standards as well.

### *Site B*

In comparison to the existing zoning, the applicant is requesting that the new PHZ allow for:

- an increase in floor area (2.4:1 where 0.6:1 is allowed [or 1.5 to 1 under the housing incentive program])
- an increase in lot coverage (67% where 50% is allowed)
- a waiver of the retail preservation requirements (none where 1,500 sf is required)
- an increase in height limit of 59' 6" for a majority of the building as well as 66' 8" for roofdeck features, elevator overrun, and stairs to roodeck.

The majority of the roofline would exceed the 50-foot height limit by 9 feet six inches. The elevator, stairs and trellis features on the rooftop would exceed the height at approximately 66 feet, 8 inches. The CS zoning regulations do not set a maximum density for sites along El Camino Real; therefore the project would not conflict with the current code with respect to density. The proposed density is 55 dwelling units per acre. Comparatively, the density of the adjacent residential development in Mountain View is 95 dwelling units per acre. The proposed development in Los Altos across El Camino Real is 72 dwelling units per acre.

### Tree Removal

The project appears to require removal of several mature trees, particularly on Site B. These liquidamber and camphor trees may be protected, depending on the diameter of the tree trunk. Generally, for protected trees, the applicant would be required to comply with the requirements under 8.10.050(d) of the municipal code, which only allow removal of protected trees in certain circumstances. However, Council ultimately has the authority as part of the PHZ process to require retention or allow removal of any of these trees. Canopy replacement would be required for any trees removed in accordance with Chapter 8.10.055 of the code. Staff notes that it could be difficult to retain some of these trees while also modifying the site to provide a new sidewalk along Cesano Court. Retention of some of the trees along El Camino Real would likely require greater setbacks for the building. Council's feedback on the applicant's site plan, particularly with respect to removal of these trees is encouraged.

### Retail Preservation

The current 6,565 sf of retail and retail-like uses (retail, personal services) on Site A and 18,348 sf of retail-like uses (hotel) at Site B are subject to the retail preservation requirements outlined in PAMC 18.40.180. Pursuant to PAMC Section 18.40.180(c)(4)(C), a high density (30 or more dwelling units per acre) project located within the CS Zone District, but not within the ground floor or retail combining district, shall only be required to replace 1,500 sf of existing retail or retail-like use. The project qualifies for this partial exemption. The applicant, however, is not

proposing to replace any retail or retail-like uses on either site. Council has the authority to set the parameters for most development standards, which would be reflected in the tailored ordinance for the new PHZ District. Therefore, Council, at their discretion could choose to waive the need for retail space on one or both of these sites as part of the ordinance developed in response to a formal application.

#### Housing Inventory Site

A portion of the project site (Site A) is identified as a housing inventory site with a maximum yield of 12 units and a realistic capacity of 8 units. The project would add 12 housing units on this parcel, exceeding the identified realistic capacity by 4 units with the requested code modifications.

#### Multi-Modal Access & Parking

The project is located close to high-frequency transit, including the Valley Transit Authority 22 bus line (with a northbound stop at El Camino Real and Cesano Court and a southbound stop on El Camino Real and Los Altos Avenue). It is located within one mile (walking distance) of the San Antonio Caltrain station.

Further information is needed regarding the on-site circulation and vehicle trips generated to determine whether the project is consistent with the City's Bicycle and Pedestrian Transportation Plan and other transportation policies such as Council's Local Transportation Impact Analysis Policy adopted on June 15, 2019 (CMR 11256). This information would be required as part of any formal application.

#### *Site A*

Similar to the existing conditions, the proposed development at Site A would provide a single ingress/egress from Cesano Court. The design does not include on-site space for trash pick-up; therefore, it is assumed that residents would bring their refuse out to Cesano Court or El Camino Real for pick-up. This would require signage to limit parking along a portion of the street frontage during trash pick-up hours and may require improvements to the public right-of-way to provide for effective roll-out and pick-up. It is unclear how ADU residents would dispose of their refuse and recycling.

Site A includes 15 parking spaces; two within a garage for each townhome, and three guest spaces. No parking is provided for the ADUs, consistent with the typical standards for ADUs under 18.09 of the code. However, the site exceeds the required parking by 3 spaces, which could be provided for the ADU tenants. Bicycle parking is not shown on the plans; however, the plans indicate an intent to provide six bicycle parking spaces (one for each unit) and one guest space. The locations and details of these bicycle parking spaces would be required as part of any formal application.

### *Site B*

The proposed development at Site B would eliminate the vehicular curb cuts along El Camino Real and Cesano Court, both of which provide ingress and egress to the site. A single entrance/exit point is proposed at the rear of the site from Cesano Court. If a formal project is filed, a permit would be required from Caltrans to eliminate existing curb cuts along El Camino Real. The design does not include on-site space for trash pick-up; therefore, it is assumed that the applicant intends to bring the trash bins out to El Camino Real or Cesano Court for pick-up. This would require signage to limit parking along a portion of the street frontage during trash pick-up hours and may require improvements to the public right-of-way to provide for effective roll-out and pick-up.

The project would include 39 parking spaces at grade and 71 spaces below grade within an on-site parking garage for a total of 110 spaces. This exceeds the 98 required spaces. A car-sized loading space is not provided and is required in accordance with 18.52.040. One of the additional provided spaces could be designated as a loading space for taxicabs and similar services. 55 bicycle parking spaces would be provided in a ground floor bicycle parking room as shown on the plans. Although guest bicycle parking is not shown, the plans indicate an intent to provide the required six short-term bicycle parking spaces. The locations and details of these bicycle parking spaces would be required as part of any formal application.

Adjacent to Site B a pedestrian/bicycle path is provided through the site at 2700 W El Camino Real in Mountain View but dead ends at the City boundary. Staff would recommend that the applicant complete this bicycle/pedestrian connection to Cesano Court to improve multi-modal transportation. Along Cesano Court, the sidewalk should be continued between the existing sidewalk and the proposed end of the path to improve the pedestrian connection out to El Camino Real. The plans appear to show this, but civil plans showing cross sections of the street and sidewalks would be needed as part of any formal application.

### Inclusionary Requirement and Jobs/Housing Imbalance

The site is currently zoned to allow commercial or mixed-uses. There is an existing building located at 4333/4335 El Camino that includes existing retail and personal services uses (Peninsular Piano Brokers and Massage Envy) and existing hotel use (Countryside Inn) located at 4345 El Camino Real. These existing buildings would be demolished and replaced with multi-family housing. This would lead to a 6,656 sf decrease in retail and personal service space as well as 18,128 sf of hotel. The project would result in a net reduction in jobs (approximately 47 jobs) along with a net increase in housing units (67 housing units).

The project would provide 20% of the units at Below Market Rate in accordance with Council's requirements for projects seeking to rezone using the PHZ process. The applicant has not specified for staff which option is proposed, but intends to provide 20% on site and therefore would comply with Option 1 or 2 that was endorsed by Council on September 21, 2020 (CMR:

11478).<sup>2</sup> However, Council has indicated that this base requirement of the PHZ is intended to allow for minor increases in comparison to the housing incentive program. The proposal includes increases in height approximately 10-15 feet above 50-foot height limit, increases in floor area on the 4345 El Camino site (2.4 where 1.5 is allowed under the housing incentive program), elimination of retail and retail-like uses without replacement, and increases in lot coverage. These requests may warrant greater community benefits, including more BMR units, greater affordability of BMR units, and/or other benefits. The proposal would improve the jobs/housing imbalance by providing housing units in an amount that surpasses the jobs created in the retail use at the site.

### **Policy Implications**

Pre-screenings are intended to solicit early feedback on proposed projects and, like all study sessions, cannot result in any formal action. Therefore, informal comments from Councilmembers would not impart policy. That said, Council's feedback on key requests such as the height limit, floor area, and retail preservation will help to inform whether there is interest in pursuing a rezoning of the property.

As discussed above, Council has indicated that the 20% inclusionary BMR housing is a requirement for rezoning through the PHZ process; however, Council has indicated its expectation that this would allow for minor increases in comparison to the housing incentive program allowances. Councilmembers are encouraged to provide feedback on the requested modifications and anticipated and possible community benefits.

### **Resource Impact**

The prescreening and processing of an application, if filed, are services paid for by fees from the applicant. Additionally, impact fees are charged on the project to account for the impacts the project has on public services and infrastructure.

The project could impact local tax revenues due to the removal of the retail and hotel uses at the site, which generate local sales tax revenue and transit occupancy tax revenue for the City. The loss of these spaces would result in a net loss of revenue on the order of \$100,000-\$200,000<sup>3</sup>, mostly from transit occupancy tax revenue generated by the hotel. Sales tax

---

<sup>2</sup> The September 21, 2020 City Council Report can be found here:

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2020-2/id-11478.pdf?t=43675.41>. Action minutes for the hearing can be found here:

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2020/september-21-2020-city-council-meeting-action-minutes.pdf>

<sup>3</sup> Due to the pandemic, retail and retail-like uses, and particularly hotel uses, have varied between fiscal year 2019 and fiscal year 2022. This range reflects possible revenue based on pre-pandemic revenue and fiscal year 2022 revenue. Generally, revenue has improved, trending toward recovery, but is still lower than fiscal year 2019 levels.

revenue for the City in fiscal year 2022 was roughly \$17 million and transit occupancy tax was roughly \$32.5 million.

There would be a 1% additional property tax assessed on the increase in value of the property from the new development. The City would receive approximately 9.4% of that additional property tax. The difference in value between the existing property and the value of the property with the proposed improvements is unknown.

## Timeline

Following the prescreening review, the applicant will consider Council's comments and determine how they want to proceed. Any formal application to rezone the property to a PHZ would be subject to Planning and Transportation Commission (PTC), Architectural Review Board, and Council review.

## Stakeholder Engagement

The Palo Alto Municipal Code requires notice of this public hearing to be published in a local paper and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance. Notice of a public hearing for this project was published in the Daily Post on September 2, 2022, which is 10 days in advance of the meeting. Postcard mailing occurred on August 31, 2022, which is 12 days in advance of the meeting.

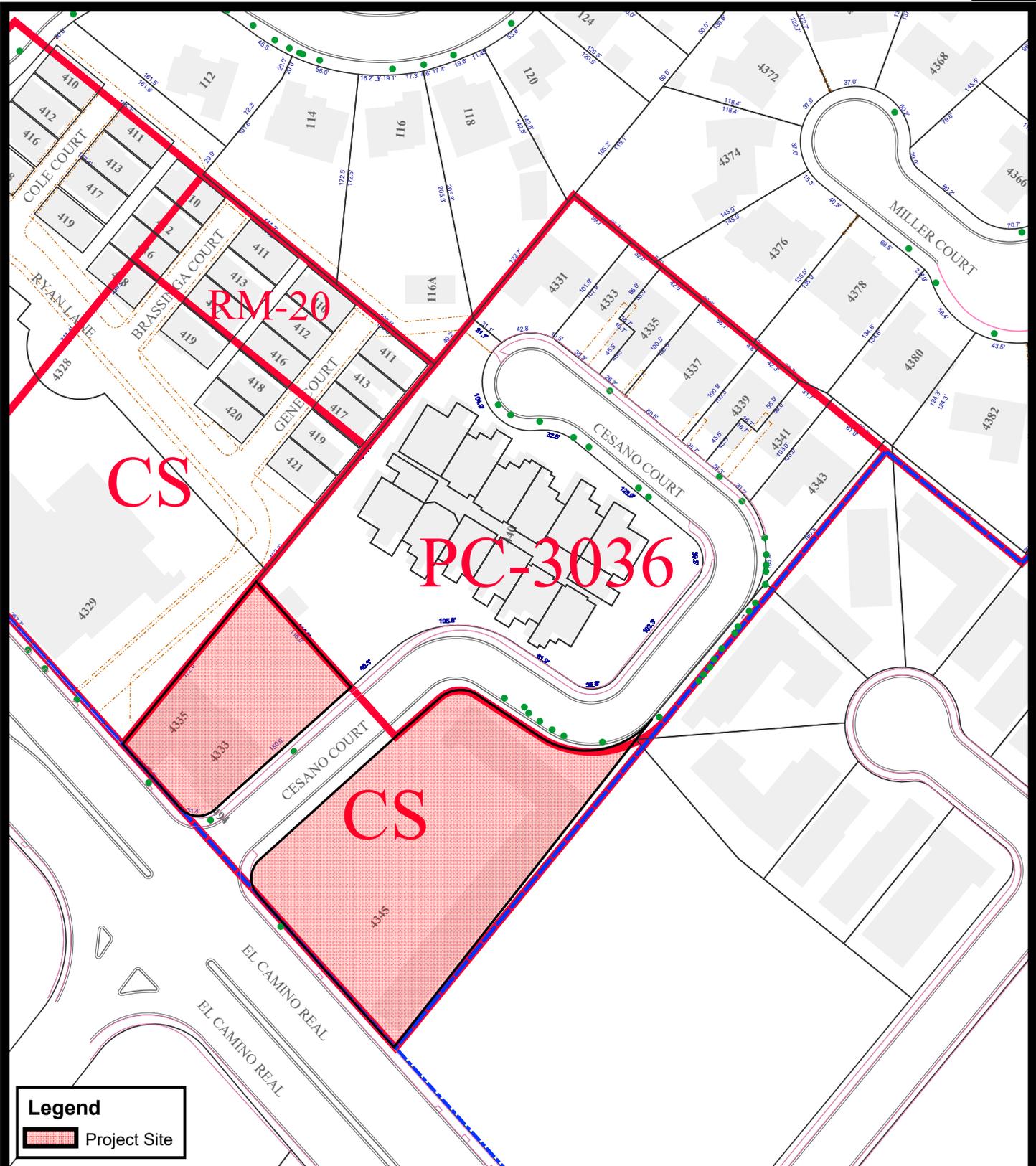
As of the writing of this report, the City received comments on the project from three members of the public and from a planner in the City of Mountain View. One nearby resident and a planner and the planner from the City of Mountain View reached out to staff to request that any future project at this site complete the bicycle/pedestrian connection that was constructed on 2700 West El Camino Real as part of the Mountain View Apartments project. Two other members of the public asked whether the project could be rearranged to preserve existing mature trees on the site. One person asked for replacement of existing trees with comparable trees for any trees not to be preserved and asked the City to consider requiring the developers to include more units for low and medium-income families.

## Environmental Review

The prescreening is a preliminary review process in which Councilmembers may provide comments, but no formal action will be taken. Therefore, no review under the California Environmental Quality Action (CEQA) is required at this time. A full review in accordance with CEQA would be initiated with the formal filing of a development application.

### Attachments:

- Attachment5.a:**      **Attachment A: Location Map(PDF)**  
**Attachment5.b:**      **Attachment B: Zoning Comparison Table    (DOCX)**  
**Attachment5.c:**      **Attachment C: Project Plans (DOCX)**



**ATTACHMENT B**  
**ZONING COMPARISON TABLE**  
 4333/4335 and 4345 El Camino Real, 22PLN-00210

**Table 1: COMPARISON WITH CHAPTER 18.16 (CS DISTRICT)**  
 Mixed-Use Development Standards

Regulation	Required	Existing		Proposed	
		Site A	Site B	Site A (4333/4335 El Camino Real)	Site B (4345 El Camino Real)
Minimum Site Area, width and depth	None	0.4 acres (17,426 sf)	1 acre (43,035 sf)	No change	No Change
Minimum Front Yard	0-10 feet to create an 8-12 foot effective sidewalk width (1), (2), (8)  15-foot setback for residential units	~0 feet	~11 feet	15 feet	5 feet (creates effective 13 foot sidewalk on ECR matching the Mountain View Apartments)
Rear Yard	10 feet for residential; none for commercial	~0 feet	~7 feet	10 feet	20 feet
Interior Side Yard	None	~0 feet	~0 feet	10 feet	6-10 feet
Street Side Yard	5 feet	86 feet	~24 feet	5 feet	5 feet
Min. yard for lot lines abutting or opposite residential districts or residential PC districts	10 feet (2)	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Build-to-lines	50% of frontage built to setback on El Camino Real 33% of side street built to setback (7)			56% El Camino Real; 60% Cesano Court	80% El Camino Real; 80% Cesano Court
Special Setback	24 feet – see Chapter 20.08 & zoning maps	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Max. Site Coverage	50%	unknown	unknown	40% (6,970 sf)	<b>67% (28,833 sf)</b>

Max. Building Height	50 ft or 35 ft within 150 ft. of a residential district (other than an RM-40 or PC zone) abutting or located within 50 feet of the site	Single story	One to two story	44 feet	<b>59 feet, 8 inches to top of parapet</b>  <b>66 feet, 8 inches to top of stairs and rooftop trellis</b>
Daylight Plane for lot lines abutting one or more residential zone districts other than an RM-40 or PC Zone	None <sup>(6)</sup>	Not Applicable		Not Applicable	Not Applicable
Residential Density	30 DU/AC except sites on El Camino Real have no maximum	Not Applicable (currently exclusively commercial)		30 DU/AC	55 DU/AC
Max. Floor Area Ratio (FAR)	0.6:1 residential (10,455 sf for Site A; 25,821 sf for Site B); 0.4:1 non-residential (total of 1.0:1 for mixed-use projects)  18.18.060(e) 2.0:1 for hotels 18.18.060(d)	.38:1 (6,565 sf)	.42:1 (18,128)	<b>1.02:1 (17,892 sf)</b>	<b>2.36:1 (101,927 sf)</b>
Minimum Mixed-use Ground Floor Commercial FAR	1,500 sf of retail required when removing retail or retail-like uses and replacing with high density housing	Not applicable (existing use is commercial with ~6500 sf of retail/personal services on Site A and ~18,000 sf of hotel use on site B).		<b>None</b>	<b>None</b>

(1) No parking or loading space, whether required or optional, shall be located in the first 10 feet adjoining the street property line of any required yard.

(2) Any minimum front, street side, or interior yard shall be planted and maintained as a landscaped screen excluding areas required for access to the site. A solid wall or fence between 5 and 8 feet in height shall be constructed along any common interior lot line..

(6) The initial height and slope shall be identical to those of the most restrictive residential zone abutting the site line in question.

(7) 25 foot driveway access permitted regardless of frontage, build-to requirement does not apply to CC district.

(8) A 12 foot sidewalk width is required along El Camino Real frontage

(10) In the CC(2) zone and on CN and CS zoned sites on El Camino Real, there shall be no minimum mixed use ground floor commercial FAR for a residential project, except to the extent that the retail preservation requirements of Section [18.40.180](#) or the retail shopping (R) combining district ([Chapter 18.30\(A\)](#)) applies.

**18.16.080 Performance Standards.** All development in the CS district shall comply with the performance

criteria outlined in [Chapter 18.23](#) of the Zoning Ordinance, including all mixed use development

**18.16.090 Context-Based Design Criteria.** As further described in a separate attachment, development in a commercial district shall be responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design.

Type	Required	Existing		Proposed	
		Site A	Site B	Site A	Site B
Vehicle Parking	1 per micro unit 1 per studio unit 1 per 1-bedroom unit 2 per 2-bedroom or larger unit At least one space per unit must be covered ADU: No parking required  Site A: 12 spaces Site B: 91 spaces	unknown	unknown	15 vehicular spaces	110 vehicular spaces
Bicycle Parking	1 per unit (100% LT); 1 space for each 10 units of guest bike parking (100% ST)	unknown	unknown	6 long-term spaces; 1 guest space	55 long-term spaces; 6 short term spaces
Loading Space	1 car loading space required for multi-family use	unknown		1 car loading space	1 car loading space

## Attachment C

### **Project Plans**

In order to reduce paper consumption, a limited number of hard copy project plans are provided to Councilmembers for their review. The same plans are available to the public, at all hours of the day, via the following online resources.

#### **Directions to review Project plans online:**

1. Go to: [bit.ly/PAPendingprojects](http://bit.ly/PAPendingprojects)
2. Scroll down to find “4333 and 4345 El Camino Real” and click the address link
3. On this project specific webpage you will find a link to the project plans and other important information

#### **Direct Link to Project Webpage:**

<https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/4345-El-Camino-Real>



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

**(ID # 14727)**

---

**Meeting Date: 9/12/2022**

**Report Type: Consent Calendar**

**Title: Approve Minutes from the August 8, 2022 , August 10, 2022, August 15, 2022, and the August 22, 2022 City Council Meetings**

**From: Lesley Milton, City Clerk**

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

**ATTACHMENTS:**

- **Attachment6.a:** 20220808amCCsm (PDF)
- **Attachment6.b:** 20220810amCCsm (PDF)
- **Attachment6.c:** 20220815amCCsm (PDF)
- **Attachment6.d:** 20220822amCCsm (PDF)



# CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting  
August 8, 2022

The City Council of the City of Palo Alto met on this date in the Council Chambers and by virtual teleconference at 5:14 P.M.

Present In Person: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Present Virtually: None

Absent: None

## Special Orders of the Day

1. Appreciation for State Senator Josh Becker for Securing \$2 million for Newell Bridge Replacement Project

2. Select Applicants to Interview for the Human Relations Commission

**MOTION:** Council Member Cormack moved, seconded by Council Member Kou to interview all applicants for the HRC position.

**MOTION PASSED:** 7-0.

- AA1. Sibling City Update from Mayor John Hamilton, Bloomington, Indiana

## Agenda Changes, Additions and Deletions

## Public Comment

# DRAFT ACTION MINUTES

## Consent Calendar

**MOTION:** Council Member Cormack moved, seconded by Mayor Burt to approve Agenda Item Numbers 3-4.

3. Adoption Of **Resolution 10061** Establishing FY 2023 Property Tax Levy for General Obligation Bonds (Measure N Libraries)
4. Approval of the Rail Committee Charter and Workplan for 2022-23

**MOTION PASSED:** 7-0

## City Manager Comments

## Action Items

5. Approval of Appointment and Employment Agreement with Andrew Binder as Chief of Police

**MOTION:** Mayor Burt moved, seconded by Council Member DuBois to approve appointment of Andrew Biner as Chief of Police and his employment agreement as presented.

**MOTION PASSED** 6-1 Tanaka no

- ~~6. Adoption of an Ordinance Approving the Police Department's Military Equipment Use Policy Under AB 481~~ **Continued to a future meeting**

- AA2. Adoption of Resolutions: (1) Placing a Business Tax on the November 2022 Ballot; (2) Placing a Measure Affirming the Natural Gas Utility Transfer on the November 2022 Ballot; and (3) Establishing Advisory Spending Guidelines for Business Tax Proceeds (6:45 PM – 8:15 PM)

**MOITION SPLIT FOR THE PURPOSE OF VOTING**

# DRAFT ACTION MINUTES

**MOTION:** Mayor Burt moved, seconded by Council Member Filseth to:

1. Adopt Resolution **10064**, to submit a measure to the voters at the general municipal election on November 8, 2022 (Attachment B) and adopt resolution **10063** establishing advisory spending guidelines regarding use of business tax proceeds if passed by voters (Attachment C)

**MOTION** Passes: 5-2, Cormack, Tanaka no

**MOTION:** Mayor Burt moved, seconded by Council Member Filseth to:

2. Continue this discussion to August 10 with the following direction:
  - A. Bring final documents for the measure to affirm the natural gas utility transfer.

**MOTION** Passes: 6-1 DuBois No

**MOTION:** Mayor Burt moved, seconded by Council Member Filseth to:

2. Continue this discussion to August 10 with the following direction:
  - B. Authorize the ad hoc to continue to discussions with the business coalition to reach agreement on alternative tax structure.

**MOTION** Passes: 4-3 Stone, Kou, DuBois no

- AA3. PUBLIC HEARING / QUASI-JUDICIAL. 1033 Amarillo Ave [22PLN-00016]: Request for a Preliminary Parcel Map With Exceptions to Subdivide a 20,787 Square Foot R-1 Property Into Two (2) Lots, Where Lot 1 Will be 10,668.50 Square Feet and Lot 2 Will be 10,118.77 Square Feet. Exception is for Minimum lot Width and Maximum lot Size. Zoning District
- |     |        |        |              |
|-----|--------|--------|--------------|
| R-1 | Single | Family | Residential. |
|-----|--------|--------|--------------|

**MOTION:** Council Member DuBois moved, seconded by Mayor Burt to approve the Record of Land Use Action based on findings and subject to conditions of approval. Prior to approval of a parcel map, the applicant shall receive approval for any planning entitlement as required by the municipal code that includes a new single-family home, ADU and JADU on each subdivided lot.

**MOTION PASSED:** 5-2, Kou, Stone no

# DRAFT ACTION MINUTES

7. Discuss and Provide Comments on the City's Draft Comment letter to the California High Speed Rail Authority (CHSRA) and Authorize the Mayor to Send a Comment Letter to the CHSRA on the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the California High Speed Rail segment between San Francisco and San Jose, Which Traverses Palo Alto.

**MOTION:** Council Member Cormack moved, seconded by Council Member DuBois to:

- 1) Authorize the Mayor to sign the City's comment letter, incorporating Council's requested revisions (if any), and to submit the letter to the CHSRA prior to its consideration for approval of the proposed project and certification of the Final EIR/EIS.

**MOTION PASSED:** 7-0

- ~~8. Designation of Voting Delegate and Alternate for the League of California Cities Annual 2022 Conference, to be held September 7-9 in Long Beach, CA~~

**ACTION:** Continued to August 15, 2022

## Council Member Questions, Comments and Announcements

Adjournment: The meeting was adjourned at 10:32 P.M.

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 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 COUNCIL DRAFT ACTION MINUTES

Special Meeting  
August 10, 2022

The City Council of the City of Palo Alto met on this date in the Council Chambers and by virtual teleconference at 6:00 P.M.

Present In person: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Present Virtually: None

Absent: None

## Agenda Changes, Additions and Deletions

Mayor Burt announced that item 1 will be taken before item AA1.

## Closed Session

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION Authority: Cal. Gov. Code section 54957(b)  
Titles: City Manager, City Attorney, City Clerk

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

**MOTION PASSED:** 7-0

Council went into Closed Session at 6:08 P.M.

Council returned from Closed Session at 8:20 P.M.

Mayor Burt announced there was no reportable action.

# DRAFT ACTION MINUTES

## Action Items

AA1. November 2022 Ballot Measures: (1) Repeal of a Resolution Adopted on August 8, 2022, and Adoption of a Revised Resolution Placing a Business Tax on the November 2022 Ballot; (2) Adoption of a Resolution Placing a Measure Affirming the Natural Gas Utility Transfer on the November 2022 Ballot

**MOTION:** Mayor Burt moved, seconded by Council Member Cormack to

1. Repeal Resolution 10062, adopted on Monday August 8, 2022, which placed a business tax on the November 8, 2022 at a rate of 11 cents per square foot, capped at \$1 million per business, raising approximately \$16.5 million annually.
2. Adopt the Resolution (Attachment A) calling an election for November 8, 2022 for submittal to the qualified electors of the City a measure amending Title 2 of the Municipal Code to add Chapter 2.37 to establish a tax on businesses operating in the City of Palo Alto, which includes a revised business tax at a rate of 7 ½ cents per square foot of occupied space, capped at \$500,000 per business, with annual 2.5% increases in the tax rate and cap, raising approximately \$9.6 million annually.
3. Adopt the Resolution (Attachment B) calling an election for November 8, 2022 for the submittal to the qualified electors of the City a measure affirming the City's natural gas utility general fund transfer.
4. Direct staff to return to Council with a revised Advisory Spending Resolution that includes additional language on fiscal reporting and transparency, to be placed on the Consent agenda in August.

**MOTION PASSED:** 6-1, Tanaka no

## Council Member Questions, Comments and Announcements

Adjournment: The meeting was adjourned at 9:51 P.M.

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 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 COUNCIL DRAFT ACTION MINUTES

Special Meeting  
August 15, 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 In Person: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Present Virtually: None

Absent: None

## Special Orders of the Day

1. allcove Palo Alto Presentation

## Study Session

2. 800-808/814 San Antonio Road [22PLN-00129]. Request for Pre-Screening of a Proposal by TS 800 SA LCC to Rezone the Subject Property from Commercial Services (CS) to Planned Home Zoning and to Redevelop the Site with 75 Condominium Units in a Five-Story Structure. Environmental Assessment: Not a Project. The Formal Application Will be Subject to California Environmental Quality Act (CEQA) Review.

**ACTION: No action taken**

3. 616 Ramona Street [22PLN-00146]: Request for Council prescreening for an applicant proposed text amendment to Chapter 18.18.120 to allow a change to the building envelope when replacing non-complying floor area in the Commercial Downtown. Environmental Assessment: Not a Project. The Formal Application Will be Subject to California Environmental Quality Act (CEQA) Review. Zoning District: CD-C(P) Community Commercial Downtown with a Pedestrian Combining District.

**ACTION: No action taken**

## Agenda Changes, Additions and Deletions

# DRAFT ACTION MINUTES

## Public Comment

## Consent Calendar

**MOTION:** Council Member Cormack moved, seconded by Mayor Burt to approve Agenda Item Numbers 4-8.

4. Approve Minutes from the August 1, 2022 City Council Meeting
5. Approval of Contract Number C22184896 with Schaaf and Wheeler in the Amount of \$253,636 for Design Services for the Embarcadero Trash Capture Device Installation Project, Capital Improvement Program Project SD-22002
6. Accept the City Auditor's Quarterly Status Report for January - March 2022
7. Approval of the Office of the City Auditor's Nonprofit Agreement Risk Management Review
8. Adopt **RESOLUTION 10066** Approving a Summary Easement Vacation Adjacent to 1499 Edgewood Drive

**MOTION PASSED:** 7-0

## City Manager Comments

Ed Shikada, City Manager

## Action Items

9. Project Homekey: Authorize City Manager to Execute a State Standard Agreement in the Event of Homekey Award; Adopt a resolution Extending the Declaration of Emergency Shelter Crisis; and Receive an Update on Project Homekey Status and Provide Potential Direction to Staff

**MOTION:** Council Member Stone moved, seconded by Council Member Filseth to

- Authorize staff to execute a State Standard Agreement with the State of California for a project Homekey Award and
- Adopt **Resolution 10067** Extending the Declaration of Emergency Shelter Crisis; and Receive an Update on Project Homekey Status and Provide Potential Direction to Staff

**MOTION PASSED:** 6-1 Tanaka, no

# DRAFT ACTION MINUTES

10. Designation of Voting Delegate and Alternate for the League of California Cities Annual 2022 Conference, to be held September 7-9 in Long Beach, CA

**MOTION:** Council Member DuBois moved, seconded by Mayor Burt to appoint Vice Mayor Kou as the voting delegate and Council Member Cormack and Mayor Burt as alternates for the 2022 Annual Conference.

**MOTION PASSED:** 7-0

## Council Member Questions, Comments and Announcements

Adjournment: The meeting was adjourned at 8:49 P.M.

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 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 COUNCIL DRAFT ACTION MINUTES

Special Meeting  
August 22, 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, Filseth, Kou, Stone, Tanaka

Present Virtually: None

Absent: None

## Special Orders of the Day

1. Interviews for the Human Relations Commission

## Agenda Changes, Additions and Deletions

Agenda was amended prior to deadline adding items AA1, AA2 and AA3.

## Public Comment

## Consent Calendar

Council Members Tanaka and Kou registered a no vote on Agenda Item Number 4.

Council Member Tanaka registered a no vote on Agenda Item Number AA1.

**MOTION:** Council Member Cormack moved, seconded by Council Member DuBois to approve the Consent Agenda Items 2 -4, AA1 and AA2.

# DRAFT ACTION MINUTES

2. Review and Approve the Williamson Act Contract Renewals Within Palo Alto City Limits (2022)
3. 2515 El Camino Real: Ratify a BMR Regulatory Agreement Permitting Rental of Two Units at Below Market Rates and Approve and Authorize the City Manager to Execute and Record Amendment No. 1 to the Regulatory Agreement. Environmental Assessment: Exempt from CEQA Pursuant to Guidelines Section 15601(b)(3).
4. 1985 Louis Road (First Congregational Church of Palo Alto) [22PLN-00159]: Appeal of a Director's Decision Approving a Safe Parking Program Permit to Allow Overnight Parking of up to Four (4) Vehicles at the Subject Property. Environmental Assessment: Exempt. Zoning District: R-1 (Single-Family Residential).

AA1. Repeal of Resolution Adopted on August 8, 2022 and Adoption of a Revised **Resolution 10068** Establishing Advisory Spending Guidelines for Business Tax Proceeds

AA2. Approval of the City Position for the 2022 Cal Cities Annual Conference Resolution

## MOTION SPLIT FOR THE PURPOSE OF VOTING

**MOTION PASSED** Items 2, 3, AA2: 7-0

**MOTION PASSED** Item 4: 5-2 Kou, Tanaka No

**MOTION PASSED** Item AA1: 6-1 Tanaka no

## City Manager Comments

## Action Items

5. Consider a Recommendation to Review and Endorse the 2023-31 Draft Housing Element Goals, Policies and Programs and Updated Sites Suitability Inventory and Analysis; Provide Direction on Possible Land Use Policy Changes to Promote Housing in Certain General Manufacturing (GM) and Research, Office and Limited Manufacturing (ROLM) Districts; and, Receive an Update on the Housing Element Project Schedule.

# DRAFT ACTION MINUTES

**MOTION:** Council Member Filseth moved, seconded by Council Member Tanaka to approve an increase in density for up to 90 units per acre for all units in the GM and ROLM Districts and with appropriate transitions adjacent to the R1 zone, as referenced in PowerPoint presentation.

**MOTION PASSED:** 5-1-1, Kou no, Cormack recused

**MOTION:** Council Member DuBois moved, seconded by Mayor Burt to modify programs in the proposed housing element as follows:

1. Program 1.6 Stanford Lands
  - b. Eliminate 27 University as a housing opportunity site and the corresponding program 1.6D
  - c. Eliminate the reference to 75 feet in height for program 1.6B
  - d. Eliminate the reference to 65 feet for section 1.6C

**MOTION PASSES:** 5-1-1, Tanaka no, Cormack recused

**MOTION:** Council Member DuBois moved, seconded by Mayor Burt to modify programs in the proposed housing element as follows:

1. Program 1.6 Stanford Lands
  - a. Evaluate creation of new neighborhood along Foothill expressway for 7th Cycle Housing Element
2. Program 4.2 Housing Preservation
  - a. Add a program to evaluate amending the muni code to restrict short term rentals, particularly where owner is not residing in property, to insure housing stock is used for long term rentals
3. Program 6.4A Homelessness Programs
  - a. Add another program to include Commercial lots in the safe parking program.
  - b. Remove the reference to Cubberley but retain language to for support services for participants of a safe parking program

# DRAFT ACTION MINUTES

4. Program 3.3A
  - a. Modify reference to “religious institutions located in R1 district” to clarify that we will evaluate affordable housing with less dense incentives in R1.
5. Add a program to review the PTOD development standards for greater housing production
6. Evaluate the feasibility of potential regulations to incentivize housing units to be used for the purpose of housing

**MOTION PASSES:** 6-1, Cormack recused

AA3. City Auditor Vacancy: Council Direction on Next Steps

**MOTION:** Council Member Cormack moved, seconded by Mayor Burt to request up to three individuals to interview from Baker Tilly to act as an interim Auditor, and the Council Appointed Officers Committee to meet to address the next steps for filling the Auditor position for the medium to long term

**MOTION PASSED:** 7-0

## Council Member Questions, Comments and Announcements

Adjournment: The meeting was adjourned at 11:38 P.M.

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 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 City Council Staff Report

(ID # 13766)

Meeting Date: 9/12/2022

Report Type: Consent Calendar

**Title: Approval of Amendment Number 1 to Contract Number C20177684 with SCA for Street Sweeping Services, for Modification and Increase of Contract by \$1,080,674 to Include Prevailing Wages for a Revised Not to Exceed amount of \$6,688,906 for the Remaining Three Years of a Five Year Contract; and Approval of Budget Amendment in the Refuse Fund**

**From: City Manager**

**Lead Department: Public Works**

### Recommendation

Staff recommends that Council:

1. Approve and authorize the City Manager or their designee to execute [Amendment No. 1](#) to Contract No. C20177684 with Sweeping Corporation of America (SCA), formerly Contract Sweeping Services (CSS), for street sweeping services; which includes
  - a. The removal of Task 2 (Debris Management) from the Scope of Services for contract years 3 through 5; and
  - b. Increasing the total not-to-exceed compensation by \$1,080,674, from \$5,608,232 to a new total not-to-exceed compensation amount of \$6,688,906; and
2. Amend (by a 2/3 majority) the Fiscal Year 2023 Budget Appropriation for the Refuse Fund by:
  - a. Increasing the Public Works appropriation for Contract Services by \$83,158; and
  - b. Decreasing the Rate Stabilization Reserve by \$83,158.

### Background

The Public Works Department's Public Services Division is responsible for maintaining cleanliness throughout various City-owned public places, including sweeping over 17,000 curb miles of streets annually. Street sweeping is a key maintenance task that includes removing leaves, trash, and particulate debris such as metal particles from street surfaces and gutters, preventing these materials from entering our storm drain system and the San Francisco Bay, as required by State and Federal laws.

On April 20, 2020, following a Request for Proposals (RFP) competitive solicitation process, Council approved a five-year contract with Contract Sweeping Services (CSS) for the provision of services through April 25, 2025 ([Staff Report ID#11012](#)). Contract Sweeping Services (CSS) has

since been acquired by SCA of CA, LLC, and the City has approved an assignment agreement assigning the contract to SCA of CA, LLC. The current five-year contract provides street sweeping services for all residential and light commercial areas throughout the City. The contract includes debris management provisions that address removal and disposal of debris. The debris removal provisions allow SCA to temporarily place debris on City streets during leaf season or when approved by the City. The debris disposal provisions direct SCA to haul street sweeping debris to the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station) located in Sunnyvale for processing. The cost of hauling the debris is built into the contract under Task 2.

On May 24, 2021, City Council approved a new contract for solid waste processing with GreenWaste Recovery (GWR) ([Staff Report ID#11632](#)) that began on January 1, 2022. Through the GWR contract, staff incorporated the processing of yard trimmings (from City crew work including sweeping debris) previously taken to the SMaRT Station to be processed at the Zanker Road Resource Recovery Operation and Landfill (Zanker), with the City Collector, GreenWaste of Palo Alto (GWPA), transporting the material rather than SCA. The cost of processing the debris is allocated in the City's Refuse Fund within the solid waste processing expenses.

### **Discussion**

Since January 1, 2022, GWPA has transported street sweeping debris to Zanker for processing. Staff has evaluated the transition in transporting the material between the two companies and found it to be successful, resulting in no major issues. This amendment to the SCA contract removes Task 2 from the contract, which means that SCA will no longer be permitted to haul debris. Responsibilities associated with Task 2 include the hauling of debris and the placement of debris on City streets during leaf season. Staff has evaluated the placement of debris on City streets for the last two years of the contract and this practice has yet to be utilized. Additionally, storage of sweeping debris on City streets has negative impacts including reduced level of cleanliness, unsightliness, and potential flooding concerns. Sweeping debris is currently taken to a bunker located at the Municipal Services Center (MSC) yard prior to being transferred to the processing center; this practice will continue with SCA. This expense is being removed from the contract and will only be reflected in the GreenWaste Recovery contract.

Lastly, the Department of Industrial Relations (DIR), the State agency that oversees prevailing wage laws, issued a determination last fall that street sweeping work is subject to prevailing wages. As DIR previously held that such work was not subject to prevailing wages, this contract did not previously require them. In order to comply with DIR's new directive, staff recommends amending the contract to include this requirement using prevailing wage rates specified by the DIR. The new curb mile rate is \$74.27, an increase from \$44.01. The difference in additional contract expenses for Year 3 (April 26, 2022- April 25, 2023), due to this prevailing wage increase and reduction of debris transportation expense, is \$349,224, resulting in a funding need of \$83,158 for Year 3. The contract had unspent budget of \$266,066, as shown on Table 1, from the first two years which will be used in Year 3 to help cover the increased cost.

	<i>Current Budget (Tasks 1-4) &amp; Additional Services</i>	<i>Actuals (Tasks 1-4)</i>	<i>Unspent Budget</i>
Contract Year 1	\$1,035,432	\$828,752	<b>\$112,550</b>
Contract Year 2	\$1,076,849	\$825,438	<b>\$153,516</b>
<b>Total</b>	<b>\$2,112,281</b>	<b>\$1,654,190</b>	<b>\$266,066</b>

### Resource Impact

The increase to this contract is not currently funded. To support this unbudgeted expense, an appropriation increase of \$83,158 for contract services in the Refuse Fund is recommended, offset by a \$83,158 decrease of the Refuse Fund Rate Stabilization Reserve. Subsequent years of the contract are subject to appropriation of funds through the annual budget process. The Refuse Fund Rate Stabilization Reserve (RSR) balance for Fiscal Year 2023, including this recommended use of \$83,158, will have sufficient funds. The RSR is projected to be greater than the recommended 20 percent of sales metric RSR guideline.

Table 2 shows the compensation for the amendment by contract year. Table 3 shows a comparison of the original contract against the amendment by contract year, as well as the difference and additional funding needed. Additional Services funding has been removed for the remaining three years to help offset the increase in contract expense. The funding from the first two years will be sufficient for the remainder of the contract.

<i>Year</i>	<i>Services (Tasks 1-4)</i>	<i>Additional Services</i>	<i>Subtotals</i>
Contract Year 1	\$941,302	\$94,130	\$1,035,432
Contract Year 2	\$978,954	\$97,895	\$1,076,849
Contract Year 3	\$1,469,147	\$0	\$1,469,147
Contract Year 4	\$1,524,838	\$0	\$1,524,838
Contract Year 5	\$1,582,640	\$0	\$1,582,640
<b>Subtotals/Totals</b>	<b>\$6,496,881</b>	<b>\$192,025</b>	<b>\$6,688,906</b>

	<i>Current Budget (Tasks 1-4) &amp; Additional Services</i>	<i>Proposed Budget (Tasks 1-4) &amp; Additional Services</i>	<i>Difference</i>	<i>Unspent Budget</i>	<i>Additional Budget Needed</i>
Contract Year 1	\$1,035,432	\$1,035,432	\$0		
Contract Year 2	\$1,076,849	\$1,076,849	\$0		
Contract Year 3	\$1,119,923	\$1,469,147	\$349,224	\$266,066	\$83,158
Contract Year 4	\$1,164,720	\$1,524,838	\$360,118		\$360,118

Contract Year 5	\$1,211,308	\$1,582,640	\$371,332		\$371,332
<b>Subtotals/Totals</b>	<b>\$5,608,232</b>	<b>\$6,688,906</b>	<b>\$1,080,674</b>	<b>\$266,066</b>	<b>\$814,608</b>

**Stakeholder Engagement**

This contract amendment is for a continuation of existing street sweeping services. Work groups within Public Works were consulted regarding the coordination of services provided under multiple contracts.

**Policy Implications**

This recommendation does not represent any change to existing City policies.

**Environmental Review**

The recommended action is CEQA exempt under the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3).



# City of Palo Alto

## City Council Staff Report

(ID # 14144)

---

**Report Type: Consent Calendar**

**Meeting Date: 9/12/2022**

**Summary Title: CDBG - Approve Amendment to Citizen Participation Plan (CPP)**

**Title: Adoption of the Amended Community Development Block Grant (CDBG) Citizen Participation Plan**

**From: City Manager**

**Lead Department: Planning and Development Services**

### **Recommendation:**

Staff and Human Relations Commission (HRC) recommend the City Council adopt the amended *Community Development Block Grant Citizen Participation Plan* (Attachment A) required for the expenditure of funds from the U.S. Department of Housing and Urban Development.

### **Executive Summary:**

The City of Palo Alto receives funds annually from the U.S. Department of Housing and Urban Development (HUD) as an entitlement city under the Community Development Block Grant (CDBG) program. As a jurisdiction that receives federal funds from HUD, the City is required to have a Citizen Participation Plan (CPP). Staff is proposing minor amendments to the existing CPP, which was last updated in 2020. The proposed changes are focused on clarifying the review procedures for the primary tasks associated with the administration of the CDBG program. The proposed amendments spell out which CDBG tasks require review by the HRC and or the City Council. On May 24, 2022, the HRC reviewed the proposed CPP amendments and voted to support the changes.

### **Background:**

HUD requires CDBG recipient agencies to prepare and implement a CPP that provides adequate opportunity for citizens to participate in an advisory role in the planning, implementation, and assessment of the CDBG program. The procedures outlined in the CPP apply to review of the following CDBG program documents and associated actions:

- **Consolidated Plan (Con Plan):** a strategic five-year plan that identifies priority housing and community development needs and sets forth a strategy to address those needs.
- **Annual Action Plan (AAP):** an annual report to identify specific projects to be funded to implement the goals and objectives identified in the Consolidated Plan; typically submitted to HUD in May.
- **Comprehensive Annual Performance and Evaluation Report (CAPER):** an annual report prepared at the end of each program year to review and report on the goals and objectives achieved with the annual grant allocations; typically submitted to HUD in September.
- **Substantial Amendments:** modifications to the AAP and Con Plan that meet the threshold of substantial change.
- **Citizen Participation Plan (CPP):** plan that provides for and encourages citizens to participate in the development of the City’s Consolidated Plan, Annual Action Plan, substantial amendments to the Consolidated Plan or Annual Action Plan, and the performance reports (CAPER).
- **Assessment of Fair Housing (AFH):** an analysis of fair housing issues for the City and region that results in goals that the program participant sets forth to achieve over the program participant’s coming Consolidated Plan planning cycle.

The existing [2020 CPP](#) details the roles and responsibilities of the City Council, public, staff, and the HRC. The City Council sets policy and priorities and approves the overall CDBG grant allocations.

**Human Relations Commission Review**

The HRC reviewed the proposed CPP amendments on May 24, 2022 and voted unanimously 5-0 to recommend Council approval. There was limited discussion of the item by the HRC and there were no public speakers. The HRC included in their motion that the Ad Hoc Subcommittee receive staff updates on the CDBG funding allocations and a copy of the final funding allocation plan.

**Discussion:**

The existing CPP provides overall direction but lacks specificity; the proposed CPP amendments provide clarification on the review procedures for the above-mentioned CDBG tasks. For all significant actions for the CDBG program, the City Council is the approving body, while the HRC has a role in reviewing and providing recommendations to Council. Table 1 below provides a summary of the recommended review procedures.

**Table 1: Summary of Recommended Review Procedure**

Task	Required Comment	HRC Public Hearing	City Council Meeting	Proposed Change
------	------------------	--------------------	----------------------	-----------------

	<b>Period</b>			
Annual Action Plan (AAP)	30 days	X	Action	None
Consolidated Annual Performance and Evaluation Report (CAPER)	15 days	X	Informational Report	None, affirming Informational Report for Council
Substantial Amendments	30 days	-	Consent	Council Consent review instead of Action
Consolidated Plan (Con Plan)	30 days	X	Action	None
Assessment of Fair Housing (AFH)/ Analysis of Impediments (AI)	30 days	X	Action	None
Citizen Participation Plan (CPP)	15 days	X	Consent	Council Consent Review instead of Action

At a minimum, the CDBG program would have three public hearings annually: two HRC meetings for the AAP and CAPER, and one City Council meeting for the AAP. These meetings cover the standard/minimum CDBG program actions that are completed every year. In addition to the AAP and CAPER, the City often has additional public hearings associated with other tasks listed above.

### **Proposed Updates**

The existing CPP specifies that the City Council conducts two public hearings per fiscal year at different stages of the program year. Staff recommends revising the Council review to one public hearing (i.e., Action Item) for the review and approval of the AAP (for the CDBG allocations) prior to the end of the program year, June 30th. This one formal City Council meeting is consistent with past practices over the last seven years.

The existing CPP specifies that the HRC will conduct at least one public hearing to review and comment on the proposed CDBG funding allocations for the AAP. Staff recommends revising the HRC review to two public hearings. The first one would be for the annual review and comment on the proposed CDBG funding allocations for the AAP (early Spring). The second public hearing would be held at the end of the program year to comment on the CAPER (late Summer). These two meetings with the HRC reflect past practices from the last seven-plus years.

For the other required documents (i.e., Substantial Amendments, Con Plan, CPP, and AFH), the reviews are not changing from what is currently specified in the CPP. The clarifications

proposed are for the placement of items on the Council agenda. For streamlining purposes, the Consent agenda is recommended by staff for the Substantial Amendments and CPP. This placement continues to provide the public the opportunity to speak to the item on the agenda and provide comments, and Council can elect to pull the item off Consent, if it seeks additional discussion.

The draft CPP is provided as Attachment A and includes underlines for added text and ~~strikeouts~~ for deletions. The [current CPP](#) with no markups can be viewed online for reference.

### **Policy Implications:**

The proposed CPP amendments do not make any substantive changes to the City's existing public engagement policies. Staff is also beginning to address recommendations from the City Auditor from a recent audit regarding engagements with non-profit entities and public private partnerships. Staff will monitor any recommended policy changes from that evaluation and review in the context of this plan as well.

### **Timeline:**

The CPP will be effective immediately following adoption by City Council.

### **Stakeholder Engagement:**

An advertisement was published in The Daily Post on May 9, 2022 and on August 26, 2022, announcing the availability of the draft CPP for public review and comment. The draft CPP was also reposted on the City's website for public review and comment on August 26, 2022. Additionally, the newspaper notices provided details of the May HRC and August City Council hearings. As noted above, the HRC also reviewed and discussed the amended CPP during a public hearing on May 24, 2022. At the time of this report, staff did not receive any public comments on the proposed CPP.

### **Environmental Review:**

The proposed amendment to the CPP does not constitute a "project" under the California Environmental Quality Act (CEQA) and is therefore exempt from environmental review.

### **Attachments:**

**Attachment 8.a:**      **Attachment A: Draft Citizen Participation Plan, CDBG**      **(PDF)**

# COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

## CITIZEN PARTICIPATION PLAN



Administered by Planning and Development Services  
Adopted by City Council on ~~November 20, 2020~~ DATE 2022

*DRAFT – July 29, 2022*

## Introduction

Pursuant to the requirements of 24 CFR 91.105, the City of Palo Alto hereby issues the following plan to provide for and encourage citizens to participate in the development of the City's Consolidated Plan, Annual Action Plan, any substantial amendments to the Consolidated Plan or Annual Action Plan, and the Performance reports (CAPER).

### Community Development Block Grant (CDBG) Program

The City of Palo Alto receives an annual allocation of Community Development Block Grant (CDBG) funds directly from the U.S. Department of Housing and Urban Development (HUD). The CDBG program addresses the creation of viable urban communities by providing decent housing, a suitable living environment, and the ability to expand economic opportunities, principally for persons of low and moderate income.

### Consolidated Plan, Annual Action Plan, and Performance Report

In order to receive CDBG funding, Title I of the National Affordable Housing Act mandates the preparation of a strategic five-year **Consolidated Plan** that identifies priority housing and community development needs and sets forth a strategy to address those needs. An **Annual Action Plan** is prepared annually to identify specific projects to be funded to implement the goals and objectives identified in the Consolidated Plan. A **Comprehensive Annual Performance and Evaluation Report (CAPER)** is prepared at the end of each program year to evaluate and report on the goals and objectives achieved with the annual grant allocations.

### Assessment of Fair Housing (AFH)/Analysis of Impediments (AI) to Fair Housing Choice

The preparation of an AFH/AI is required every five (5) years. The AFH/AI is an analysis of fair housing issues in a program participant's jurisdiction and region that results in goals that the program participant sets forth to achieve over the program participant's coming Consolidated Plan planning cycle. If required by HUD, the City must prepare, adopt and submit its initial AFH for HUD review no later than 270 calendar days prior to the start of the following program year. Subsequent AFHs must be submitted 195 days prior to the start of the following program year. This schedule will allow the City to consider any fair housing issues when developing the City's Consolidated Plan.

### Citizen Participation Objectives

A primary objective of the Housing and Community Development Act of 1987 is the provision of adequate opportunities for citizens, non-profit organizations, and other interested parties to review and comment on the planning, implementation, and assessment of the CDBG program.

It is the intention of the City of Palo Alto to adopt and follow a detailed Citizen Participation Plan in order to encourage meaningful citizen involvement, public examination, and appraisal of the process, as well as to enhance program accountability.

The Citizen Participation Plan includes the following objectives:

1. To adhere to the provisions of the Community Development Act of 1987, as amended, and all other federal regulations.
2. To encourage the participation of citizens in the planning, implementation, and assessment of the CDBG program, especially those of low and very low income, members of minority groups, residents of areas where funds will be expended, persons with limited English proficiency, the elderly, individuals with disabilities, and other neighborhood, non-profit or civic groups.
3. To make information about the CDBG program and process available to the public through reasonable and timely access to information including publications in local newspapers, public hearings, public meetings, the City's website, and the provision of technical assistance.

### **Citizen Participation Plan**

The sections below describe the roles and responsibilities of the City Council, public, staff, and Human Relations ~~Commission~~ Committee. Additionally, there are process-related clarifications for substantial amendments, anti-displacement requirements, and state of emergency conditions.

#### Part 1: The City Council

1. The City Council sets policy, priorities, and approves the overall Community Development Block Grant allocations.
2. The City Council will conduct a minimum of ~~one~~ two public hearing per fiscal year for the purpose of obtaining citizens' views and formulating or responding to proposals and questions. ~~The public hearings will be held at different stages of the program year.~~ The purpose of the public hearing is to address community development and housing needs, development of proposed activities, proposed strategies and actions for affirmatively furthering fair housing, and program performance.
3. All public hearings will be held at times and locations convenient to potential and actual program beneficiaries, with reasonable accommodations for persons with disabilities. Generally, public hearings will be held at City Hall in the evenings because the facility is centrally located, accessible by public transportation, and has disabled access.
4. Translation services will be provided when a significant number of non-English speaking residents can be reasonably expected to participate, or when a reasonable request for such an accommodation is made.
5. Actions of the City Council will direct the implementation of CDBG funded projects.

## Part 2. The General Public

1. The general public is encouraged to participate in the various stages of the CDBG program by attending and commenting at the noticed public hearings. They are also encouraged to express their views and comments directly to the City's CDBG Coordinator ~~in the Planning and Development Services department.~~
2. At any time, citizens may submit views concerning Palo Alto's CDBG program performance to the HUD Region IX Office at One Sansome Street, Suite 1200, San Francisco, CA 94104.
3. The City's website (<https://www.cityofpaloalto.org/cdbg>) contains either the draft or adopted Consolidated Plan, draft or adopted versions of the Annual Action Plans and Performance Reports, the CDBG annual program timeline, and other pertinent program records, documents, and information. Interested citizens are encouraged to review the material online, download files, and provide comments or suggestions via letter or e-mail to the CDBG Coordinator.
4. Consistent with accessibility and reasonable accommodation requirements, in accordance with section 504 of the Rehabilitation Act of 1973 and the regulations at 24 CFR part 8; and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36, as applicable, upon request, materials and information will be made available in a format accessible to persons with disabilities. Persons with disabilities who require auxiliary aids or services in using City facilities, services or programs, or who would like information on the City's compliance with the Americans with Disabilities Act (ADA) of 1990 and Rehabilitation Act of 1973, may contact City of Palo Alto's ADA Coordinator at (650) 329-2550 (Voice) or by emailing [ada@cityofpaloalto.org](mailto:ada@cityofpaloalto.org). Public hearings will be held in the Council Chambers or other accessible locations. Requests for assistance or accommodations should be submitted as soon as possible but no later than 48 hours in advance of a scheduled meeting, program, or service.

## Part 3. City Staff

1. The Planning and Development Services department has the primary responsibility for the administration and coordination of the CDBG program.
2. The planning process for the CDBG program is conducted on a two-year cycle and is coordinated with the City's Human Service Resource Allocation Process (HSRAP). At the beginning of each fiscal year, staff will provide the general public, public agencies, interested citizens, and the Human Relations Commission (HRC) with the following information:
  - (a) The amount of grant funds and program income expected to be made available during the next fiscal/program year for proposed community development and housing activities;
  - (b) The range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;

- (c) The proposed CDBG activities which will likely result in relocation, and the City's intent to minimize the necessity for relocation of persons as a result of assisted activities; and
- (d) The types and levels of assistance the City will make available (or require others to make available) to persons who are eligible for relocation assistance as a result of CDBG assisted activities.

Additionally, staff will provide the HRC with updates on relevant changes to the CDBG funding allocations that occur after the HRC's formal review the draft Annual Action Plan.

3. Planning staff will publish a summary of the proposed Consolidated Plan/Annual Action Plan in newspaper of local circulation and on the City of Palo Alto's CDBG webpage. The summary will describe the contents and purpose of the Consolidated Plan and include a list of the locations where copies of the draft Consolidated Plan may be examined, and where it is available on the City's website. In the summary, the City will make available to residents, public agencies, and other interested parties' information that includes the amount of assistance the City expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-income.
4. A reasonable number of free copies of the Draft Consolidated Plan/Annual Action Plan will be provided to citizens and groups that request it. Draft copies will be available at the Downtown Library, City Hall/Planning and Development Services, and the Development Center. The draft documents will also be available on the City's CDBG webpage. Citizens may submit comments on the Consolidated Plan/Annual Action Plan during a public review period of no less than 30 [calendar](#) days.
5. Planning staff will maintain a mailing list of interested parties, who will be mailed or e-mailed information regarding public hearings or meetings, the availability of draft plans, substantial amendments, public comment periods, and other announcements. Members of the City's Human Relations Commission will also receive this information.
6. To encourage a wider range of citizen participation during the development of the Consolidated Plan, the list of interested parties will be extended to include local and regional institutions and other organizations such as businesses, developers, community, and faith-based organizations, residents of public and assisted housing developments, persons receiving tenant-based rental assistance, the Housing Authority of Santa Clara County, and neighboring jurisdictions. In addition, the City will encourage participation of both public and private organizations, including broadband internet service providers, organizations engaged in narrowing the digital divide (e.g., schools, digital literacy organizations), and agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management agencies (81 Fed. Reg. 91011, Dec. 16, 2016).

7. Staff will provide adequate, timely notification of hearings and meetings so that citizens and other interested parties may attend and comment. Where feasible, a minimum of 14-day notice will be provided for all public hearings regarding the CDBG Program. When possible, an ad will be placed in a local newspaper. All meetings and hearings will be noticed on the City of Palo Alto's CDBG webpage.
8. Upon completion of the draft Consolidated Annual Performance [and Evaluation Reports](#) (CAPER), Planning staff will publish a notice in a newspaper of general circulation and on the City of Palo Alto's CDBG webpage announcing the availability of the draft performance report, the locations where it may be reviewed, and a 15-day period for submitting public comments prior to its submission to HUD. Any comments or views of citizens received in writing or at public meetings in preparing the performance report shall be considered, summarized, and attached to the performance report.
9. The Consolidated Plan/Annual Action Plans as adopted, any substantial amendments, the performance reports and the Citizen Participation Plan will be available to the public on the City's CDBG webpage, and upon request. Reasonable accommodations will be provided for requests for materials or information by persons with disabilities.
10. Planning staff will arrange for reasonable and timely access to public records related to the Citizens' Participation Plan, the Consolidated Plan, the Annual Action Plans, Consolidated Annual Performance and Evaluation Report (CAPER), any amendments thereto, and the City's use of CDBG funds during the preceding five years. Access to public records will be provided to citizens, public agencies, and other interested parties upon written or verbal request. An appointment may be required to view records, and a fee may be charged for copies to recover costs. Documents are available for public review in the Planning Division during advertised working hours.
11. Upon request, staff will provide technical assistance to community groups and groups representing individuals of low- and moderate-income in developing funding proposals for assistance under the Consolidated Plan. Staff will endeavor to provide assistance in the form of general information, relevant demographic or socio-economic data, interpretation of HUD rules and regulations, explanation of City policies and procedures affecting the CDBG program, or advice regarding funding proposals or alternative funding sources for projects which are ineligible under the CDBG program.
12. Planning staff will arrange for information to be presented in a bilingual fashion at public hearings whenever a significant number of non-English speaking residents can be expected to participate, or when a reasonable request is made for such a service.
13. Where practicable, planning staff will provide a timely, substantive written response to all written complaints and grievances regarding the CDBG program within 15 working days of receipt of such complaint or grievance.

14. Planning staff will schedule and notice all required public hearings. Notice of the date, time, place, and agenda of the public hearings will be advertised at least 14 days prior to the hearing in a newspaper of local circulation and on the City’s CDBG webpage.

Part 4. The Human Relations Commission

1. The City’s Human Relations Commission (HRC) is charged with the discretion to act with respect to any human relations matter when the HRC finds that any person or group does not benefit fully from public or private opportunities or resources in the community or is unfairly or differently treated due to factors of concern to the Commission.
2. In order to coordinate the City’s Human Service Resource Allocation Process (HSRAP) with the CDBG allocation process, the HRC will hold at least one public hearing annually to review and comment on the proposed CDBG funding allocations.
3. The HRC will hold a public hearing annually to review and comment on the draft Consolidated Annual Performance and Evaluation Report (CAPER).

Part 5. Substantial Amendments

1. Prior to the submission of any substantial change in the Consolidated Plan or Annual Action Plan, or proposed use of funds, residents of the community and interested citizens will be notified and provided a minimum of 30 calendar days to comment on the proposed changes before the amendment is implemented. The City Council will hold noticed public hearings on substantial changes where interested persons may comment. All views and comments submitted in writing, or orally at public hearings will be considered in preparing the substantial amendment. A summary of these comments, and a summary of any comments or views not accepted and the reasons, therefore, will be attached to the substantial amendment.
2. Substantial amendments are defined as:
  - (a) A change in the use of CDBG funds from one eligible activity to another;
  - (b) The implementation of an activity not previously identified in sufficient detail to provide affected citizens an opportunity to submit comments; or
  - (c) A change in an activity’s program budget which exceeds ten percent (10%) of the City’s latest annual entitlement grant.
3. Minor Amendments are changes to a previously adopted Consolidated Plan or Annual Action Plan that do not meet the thresholds to qualify as a Substantial Amendment. Minor amendments are typically processed at a staff level.

Part 6. Summary of Review Procedures

<u>Task</u>	<u>Required Comment Period</u>	<u>HRC Public Hearing</u>	<u>City Council Meeting</u>
<u>Annual Action Plan (AAP)</u>	<u>30 days</u>	<u>X</u>	<u>Action</u>
<u>Consolidated Annual Performance and Evaluation Report (CAPER)</u>	<u>15 days</u>	<u>X</u>	<u>Information Report</u>
<u>Substantial Amendments</u>	<u>30 days</u>	<u>-</u>	<u>Consent</u>
<u>Consolidated Plan (Con Plan)</u>	<u>30 days</u>	<u>X</u>	<u>Action</u>
<u>Assessment of Fair Housing (AFH)/ Analysis of Impediments (AI)</u>	<u>30 days</u>	<u>X</u>	<u>Action</u>
<u>Citizen Participation Plan (CPP)</u>	<u>15 days</u>	<u>X</u>	<u>Consent</u>

Part 7. Anti-Displacement Policy

1. The City of Palo Alto will comply with all federal regulations governing residential anti-displacement and relocation assistance as they pertain to the CDBG program.
2. It is the City’s policy to avoid, to the greatest extent feasible, the involuntary displacement of any persons, property, or businesses as a result of a federally funded CDBG activity such as acquisition, demolition, or rehabilitation.
3. The City will take all reasonable steps to minimize involuntary displacement as a result of CDBG activity by approving and designing activities in such a way that displacement is avoided whenever possible. In extraordinary circumstances where no feasible alternatives to displacement are available if the City’s community development objectives are to be met, the City will (or will require others to) properly notice and inform residents or tenants of their rights and potential eligibility for relocation benefits.
4. When there is no alternative to displacement, relocation benefits will be provided to all eligible persons in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) and the requirements of 24 CFR 570.606(b) and 24 CFR 570.606(c) governing the Residential Anti-displacement and Relocation Assistance Plan under Section 104(d) of the HUD Act.

Part 8. Citizen Participation Requirements in State of Emergency

The City shall comply with all HUD memorandums and notices that direct citizen participation requirements in the event of a local, state, or national emergency or disaster. These requirements shall supersede any conflicting provisions of the Citizen Participation Plan. Following the HUD standards will allow the City to respond in the most expeditious manner to secure and access new HUD funding and/or re-allocate existing funding.



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

**(ID # 14434)**

**Meeting Date: 9/12/2022**

**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:

- **Attachment9.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 # 14586)

---

**Meeting Date: 9/12/2022**

**Report Type: Consent Calendar**

**Title: Adoption of a Park Improvement Ordinance for Renovation of the Mitchell Park Dog Park as Recommended by the Parks and Recreation Commission**

**From: City Manager**

**Lead Department: Public Works**

### **Recommendation**

The Parks and Recreation Commission and staff recommend that City Council adopt a Park Improvement Ordinance (Attachment A) for the Mitchell Park Dog Park Expansion project, funded as part of the Dog Park Installation and Renovation capital improvement project (PG-18001).

### **Background**

The City of Palo Alto's City Council adopted [Parks Master Plan](#) includes a policy (2.D) recommending the addition of dedicated, fenced dog parks distributed throughout the City. The City Council prioritized expansion of dog parks as a city goal in 2017 with the adoption of Parks Master Plan. There are currently four existing dog parks in the City – Mitchell Park (0.56 acres), Peers Park (0.84 acres), Greer Park (0.06 acres), and Hoover Park (0.14 acres). An ongoing Capital Improvement Project (PG-18001) was established for the expansion and enhancement of dog parks in 2018 providing funding of \$150,000 per project, funded by park development impact fees. Staff completed the Peers Park Dog Park in 2018 and is now pursuing Mitchell Park Dog Park improvements and expansion.

### **Discussion**

On May 4, 2022, staff reviewed the proposed improvements to the dog park in a community meeting held online to obtain public input. There were 26 participants. The response to the proposed renovations was positive and included suggestions to include hills/slope areas in the dog park, enlarge the dog park area as much as possible, add more seating/benches, and fix the existing drainage issues.

On June 28, 2022, the Parks and Recreation Commission (PRC) reviewed the proposed plans, which included revisions made per community comments. The PRC was supportive of the expansion plans and provided comments that were addressed in the plan presented for the Park Improvement Ordinance (PIO). These revisions included: the reduction of the small dog

park fence height to 3 feet and the addition of 15 new native trees, a mix of Valley Oaks and California Sycamores, to the area for shade and habitat benefits.

On July 28, 2022, the PRC discussed an [At Places Memo](#) that provided an alternative to the Mitchell Dog Park fence alignment. PRC's Chair, Jeff Greenfield, suggested moving the boundary of the proposed Mitchell Dog Park fence slightly away from the adjacent group picnic area to provide better privacy for the picnic area and to maintain some shady tree respites for people. The At Places Memo mentioned that this change would decrease the size of the dog park, but would still include some sloped hill areas, including some shade trees. The PRC discussed the proposed improvements listed in the draft PIO and the alternative fence alignment proposed in the At Places Memo ([Draft Minutes](#)).

The staff presentation mentioned the complaints and challenges related to the three-foot high fence that was once at Hoover Dog Park and suggested changing the proposed height for the new small dog park at Mitchell Park to five feet. The three-foot high fence at Hoover Dog Park was changed to a five-foot high fence due to complaints and requests from the dog park users at Hoover Park. Dogs, including small sized dogs, would regularly jump over the three-foot fence. The Commissioners agreed that this would be an appropriate change. The Commission supported the proposed dog park improvements but disagreed about the placement of the dog park fence along the hillside next to the picnic area. Several Commissioners supported moving the fence, as recommended in the At Places Memo, while others noted that they were not in favor of changing the fence line given that doing so would conflict with the feedback collected at the community meeting.

The Commission voted 4:3 to recommend that City Council adopt a PIO for the Mitchell Park Dog Park with the five-foot high fence, as recommended by staff, and with the alternative fence alignment proposed in the At Places Memo.

The PIO includes the following items:

- (1) Expand the size of the existing dog park area with new 5' tall chain link fence
- (2) Install a new small dog park area with 5' tall chain link fence
- (3) Replace existing irrigation system
- (4) Replace existing mowed turf with 'no mow' grass to reduce maintenance
- (5) Add new site amenities including bench seating and waste receptacles
- (6) Establish 10' set-back along Adobe Creek
- (7) Install new area drains
- (8) Plant new native trees

### Next Steps

- Bid Document Preparation & Project Bidding: Fall 2022
- Construction Begins: Early 2023

### Resource Impact

The FY 2023 Adopted Capital Budget includes funding in the Capital Improvement Fund of \$166,500 in the Dog Park Installation and Renovation capital improvement project (PG-18001) to expand and enhance the City's dog park resources as recommended by the Parks Master Plan. The operation and maintenance impacts associated with this project are minimal and budgeted funds are sufficient to address this minimal cost increase.

### **Stakeholder Engagement**

On May 4, 2022, a community meeting (via Zoom) was held with 26 attendees. The PRC discussed the Mitchell Dog Park expansion project at its June 28 and July 28, 2022 meetings. Staff also engaged the Palo Alto Dog Owners group (which represents several hundred Palo Alto residents advocating for more space to safely exercise and play with their dogs off-leash) to discuss the project and obtain their feedback.

A project webpage (<https://www.cityofpaloalto.org/dogparks>) was created to help provide more information regarding the proposed Mitchell Park Dog Park renovation.

### **Policy Implications**

The proposed recommendations are consistent with:

- Policy C-26 of the Community Services element of the Comprehensive Plan that encourages maintaining park facilities as safe and healthy community assets;
- Policy C-22 that encourages new community facilities to have flexible functions to ensure adaptability to the changing needs of the community;
- Policy C-3.2 Reinvest in aging facilities to improve their usefulness and appearance. Avoid deferred maintenance of City infrastructure; and
- Program C3.3.1 Periodically evaluate how parks and recreational facilities are being used and develop strategies for improving their use overall.

The proposed recommendations are consistent with the [Parks Master Plan](#) Policy 2.D.

### **Environmental Review**

The proposed expansion of the Mitchell Park Dog Park is categorically exempt from the California Environmental Quality Act (CEQA) under Title 14 California Code of Regulations Section 15301 (Existing Facilities), Section 15302 (Replacement or Reconstruction), Section 15303 (New Construction of Small Facilities or Structures), and Section 15311 (Accessory Structures) because it consists of the redevelopment of an existing facility.

### **Attachments:**

- **Attachment10.a:** Attachment A - Ordinance Approving and Adopting a Plan for Facility Improvements at Mitchell Park

\*NOT YET APPROVED\*

ORDINANCE NO. \_\_\_\_\_

Ordinance of the Council of the City of Palo Alto Approving and Adopting a Plan for  
Facility Improvements at Mitchell Park

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Improvements. The City Council finds and declares that:

(a) Article VIII of the Charter of the City of Palo Alto and section 22.08.005 of the Palo Alto Municipal Code require that, before any substantial building, construction, reconstruction or development is commenced or approved, upon or with respect to any land held by the City for park purposes, the Council shall first cause to be prepared and by ordinance approve and adopt a plan therefor.

(b) Mitchell Park (the "Park") is dedicated to park purposes. (See Municipal Code section 22.08.180)

(c) The City intends to authorize the renovation and expansion of the dog park area.

(d) The plan of improvements shall comprise as follows:

- (1) Expand the size of the existing dog park area with new 5' tall chain link fence
- (2) Install a new small dog park area with 5' tall chain link fence
- (3) Replace existing irrigation system
- (4) Replace existing mowed turf with 'no mow' grass to reduce maintenance
- (5) Add new site amenities including: bench seating and waste receptacles
- (6) Establish 10' set-back along Adobe Creek
- (7) Install new area drains
- (8) Plant new native trees

(e) Exhibit A depicts the expected implementation of the plan of improvements.

(f) The plan of improvements described above is consistent with park, playground, recreation, and conservation purposes.

(g) The City Council desires to approve the plan of improvements described above.

SECTION 2. The City Council hereby approves the plan of improvements in the Park described in this Ordinance.

SECTION 3. The City Council finds that this ordinance falls under the California Environmental Quality Act (CEQA) exemptions found in Title 14 California Code of Regulations

\*NOT YET APPROVED\*

Section 15301 (Existing Facilities) and Section 15303 (New Construction of Small Facilities or Structures).

SECTION 4. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Community Service

# Mitchell Park Dog Park Expansion Exhibit - Park Improvement Ordinance

**Existing Dog Park Size:**  
24,263 sq.ft. or .56 acre

**New Dog Park Size:**  
31,121 sq.ft. or .71 acre

**New Small Dog Park Size:**  
4,335 sq.ft. or .10 acre

**Overall New Dog**  
35,456 sq.ft. or .81 acre

## **EXHIBIT A**





## City of Palo Alto City Council Staff Report

(ID # 14689)

**Meeting Date: 9/12/2022**

**Report Type: Consent Calendar**

**Title: Recommendation from the Human Relations Commission on the naming of the holiday on the second Monday in October**

**From: City Manager**

**Lead Department: Community Services**

### **Recommendation**

Staff recommends that the City Council consider the Human Relation Commission's recommendation on the observance of the second Monday in October as both Indigenous Peoples' Day and Columbus Day.

### **Background**

On March 7, 2022, Council considered a [Colleagues' Memo](#) from Vice Mayor Kou and Mayor Burt titled *Recognizing Key Dates to Advance Race & Equity* in which they recommended the local recognition and celebration of dates of historic significance that provide "an important opportunity to increase community awareness and for us to acknowledge the struggles and accomplishments of groups who have been fundamental to the development of American society."

Formal recognition of the following dates was proposed:

- June 19th as "Juneteenth" – Commemoration of the emancipation of enslaved people in the United States. June 19th is recognized as the date when freedom was obtained in the last locations of the south and has become a symbolic date of African American freedom.
- May 31st as "Cesar Chavez and Dolores Huerta Day" – Paying homage to two key leaders of the United Farm Workers who fought for farm workers' rights, economic justice, and civil rights.
- October 11th as "Indigenous Peoples' Day" – Changing Christopher Columbus Day to Indigenous Peoples' Day.
- Proclaim May as "Asian American, Native Hawaiian and Pacific Islander Heritage Month."

During the Council's discussion, there was general support of the new dates proposed and on changing October 11th (or the date of the second Monday annually in October) from Columbus

Day to Indigenous Peoples' Day. However, there was some interest by a member on the City Council to consider the recognition of the second Monday in October as "Italian Immigrant Day" as an option in addition to another option of recognizing it as both "Columbus Day" and "Indigenous Peoples' Day" as do some states and as President Biden did last year. There was also a discussion on the consideration of other possible dates to recognize such as Holocaust Remembrance Day and Armenian Remembrance Day.

As the Human Relations Commission (HRC) has previously played a strong role in engaging on issues related to diversity in the community, it was suggested that the Commission could give helpful input on how the dates identified could be celebrated, the evaluation of the other possible holidays/remembrance days mentioned, and the consideration of the possible re-naming of the October 11th – second Monday in October (currently Columbus Day) Holiday.

This direction is included in the motion that passed (7-0) as shown below.

*MOTION: The City Council voted to formally recognize and celebrate the following dates:*

- A. Juneteenth, Cesar Chavez and Dolores Huerta Day, and add Indigenous Peoples' Day as dates of historic significance, and May as Asian American Native Hawaiian/Pacific Islander Heritage Month;*
- B. Authorize Proclamations celebrating the above dates;*
- C. Refer to the Human Relations Commission recommendations on how to best recognize and celebrate these dates (ones above); and*
- D. Ask the HRC to evaluate recognition of Holocaust Remembrance Day and Armenian Remembrance Day and evaluate if October 11th should be re-designated as Italian Heritage Day*

### **Discussion**

The HRC discussed the Council referral at its meetings on [June 9, 2022](#) and [August 11, 2022](#) and used as background and discussion guide a [report](#) written by Human Services staff. Due to a vacancy on the Commission, there are currently only four members. At both meetings where the Council referral was discussed, three Commissioners were present, with a fourth member absent due to illness; June 9, 2022 (Eberle, Kraus, Smith present) and August 11 (Eberle, Kraus, Savage present). The June meeting was a discussion to review the staff report and ask questions about the referral and motions were entertained at the August 11, 2022 meeting. Specifically, the HRC was asked to consider the following:

- How best to recognize and celebrate the holidays listed in the Council motion
- Evaluation of the addition of Holocaust Remembrance Day and Armenian Remembrance Day for local recognition
- Whether October 11th should be re-designated as Italian Heritage Day

After a time of discussion at the August 11<sup>th</sup> meeting the Commission was not at the point of making a decision on the Council referral as more background information was forthcoming from a member who was not present. The Commission will discuss the following at their September 8, 2022 meeting; 1) How best to recognize and celebrate the holidays listed in the Council motion and; 2) The evaluation of the addition of Holocaust Remembrance Day and Armenian Remembrance Day for local recognition. The Commission will also consider a framework to present to Council for use when reviewing possible new holidays/observance days in the future.

At the August 11<sup>th</sup> meeting, the Commission did discuss and make a recommendation related to the observance of the second Monday in October. During the discussion, two of the Commissioners present wanted the name of the holiday to be as inclusive as possible. There was a motion made by Vice Chair Eberle to observe the holiday as only Indigenous Peoples' Day. She stated that Palo Alto Unified School District does not observe the day and that "given the history of this country, it's overdue to recognize Indigenous Peoples' Day". The motion failed to receive a second. Thereafter, the following motion was made:

*MOTION: Commissioner Kraus moved, seconded by Commissioner Savage, to recognize the second Monday in October as Indigenous Peoples' Day and Columbus Day in order to be as inclusive as possible. The motion passed 2-1 with Vice Chair Eberle dissenting.*

### **Timeline**

There is no specific timeline as to when this decision needs to be made but as the second Monday in October is soon approaching, staff would like direction as to naming of this holiday for internal documents and external listing of the holiday on city communication channels.

### **Resource Impact**

There is minimal resource impact in the recommendation to observe the second Monday in October as both Indigenous Peoples' Day and Columbus Day. There are internal City documents that would need to be updated to reflect the change, if approved.

### **Policy Implications**

This recommendation does not represent any change to existing City policies.

### **Stakeholder Engagement**

The item was discussed at the June 9, 2022 and August 11, 2022 HRC meetings. Agendas are posted online and sent to interested community members via Gov Delivery.



## City of Palo Alto City Council Staff Report

(ID # 14724)

Meeting Date: 9/12/2022

Report Type: Consent Calendar

**Title: Approval of Contract No. C23183740 with StreetSense CA, LLC for Economic Development Consulting Services for a Term Expiring December 31, 2025 and a Total Amount Not-to-Exceed \$261,995; and Approval of a Budget Amendment in the General Fund**

**From: City Manager**

**Lead Department: City Manager**

### Recommendation

Staff recommends that Council:

- (1) Approve and authorize the City Manager or their designee to execute the Contract No. C23183740 (Attachment A) with StreetSense CA, LLC for a term expiring December 31, 2025 for a not to exceed amount of \$261,995 for the development of and work on an Economic Development Strategy for the City of Palo Alto; and
- (2) Amend the FY 2023 Budget Appropriation for the General Fund by (2/3 approval):
  - a) Increasing the contract services expense appropriation in the City Manager's Office by \$261,995; and
  - b) Decreasing the budget stabilization reserve by \$261,995.

### Executive Summary

The goal of the Economic Development Strategy is adoption of an economic development plan that includes a roadmap for short-term (within 3 year) and longer-term projects and actions to sustain the economic vitality of Palo Alto. Implementing prior Council direction, StreetSense CA, LLC (StreetSense) and HdL, as a subcontractor, will conduct an evaluation of the current economic landscape in Palo Alto, perform a Strengths, Weakness, Opportunity, and Threat (SWOT) analysis for economic activity, facilitate conversations with stakeholders invested in the City's sustained economic vitality, and provide actionable recommendations to the City of Palo Alto. This will provide the City with a roadmap of options for supporting economic growth, continuing meaningful engagement with stakeholders – including residents, members of the business community, and others, and other actions and programs to inform the City's path towards sustained economic vitality. Work is expected to be completed in full within 24 months, however, work products will be continuous during this time to ensure staff are both planning and executing recommendations throughout the contract period.

### Background

The City of Palo Alto (“City” or “Palo Alto”) has had multiple conversations at City Council meetings and with community stakeholders about economic development and economic vitality in Palo Alto in recent years. Through the COVID-19 pandemic the City took numerous actions and convened a series of business roundtable meetings, and the City Council adopted Community and Economic Recovery as one of its four 2021 priorities. The workplan for Community and Economic Recovery included refining the scope and breadth of the City’s economic development activities as an element. A full timeline of the City’s previous discussions at City Council regarding economic development can be found in Attachment B to this report.

In FY 2022, the City contracted with the Good City Company to scope an economic development strategy. The City Council reviewed the scope of services on June 1, 2021 ([CMR 12232](#)) and approved that scope on September 13, 2021 ([CMR 13433](#)). The City issued a Request for Proposals based on that approved scope of work.

### Discussion

The City issued a Request for Proposals (RFP) for economic development consulting services on December 17, 2021 and received two (2) proposals by the deadline of January 18, 2022.

*Table 1. Summary of RFP Process:*

<b>RFP Name/Number:</b>	<b>Economic Development Consulting Services – RFP No.183740</b>
<i>Proposed End Date of project:</i>	6/30/2024
<i>Total Days to Respond to RFP:</i>	32
<i>Number of Proposals Received:</i>	2
<i>Initial Proposal Price Range:</i>	\$181,054 - \$236,900

An evaluation committee consisting of staff from the City Manager’s Office, Planning and Development Services Office and the City’s consultant (Good City Company) reviewed the proposals. Each of the firms that submitted proposals were invited to participate in oral interviews on March 21, 2022. Through evaluation of the proposals, StreetSense was selected for: 1) their experience with similar jurisdictions, 2) their comprehensive knowledge of the interconnectedness of a local business ecosystem with other elements of the community, and 3) their partnership with HdL Companies to bolster analytical efforts. The final contract cost was adjusted from the initial proposed level to account for additional on-premise activities requested, expected additional hours necessary to complete tasks as staff and the service provider further refined expectations and needs, as well as the inclusion of a small contingency should additional work be requested or desired from the City.

Staff will work alongside StreetSense and HdL as a subcontractor to develop a comprehensive economic development strategy that will include both short-term recommendations (those that can be implemented within three years) as well as longer-term recommendations for sustained economic vitality in the City of Palo Alto.

The Economic Development Strategy has the following main components:

- Task 1.0 – Develop Economic Development Goals and deliver summary memo Economic Development Goal Setting Workshop
- Task 2.0 – Economic Conditions Snapshot; Strengths, Weaknesses, Opportunities, and Threats (SWOT) Matrix; Presentation Deck for public Distribution
- Task 3.0 – Summary Memo of Global and National Economic Trends
- Task 4.0 – Research and Draft Report of Strategies for Economic Development
- Task 5.0 – Research and Draft Retail Market Analysis Report, Draft Tax Analysis Report, Revisions, and Final Market Analysis Report and Final Tax Analysis Report
- Task 6.0 – Research and Produce Draft and Final Hospitality Market Analysis Report
- Task 7.0 – Summary Memo and Business Profile of the City based on business registry

Various sub-tasks necessary to fully complete the main components are detailed more extensively in the contract’s scope of services, seen as Exhibit A in the attached contract. This scope of work was drafted in alignment with the Council approved scope of work referenced above and approved in FY 2022.

### **Timeline**

The estimated time for completing the entire scope of services of the contract is 24 months, though the term of the contract extends beyond this estimate to address any unforeseen changes in timelines. StreetSense is prepared to begin working immediately after the signature of the contract and will schedule their first discussions with key stakeholders as early as September 2022.

Many of these tasks will run concurrently. For example, while StreetSense is preparing for initial outreach, they will also be researching current trends in retail and local business development and retention. Parallel work is intended to ensure progress will be made at a steady, consistent pace, incorporating recurring feedback and inputs from some of the tasks into the overall economic development strategy.

This work will be iterative with the City Council; the scope of services includes initial data gathering, analysis, and synthesis by the StreetSense team before a discussion with the City Council on initial findings and recommendations.

### **Stakeholder Engagement**

City staff has been in ongoing communication with the business community, including stakeholders of the University Avenue and California Avenue districts as well as the Chamber of Commerce throughout the process of refining the scope and breadth of the City’s economic development function. Through the development of Economic Development strategies, StreetSense will continue this engagement with key stakeholders and stakeholder groups, incorporating feedback into their final recommendations.

### Resource Impact

Funding for this contract was previously budgeted in the Strategic Initiatives Reserve in the FY 2022 Adopted Operating Budget. Ordinarily, the funds would be reappropriated as part of the standard process for reappropriations since the contract was not able to be finalized before the close of FY 2022. The annual reappropriation memorandum is anticipated to be presented to Council in October 2022.

Given the timeliness and urgency of this contract, the budgetary actions described in the recommendation section of this report constitute an “early reappropriation”. The actions described in this report effectively use FY 2022 funding of \$261,995 that was appropriated for City Council approved initiatives, including economic recovery; however, due to the timing of the contract award in a new fiscal year the funding is currently available as fund balance in the Budget Stabilization Reserve (BSR). As a result, even though the recommendation draws on fund balance to encumber funds for this contract, the impacts on the BSR have already been incorporated into projections and discussion of available fund balance in the General Fund.

### Policy Implications

This project is consistent with prior Council direction to further revise and develop the scope of the City’s economic development activities. As discussed earlier in this report, Attachment B details prior City Council discussions pertaining to the economic development function and includes links to the respective CMRS. This project is also consistent with the City’s comprehensive plan, which includes goals and policies related to a thriving economy, compatibility and interdependence of businesses, a culture of innovation and business diversity, efficiency and predictability, and retail centers and business employment districts.

### Environmental Review

The development of economic development strategies is not a project that requires California Environmental Quality Act (CEQA) review, because it is an administrative government activity which will not directly or indirectly cause physical changes to the environment.

#### Attachments:

- **Attachment12.a:** Attachment A: StreetSense CA, LLC. Contract; C23183740
- **Attachment12.b:** Attachment B: Previous Council Discussions of Economic Development

**CITY OF PALO ALTO CONTRACT NO. C23183740****AGREEMENT FOR PROFESSIONAL SERVICES****BETWEEN THE CITY OF PALO ALTO AND STREETSENSE CA, LLC**

This Agreement for Professional Services (this “Agreement”) is entered into as of the 12 day of September, 2022 (the “Effective Date”), by and between the **CITY OF PALO ALTO**, a California chartered municipal corporation (“CITY”), and **STREETSENSE CA, LLC**, a California limited liability company, with its principal offices located at 641 S Street, NW, Washington, DC 20001 (“CONSULTANT”).

The following recitals are a substantive portion of this Agreement and are fully incorporated herein by this reference:

**RECITALS**

A. CITY intends to award a contract for Economic Development Consulting Services (the “Project”) and desires to engage a consultant to provide support to the City’s economic development strategy in connection with the Project (the “Services”, as detailed more fully in Exhibit A).

B. CONSULTANT represents that it, its employees and subconsultants, if any, possess the necessary professional expertise, qualifications, and capability, and all required licenses and/or certifications to provide the Services.

C. CITY, in reliance on these representations, desires to engage CONSULTANT to provide the Services as more fully described in Exhibit A, entitled “SCOPE OF SERVICES”.

NOW, THEREFORE, in consideration of the recitals, covenants, terms, and conditions, in this Agreement, the parties agree as follows:

**SECTION 1. SCOPE OF SERVICES.** CONSULTANT shall perform the Services described in Exhibit A in accordance with the terms and conditions contained in this Agreement. The performance of all Services shall be to the reasonable satisfaction of CITY.

**SECTION 2. TERM.** The term of this Agreement shall be from the date of its full execution through December 31, 2025, unless terminated earlier pursuant to Section 19 (Termination) of this Agreement.

**SECTION 3. SCHEDULE OF PERFORMANCE.** Time is of the essence in the performance of Services under this Agreement. CONSULTANT shall complete the Services within the term of this Agreement and in accordance with the schedule set forth in Exhibit B, entitled “SCHEDULE OF PERFORMANCE”. Any Services for which times for performance are not specified in this Agreement shall be commenced and completed by CONSULTANT in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the CONSULTANT. CITY’s agreement to extend the term or the schedule for performance shall not preclude recovery of damages for delay if the extension is required due to the fault of CONSULTANT.

**SECTION 4. NOT TO EXCEED COMPENSATION.** The compensation to be paid to CONSULTANT for performance of the Services shall be based on the compensation structure detailed in Exhibit C, entitled “COMPENSATION,” including any reimbursable expenses specified therein, and the maximum total compensation shall not exceed **Two Hundred Thirty-Eight Thousand One Hundred Seventy-Eight**

**Dollars (\$238,178.00).** The hourly schedule of rates, if applicable, is set out in Exhibit C-1, entitled “SCHEDULE OF RATES.” Any work performed or expenses incurred for which payment would result in a total exceeding the maximum compensation set forth in this Section 4 shall be at no cost to the CITY.

Optional Additional Services Provision (This provision applies only if checked and a not-to-exceed compensation amount for Additional Services is allocated below under this Section 4.)

In addition to the not-to-exceed compensation specified above, CITY has set aside the not-to-exceed compensation amount of **Twenty-Three Thousand Eight Hundred Eighteen Dollars (\$23,818.00)** for the performance of Additional Services (as defined below). The total compensation for performance of the Services, Additional Services and any reimbursable expenses specified in Exhibit C, shall not exceed **Two Hundred Sixty-One Thousand Nine Hundred Ninety-Five Dollars (\$261,995.00)**, as detailed in Exhibit C.

“Additional Services” means any work that is determined by CITY to be necessary for the proper completion of the Project, but which is not included within the Scope of Services described at Exhibit A. CITY may elect to, but is not required to, authorize Additional Services up to the maximum amount of compensation set forth for Additional Services in this Section 4. CONSULTANT shall provide Additional Services only by advanced, written authorization from CITY as detailed in this Section. Additional Services, if any, shall be authorized by CITY with a Task Order assigned and authorized by CITY’s Project Manager, as identified in Section 13 (Project Management). Each Task Order shall be in substantially the same form as Exhibit A-1, entitled “PROFESSIONAL SERVICES TASK ORDER”. Each Task Order shall contain a specific scope of services, schedule of performance and maximum compensation amount, in accordance with the provisions of this Agreement. Compensation for Additional Services shall be specified by CITY in the Task Order, based on whichever is lowest: the compensation structure set forth in Exhibit C, the hourly rates set forth in Exhibit C-1, or a negotiated lump sum.

To accept a Task Order, CONSULTANT shall sign the Task Order and return it to CITY’s Project Manager within the time specified by the Project Manager, and upon authorization by CITY (defined as counter-signature by the CITY Project Manager), the fully executed Task Order shall become part of this Agreement. The cumulative total compensation to CONSULTANT for all Task Orders authorized under this Agreement shall not exceed the amount of compensation set forth for Additional Services in this Section 4. CONSULTANT shall only be compensated for Additional Services performed under an authorized Task Order and only up to the maximum amount of compensation set forth for Additional Services in this Section 4. Performance of and payment for any Additional Services are subject to all requirements and restrictions in this Agreement.

**SECTION 5. INVOICES.** In order to request payment, CONSULTANT shall submit monthly invoices to the CITY describing the Services performed and the applicable charges (including, if applicable, an identification of personnel who performed the Services, hours worked, hourly rates, and reimbursable expenses), based upon Exhibit C or, as applicable, CONSULTANT’s schedule of rates set forth in Exhibit C-1. If applicable, the invoice shall also describe the percentage of completion of each task. The information in CONSULTANT’s invoices shall be subject to verification by CITY. CONSULTANT shall send all invoices to CITY’s Project Manager at the address specified in Section 13 (Project Management) below. CITY will generally process and pay invoices within thirty (30) days of receipt of an acceptable invoice.

**SECTION 6. QUALIFICATIONS/STANDARD OF CARE.** All Services shall be performed by CONSULTANT or under CONSULTANT’s supervision. CONSULTANT represents that it, its employees and subcontractors, if any, possess the professional and technical personnel necessary to perform the Services required by this Agreement and that the personnel have sufficient skill and experience to perform

the Services assigned to them. CONSULTANT represents that it, its employees and subcontractors, if any, have and shall maintain during the term of this Agreement all licenses, permits, qualifications, insurance and approvals of whatever nature that are legally required to perform the Services. All Services to be furnished by CONSULTANT under this Agreement shall meet the professional standard and quality that prevail among professionals in the same discipline and of similar knowledge and skill engaged in related work throughout California under the same or similar circumstances.

**SECTION 7. COMPLIANCE WITH LAWS.** CONSULTANT shall keep itself informed of and in compliance with all federal, state and local laws, ordinances, regulations, and orders that may affect in any manner the Project or the performance of the Services or those engaged to perform Services under this Agreement, as amended from time to time. CONSULTANT shall procure all permits and licenses, pay all charges and fees, and give all notices required by law in the performance of the Services.

**SECTION 8. ERRORS/OMISSIONS.** CONSULTANT is solely responsible for costs, including, but not limited to, increases in the cost of Services, arising from or caused by CONSULTANT's errors and omissions, including, but not limited to, the costs of corrections such errors and omissions, any change order markup costs, or costs arising from delay caused by the errors and omissions or unreasonable delay in correcting the errors and omissions.

**SECTION 9. COST ESTIMATES.** If this Agreement pertains to the design of a public works project, CONSULTANT shall submit estimates of probable construction costs at each phase of design submittal. If the total estimated construction cost at any submittal exceeds the CITY's stated construction budget by ten percent (10%) or more, CONSULTANT shall make recommendations to CITY for aligning the Project design with the budget, incorporate CITY approved recommendations, and revise the design to meet the Project budget, at no additional cost to CITY.

**SECTION 10. INDEPENDENT CONTRACTOR.** CONSULTANT acknowledges and agrees that CONSULTANT and any agent or employee of CONSULTANT will act as and shall be deemed at all times to be an independent contractor and shall be wholly responsible for the manner in which CONSULTANT performs the Services requested by CITY under this Agreement. CONSULTANT and any agent or employee of CONSULTANT will not have employee status with CITY, nor be entitled to participate in any plans, arrangements, or distributions by CITY pertaining to or in connection with any retirement, health or other benefits that CITY may offer its employees. CONSULTANT will be responsible for all obligations and payments, whether imposed by federal, state or local law, including, but not limited to, FICA, income tax withholdings, workers' compensation, unemployment compensation, insurance, and other similar responsibilities related to CONSULTANT's performance of the Services, or any agent or employee of CONSULTANT providing same. Nothing in this Agreement shall be construed as creating an employment or agency relationship between CITY and CONSULTANT or any agent or employee of CONSULTANT. Any terms in this Agreement referring to direction from CITY shall be construed as providing for direction as to policy and the result of CONSULTANT's provision of the Services only, and not as to the means by which such a result is obtained.

**SECTION 11. ASSIGNMENT.** The parties agree that the expertise and experience of CONSULTANT are material considerations for this Agreement. CONSULTANT shall not assign or transfer any interest in this Agreement nor the performance of any of CONSULTANT's obligations hereunder without the prior written approval of the City Manager. Any purported assignment made without the prior written approval of the City Manager will be void and without effect. Subject to the foregoing, the covenants, terms, conditions and provisions of this Agreement will apply to, and will bind, the heirs, successors, executors, administrators and assignees of the parties.

**SECTION 12. SUBCONTRACTING.**

**Option A: No Subcontractor:** CONSULTANT shall not subcontract any portion of the Services to be performed under this Agreement without the prior written authorization of the City Manager or designee. In the event CONSULTANT does subcontract any portion of the work to be performed under this Agreement, CONSULTANT shall be fully responsible for all acts and omissions of subcontractors.

**Option B: Subcontracts Authorized:** Notwithstanding Section 11 (Assignment) above, CITY agrees that subcontractors may be used to complete the Services. The subcontractors authorized by CITY to perform work on this Project are:

HdL Companies, which will perform a tax analysis report.

CONSULTANT shall be responsible for directing the work of any subcontractors and for any compensation due to subcontractors. CITY assumes no responsibility whatsoever concerning compensation of subcontractors. CONSULTANT shall be fully responsible to CITY for all acts and omissions of subcontractors. CONSULTANT shall change or add subcontractors only with the prior written approval of the City Manager or designee.

**SECTION 13. PROJECT MANAGEMENT.** CONSULTANT will assign Larisa Ortiz, Managing Director, Public/Nonprofit, address: 641 S Street NW, Washington, DC 20001, telephone: (917) 696-1374, email: lortiz@streetsense.com as the CONSULTANT's Project Manager to have supervisory responsibility for the performance, progress, and execution of the Services and represent CONSULTANT during the day-to-day performance of the Services. If circumstances cause the substitution of the CONSULTANT's Project Manager or any other of CONSULTANT's key personnel for any reason, the appointment of a substitute Project Manager and the assignment of any key new or replacement personnel will be subject to the prior written approval of the CITY's Project Manager. CONSULTANT, at CITY's request, shall promptly remove CONSULTANT personnel who CITY finds do not perform the Services in an acceptable manner, are uncooperative, or present a threat to the adequate or timely completion of the Services or a threat to the safety of persons or property.

CITY's Project Manager is Steve Guagliardo, Administrative Services Department, 250 Hamilton Ave., Palo Alto, CA, 94301, telephone: (650)329-2450 email: Steven.Guagliardo@cityofpaloalto.org . CITY's Project Manager will be CONSULTANT's point of contact with respect to performance, progress and execution of the Services. CITY may designate an alternate Project Manager from time to time.

**SECTION 14. OWNERSHIP OF MATERIALS.** All work product, including without limitation, all writings, drawings, studies, sketches, photographs, plans, reports, specifications, computations, models, recordings, data, documents, and other materials and copyright interests developed under this Agreement, in any form or media, shall be and remain the exclusive property of CITY without restriction or limitation upon their use. CONSULTANT agrees that all copyrights which arise from creation of the work product pursuant to this Agreement are vested in CITY, and CONSULTANT hereby waives and relinquishes all claims to copyright or other intellectual property rights in favor of CITY. Neither CONSULTANT nor its subcontractors, if any, shall make any of such work product available to any individual or organization without the prior written approval of the City Manager or designee. CONSULTANT makes no representation of the suitability of the work product for use in or application to circumstances not contemplated by the Scope of Services.

Notwithstanding anything to the contrary set forth herein, CITY hereby acknowledges that prior to entering into this Agreement with the CITY, CONSULTANT has developed certain computer programs, processes, report formats and other intellectual property in connection with Consultant's ongoing business operations

("Consultant's IP") and CITY hereby expressly waives any claim of ownership of or right to any of the Consultant's IP. CONSULTANT hereby grants CITY a perpetual, royalty-free, non-exclusive and non-transferable right and license to use Consultant's IP in connection with the work product in order to complete the Project contemplated herein, and only for the purpose that the work product was created for such Project.

**SECTION 15. AUDITS.** CONSULTANT agrees to permit CITY and its authorized representatives to audit, upon prior written notice to CONSULTANT at any reasonable time during the term of this Agreement and for four (4) years from the date of final payment, CONSULTANT's records pertaining to matters covered by this Agreement, including without limitation records demonstrating compliance with the requirements of Section 10 (Independent Contractor). CONSULTANT further agrees to maintain and retain accurate books and records in accordance with generally accepted accounting principles for at least four (4) years after the expiration or earlier termination of this Agreement or the completion of any audit hereunder, whichever is later.

**SECTION 16. INDEMNITY.**

16.1. To the fullest extent permitted by law, CONSULTANT shall indemnify, defend and hold harmless CITY, its Council members, officers, employees and agents (each an "Indemnified Party") from and against any and all demands, claims, or liability of any nature, including death or injury to any person, property damage or any other loss, including all costs and expenses of whatever nature including reasonable attorney's fees, experts fees, court costs and disbursements ("Claims") resulting from, arising out of or in any manner related to performance or nonperformance by CONSULTANT, its officers, employees, agents or contractors under this Agreement, regardless of whether or not it is caused in part by an Indemnified Party.

16.2. Notwithstanding the above, nothing in this Section 16 shall be construed to require CONSULTANT to indemnify an Indemnified Party from a Claim arising from the active negligence or willful misconduct of an Indemnified Party that is not contributed to by any act of, or by any omission to perform a duty imposed by law or agreement by, CONSULTANT, its officers, employees, agents or contractors under this Agreement.

16.3. The acceptance of CONSULTANT's Services and duties by CITY shall not operate as a waiver of the right of indemnification. The provisions of this Section 16 shall survive the expiration or early termination of this Agreement.

**SECTION 16.A. LIMITATION OF LIABILITY.** Notwithstanding anything to the contrary contained herein, and except to the extent the claims arise out of a breach by CONSULTANT of its confidentiality obligations herein or are contained in a third party claim that is subject to the indemnity set forth herein, in no event shall either party be liable for special, incidental, or consequential damages resulting from any breach of this Agreement, even if such party has been notified of the possibility of same. A third party claim shall refer to claims made by any party that is not the CITY or the CONSULTANT.

**SECTION 17. WAIVERS.** No waiver of a condition or nonperformance of an obligation under this Agreement is effective unless it is in writing in accordance with Section 29.4 of this Agreement. No delay or failure to require performance of any provision of this Agreement shall constitute a waiver of that provision as to that or any other instance. Any waiver granted shall apply solely to the specific instance expressly stated. No single or partial exercise of any right or remedy will preclude any other or further exercise of any right or remedy.

**SECTION 18. INSURANCE.**

18.1. CONSULTANT, at its sole cost and expense, shall obtain and maintain, in full force and effect during the term of this Agreement, the insurance coverage described in Exhibit D, entitled "INSURANCE REQUIREMENTS". CONSULTANT and its contractors, if any, shall obtain a policy endorsement naming CITY as an additional insured under any general liability or automobile policy or policies.

18.2. All insurance coverage required hereunder shall be provided through carriers with AM Best's Key Rating Guide ratings of A-VII or higher which are licensed or authorized to transact insurance business in the State of California. Any and all contractors of CONSULTANT retained to perform Services under this Agreement will obtain and maintain, in full force and effect during the term of this Agreement, identical insurance coverage, naming CITY as an additional insured under such policies as required above.

18.3. Certificates evidencing such insurance shall be filed with CITY concurrently with the execution of this Agreement. The certificates will be subject to the approval of CITY's Risk Manager and will contain an endorsement stating that the insurance is primary coverage and will not be canceled, or materially reduced in coverage or limits, by the insurer except after filing with the Purchasing Manager thirty (30) days' prior written notice of the cancellation or modification. If the insurer cancels or modifies the insurance and provides less than thirty (30) days' notice to CONSULTANT, CONSULTANT shall provide the Purchasing Manager written notice of the cancellation or modification within two (2) business days of the CONSULTANT's receipt of such notice. CONSULTANT shall be responsible for ensuring that current certificates evidencing the insurance are provided to CITY's Chief Procurement Officer during the entire term of this Agreement.

18.4. The procuring of such required policy or policies of insurance will not be construed to limit CONSULTANT's liability hereunder nor to fulfill the indemnification provisions of this Agreement. Notwithstanding the policy or policies of insurance, CONSULTANT will be obligated for the full and total amount of any damage, injury, or loss caused by or directly arising as a result of the Services performed under this Agreement, including such damage, injury, or loss arising after the Agreement is terminated or the term has expired.

#### **SECTION 19. TERMINATION OR SUSPENSION OF AGREEMENT OR SERVICES.**

19.1. The City Manager may suspend the performance of the Services, in whole or in part, or terminate this Agreement, with or without cause, by giving ten (10) days prior written notice thereof to CONSULTANT. If CONSULTANT fails to perform any of its material obligations under this Agreement, in addition to all other remedies provided under this Agreement or at law, the City Manager may terminate this Agreement sooner upon written notice of termination. Upon receipt of any notice of suspension or termination, CONSULTANT will discontinue its performance of the Services on the effective date in the notice of suspension or termination.

19.2. In event of suspension or termination, CONSULTANT will deliver to the City Manager on or before the effective date in the notice of suspension or termination, any and all work product, as detailed in Section 14 (Ownership of Materials), whether or not completed, prepared by CONSULTANT or its contractors, if any, in the performance of this Agreement. Such work product is the property of CITY, as detailed in Section 14 (Ownership of Materials).

19.3. In event of suspension or termination, CONSULTANT will be paid for the Services rendered and work products delivered to CITY in accordance with the Scope of Services up to the effective date in the notice of suspension or termination; provided, however, if this Agreement is suspended or terminated on

account of a default by CONSULTANT, CITY will be obligated to compensate CONSULTANT only for that portion of CONSULTANT's Services provided in material conformity with this Agreement as such determination is made by the City Manager acting in the reasonable exercise of his/her discretion. The following Sections will survive any expiration or termination of this Agreement: 14, 15, 16, 16.A, 17, 19.2, 19.3, 19.4, 20, 25, 27, 28, 29 and 30.

19.4. No payment, partial payment, acceptance, or partial acceptance by CITY will operate as a waiver on the part of CITY of any of its rights under this Agreement, unless made in accordance with Section 17 (Waivers).

## **SECTION 20. NOTICES.**

All notices hereunder will be given in writing and mailed, postage prepaid, by certified mail, addressed as follows:

To CITY:                      Office of the City Clerk  
    City of Palo Alto  
    Post Office Box 10250  
    Palo Alto, CA 94303

With a copy to the Purchasing Manager

To CONSULTANT:      Attention of the Project Manager at the address of  
    CONSULTANT recited on the first page of this Agreement.

CONSULTANT shall provide written notice to CITY of any change of address.

## **SECTION 21. CONFLICT OF INTEREST.**

21.1. In executing this Agreement, CONSULTANT covenants that it presently has no interest, and will not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of the Services.

21.2. CONSULTANT further covenants that, in the performance of this Agreement, it will not employ subcontractors or other persons or parties having such an interest. CONSULTANT certifies that no person who has or will have any financial interest under this Agreement is an officer or employee of CITY; this provision will be interpreted in accordance with the applicable provisions of the Palo Alto Municipal Code and the Government Code of the State of California, as amended from time to time. CONSULTANT agrees to notify CITY if any conflict arises.

21.3. If the CONSULTANT meets the definition of a "Consultant" as defined by the Regulations of the Fair Political Practices Commission, CONSULTANT will file the appropriate financial disclosure documents required by the Palo Alto Municipal Code and the Political Reform Act of 1974, as amended from time to time.

## **SECTION 22. NONDISCRIMINATION; COMPLIANCE WITH ADA.**

22.1. As set forth in Palo Alto Municipal Code Section 2.30.510, as amended from time to time, CONSULTANT certifies that in the performance of this Agreement, it shall not discriminate in the employment of any person due to that person's race, skin color, gender, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, pregnancy, genetic information or condition,

housing status, marital status, familial status, weight or height of such person. CONSULTANT acknowledges that it has read and understands the provisions of Section 2.30.510 of the Palo Alto Municipal Code relating to Nondiscrimination Requirements and the penalties for violation thereof, and agrees to meet all requirements of Section 2.30.510 pertaining to nondiscrimination in employment.

22.2. CONSULTANT understands and agrees that pursuant to the Americans Disabilities Act (“ADA”), programs, services and other activities provided by a public entity to the public, whether directly or through a contractor or subcontractor, are required to be accessible to the disabled public. CONSULTANT will provide the Services specified in this Agreement in a manner that complies with the ADA and any other applicable federal, state and local disability rights laws and regulations, as amended from time to time. CONSULTANT will not discriminate against persons with disabilities in the provision of services, benefits or activities provided under this Agreement.

**SECTION 23. ENVIRONMENTALLY PREFERRED PURCHASING AND ZERO WASTE REQUIREMENTS.** CONSULTANT shall comply with the CITY’s Environmentally Preferred Purchasing policies which are available at CITY’s Purchasing Department, hereby incorporated by reference and as amended from time to time. CONSULTANT shall comply with waste reduction, reuse, recycling and disposal requirements of CITY’s Zero Waste Program. Zero Waste best practices include, first, minimizing and reducing waste; second, reusing waste; and, third, recycling or composting waste. In particular, CONSULTANT shall comply with the following Zero Waste requirements:

(a) All printed materials provided by CONSULTANT to CITY generated from a personal computer and printer including but not limited to, proposals, quotes, invoices, reports, and public education materials, shall be double-sided and printed on a minimum of 30% or greater post-consumer content paper, unless otherwise approved by CITY’s Project Manager. Any submitted materials printed by a professional printing company shall be a minimum of 30% or greater post-consumer material and printed with vegetable-based inks.

(b) Goods purchased by CONSULTANT on behalf of CITY shall be purchased in accordance with CITY’s Environmental Purchasing Policy including but not limited to Extended Producer Responsibility requirements for products and packaging. A copy of this policy is on file at the Purchasing Department’s office.

(c) Reusable/returnable pallets shall be taken back by CONSULTANT, at no additional cost to CITY, for reuse or recycling. CONSULTANT shall provide documentation from the facility accepting the pallets to verify that pallets are not being disposed.

**SECTION 24. COMPLIANCE WITH PALO ALTO MINIMUM WAGE ORDINANCE.** CONSULTANT shall comply with all requirements of the Palo Alto Municipal Code Chapter 4.62 (Citywide Minimum Wage), as amended from time to time. In particular, for any employee otherwise entitled to the State minimum wage, who performs at least two (2) hours of work in a calendar week within the geographic boundaries of the City, CONSULTANT shall pay such employees no less than the minimum wage set forth in Palo Alto Municipal Code Section 4.62.030 for each hour worked within the geographic boundaries of the City of Palo Alto. In addition, CONSULTANT shall post notices regarding the Palo Alto Minimum Wage Ordinance in accordance with Palo Alto Municipal Code Section 4.62.060.

**SECTION 25. NON-APPROPRIATION.** This Agreement is subject to the fiscal provisions of the Charter of the City of Palo Alto and the Palo Alto Municipal Code, as amended from time to time. This Agreement will terminate without any penalty (a) at the end of any fiscal year in the event that funds are not appropriated for the following fiscal year, or (b) at any time within a fiscal year in the event that funds are only appropriated for a portion of the fiscal year and funds for this Agreement are no longer available. This Section shall take precedence in the event of a conflict with any other covenant, term, condition, or provision of this Agreement.

**SECTION 26. PREVAILING WAGES AND DIR REGISTRATION FOR PUBLIC WORKS CONTRACTS.**

26.1. **This Project is not subject to prevailing wages and related requirements.** CONSULTANT is not required to pay prevailing wages and meet related requirements under the California Labor Code and California Code of Regulations in the performance and implementation of the Project if the contract:

- (1) is not a public works contract;
- (2) is for a public works construction project of \$25,000 or less, per California Labor Code Sections 1782(d)(1), 1725.5(f) and 1773.3(j); or
- (3) is for a public works alteration, demolition, repair, or maintenance project of \$15,000 or less, per California Labor Code Sections 1782(d)(1), 1725.5(f) and 1773.3(j).

**SECTION 27. CLAIMS PROCEDURE FOR “9204 PUBLIC WORKS PROJECTS”.** For purposes of this Section 27, a “9204 Public Works Project” means the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind. (Cal. Pub. Cont. Code § 9204.) Per California Public Contract Code Section 9204, for Public Works Projects, certain claims procedures shall apply, as set forth in Exhibit F, entitled “Claims for Public Contract Code Section 9204 Public Works Projects”.

**This Project is not a 9204 Public Works Project.**

**SECTION 28. CONFIDENTIAL INFORMATION.**

28.1. In the performance of this Agreement, CONSULTANT may have access to CITY’s Confidential Information (defined below). CONSULTANT will hold Confidential Information in strict confidence, not disclose it to any third party, and will use it only for the performance of its obligations to CITY under this Agreement and for no other purpose. CONSULTANT will maintain reasonable and appropriate administrative, technical and physical safeguards to ensure the security, confidentiality and integrity of the Confidential Information. Notwithstanding the foregoing, CONSULTANT may disclose Confidential Information to its employees, agents and subcontractors, if any, to the extent they have a need to know in order to perform CONSULTANT’s obligations to CITY under this Agreement and for no other purpose, provided that the CONSULTANT informs them of, and requires them to follow, the confidentiality and security obligations of this Agreement.

28.2. “Confidential Information” means all data, information (including without limitation “Personal Information” about a California resident as defined in Civil Code Section 1798 et seq., as amended from time to time) and materials, in any form or media, tangible or intangible, provided or otherwise made available to CONSULTANT by CITY, directly or indirectly, pursuant to this Agreement. Confidential Information excludes information that CONSULTANT can show by appropriate documentation: (i) was publicly known at the time it was provided or has subsequently become publicly known other than by a breach of this Agreement; (ii) was rightfully in CONSULTANT’s possession free of any obligation of confidence prior to receipt of Confidential Information; (iii) is rightfully obtained by CONSULTANT from a third party without breach of any confidentiality obligation; (iv) is independently developed by employees of CONSULTANT without any use of or access to the Confidential Information; or (v) CONSULTANT has written consent to disclose signed by an authorized representative of CITY.

28.3. Notwithstanding the foregoing, CONSULTANT may disclose Confidential Information to the extent required by order of a court of competent jurisdiction or governmental body, provided that CONSULTANT will notify CITY in writing of such order immediately upon receipt and prior

to any such disclosure (unless CONSULTANT is prohibited by law from doing so), to give CITY an opportunity to oppose or otherwise respond to such order.

28.4. CONSULTANT will notify City promptly upon learning of any breach in the security of its systems or unauthorized disclosure of, or access to, Confidential Information in its possession or control, and if such Confidential Information consists of Personal Information, CONSULTANT will provide information to CITY sufficient to meet the notice requirements of Civil Code Section 1798 et seq., as applicable, as amended from time to time.

28.5. Prior to or upon termination or expiration of this Agreement, CONSULTANT will honor any request from the CITY to return or securely destroy all copies of Confidential Information. All Confidential Information is and will remain the property of the CITY and nothing contained in this Agreement grants or confers any rights to such Confidential Information on CONSULTANT.

28.6. If selected in Section 30 (Exhibits), this Agreement is also subject to the terms and conditions of the Information Privacy Policy and Cybersecurity Terms and Conditions.

## **SECTION 29. MISCELLANEOUS PROVISIONS.**

29.1. This Agreement will be governed by California law, without regard to its conflict of law provisions.

29.2. In the event that an action is brought, the parties agree that trial of such action will be vested exclusively in the state courts of California in the County of Santa Clara, State of California.

29.3. The prevailing party in any action brought to enforce the provisions of this Agreement may recover its reasonable costs and attorneys' fees expended in connection with that action. The prevailing party shall be entitled to recover an amount equal to the fair market value of legal services provided by attorneys employed by it as well as any attorneys' fees paid to third parties.

29.4. This Agreement, including all exhibits, constitutes the entire and integrated agreement between the parties with respect to the subject matter of this Agreement, and supersedes all prior agreements, negotiations, representations, statements and undertakings, either oral or written. This Agreement may be amended only by a written instrument, which is signed by the authorized representatives of the parties and approved as required under Palo Alto Municipal Code, as amended from time to time.

29.5. If a court of competent jurisdiction finds or rules that any provision of this Agreement is void or unenforceable, the unaffected provisions of this Agreement will remain in full force and effect.

29.6. In the event of a conflict between the terms of this Agreement and the exhibits hereto (per Section 30) or CONSULTANT's proposal (if any), the Agreement shall control. In the event of a conflict between the exhibits hereto and CONSULTANT's proposal (if any), the exhibits shall control.

29.7. The provisions of all checked boxes in this Agreement shall apply to this Agreement; the provisions of any unchecked boxes shall not apply to this Agreement.

29.8. All section headings contained in this Agreement are for convenience and reference only and are not intended to define or limit the scope of any provision of this Agreement.

29.9. This Agreement may be signed in multiple counterparts, which, when executed by

the authorized representatives of the parties, shall together constitute a single binding agreement.

**SECTION 30. EXHIBITS.** Each of the following exhibits, if the check box for such exhibit is selected below, is hereby attached and incorporated into this Agreement by reference as though fully set forth herein:

- EXHIBIT A: SCOPE OF SERVICES
- EXHIBIT A-1: PROFESSIONAL SERVICES TASK ORDER
- EXHIBIT B: SCHEDULE OF PERFORMANCE
- EXHIBIT C: COMPENSATION
- EXHIBIT C-1: SCHEDULE OF RATES
- EXHIBIT D: INSURANCE REQUIREMENTS

***THIS AGREEMENT IS NOT COMPLETE UNLESS ALL SELECTED EXHIBITS ARE ATTACHED.***

**CONTRACT No. C23183740 SIGNATURE PAGE**

IN WITNESS WHEREOF, the parties hereto have by their duly authorized representatives executed this Agreement as of the date first above written.

**CITY OF PALO ALTO**

**STREETSENSE CA, LLC**

\_\_\_\_\_  
City Manager

**Officer 1**

DocuSigned by:  
By: Kurt Haglund  
E3FC1430A7A240E...

Name: Kurt Haglund

APPROVED AS TO FORM:

Title: Chief Operating Officer, Authorized Signatory

\_\_\_\_\_  
City Attorney or designee

**Officer 2**

DocuSigned by:  
By: Ira Starr  
6EA15FD9A5FF42D...

Name: Ira Starr

Title: Chief Administrative Officer, Authorized Signatory

## **EXHIBIT A SCOPE OF SERVICES**

CONSULTANT shall provide the Services detailed in this Exhibit A, entitled “SCOPE OF SERVICES”.

CONSULTANT will produce an Economic Development Workplan for the City of Palo Alto, a roadmap for interventions and strategies that can be implemented in the near-term (within three years) and iterated upon for longer-term success by providing the services outlined below:

Task 1.0 – Define Economic Development Goals and deliver a summary memo of the goal setting workshop

### Task 1.1 – Document Review

- CONSULTANT will review any publicly available data and relevant background data, including – but not limited to - area and comprehensive plans, business surveys, previous demographic/market studies, and real estate industry reports (including that of competitive submarkets) to inform understanding of conditions in Palo Alto.
- CONSULTANT will seek to identify gaps in background information and resolve with the CITY at kickoff meeting.

### Task 1.2 – Site Visit

- CONSULTANT will conduct a site visit to gather field data based on predefined study area boundaries, including an observational assessment of the public realm public realm/storefronts/access/visibility.
- CONSULTANT’s site visit will include stakeholder interviews.

### Task 1.3 – Kickoff Meeting

- CONSULTANT will facilitate a kickoff meeting with all project stakeholders (as mutually determined with the CITY) to establish baseline expectations for ongoing work.
- Kickoff meeting will cover topics including: communication channels to ensure timely and high-quality delivery of project tasks, defining key commercial districts, discussing aspirational markets for comparison, and aligning project objective s methodology, schedule, deliverables, and protocols.
- Project managers will be identified for both the CONSULTANT and the CITY.

### Task 1.4 – Goal Setting Workshop

- CONSULTANT will facilitate a visioning session with the steering committee of key stakeholders in the City of Palo Alto to determine a set of measurable economic development goals (or Key Performance Indicators (KPIs)).
- CONSULTANT will work to elicit feedback from stakeholders on KPIs, which typically measure impact through numbers or ratios, e.g. a 20% increase in overnight stays.
- The workshop will also identify potential tools for measuring those goals and lead partners to measure the KPIs.

Task 2.0 – Economic Conditions Snapshot; Strengths, Weaknesses, Opportunities, and Threats (SWOT) Matrix; Presentation Deck for public Distribution

Task 2.1 – Physical Environment Assessment

- CONSULTANT will gather field data on existing conditions of key commercial districts and corridors through site visit and stakeholder conversations
- CONSULTANT will assess major economic assets such as office campuses, manufacturing facilities, lodging facilities, and visitor destinations.
- CONSULTANT will assess the strengths and weaknesses of the public realm, private, realm, and accessibility/visibility of each economic cluster
  - CONSULTANT will evaluate the public realm, including roadways, sidewalks, rails & trails, and public spaces that support access to, and mobility within and across, communities
  - CONSULTANT’S evaluation of the public realm shall include conditions and accessibility of existing open spaces that offer people places to gather and participate in economic activity
  - CONSULTANT will evaluate the private realm, including private assets, properties and buildings, and the balance of the physical environment.
  - CONSULTANT’S evaluation of the private realm will consider existing built assets and the location and site location characteristics (access to customer base, proximity to existing nodes, the ability to create sufficient concentration of offerings to support a new node) of underutilized opportunity sites as well as underlying ownership.

Task 2.2. – Business Environment (Economic Activity) Assessment

- CONSULTANT will explore and analyze the “Drivers” of the Palo Alto economy, including the anchors/destinations, concentrations/clusters of business activity (economic clusters), and local business mix and employment
- CONSULTANT will assess each cluster and develop asset maps that identify key business anchors (Across sectors and industries) that drive economic activity and influence tenant mix within each area.
- CONSULTANT will analyze the sales tax growth/contraction against baselines before COVID and during COVID and conduct an economic base analysis to estimate general rate of growth of business activity across sectors
- CONSULTANT will determine if there are any competitive sectors/industries that would benefit from a focused strategy by the CITY in the future

Task 2.3 – Commercial Real Estate Market Assessment

- CONSULTANT will analyze qualitative and quantitative data to understand the supply and demand of commercial real estate in the region
- CONSULTANT will identify if, and how much, latent demand exists in the Palo Alto submarket for new office, retail, and industrial development based on historic real estate performance
- CONSULTANT will factor in submarket vacancy rates, construction rates, product type, price points, quality of space, and future competition into its analysis of latent demand

Task 2.4 – Produce Economic Development Brochure

- CONSULTANT will produce a succinct (two (2) to ten (10) page) brochure that can serve as a marketing tool to help generate interest in Palo Alto as a business location from potential businesses, investors, funders, and founders.

Task 2.5 – Regulatory/Administrative Capacity Assessment

- CONSULTANT will analyze the organizational capacity of the CITY to execute and implement economic development programs and initiatives
- CONSULTANT will identify local leaders and partners (including anchor businesses and institutions such as local non-profit organizations) engaged in economic development
- CONSULTANT will identify additional resources and funding that may be needed to successfully support implementation of strategies
- CONSULTANT will assess the existing regulatory framework (including, but not limited to, zoning and permitting/licensing processes) that shape what can be built where
  - CONSULTANT will identify aspects of the regulatory framework that may impeded economic development or encourage market distortion
- CONSULTANT will research and identify other operating challenges to local businesses through stakeholder conversations and business survey input

Task 2.6 – SWOT Matrix of Assessment Findings

- CONSULTANT will organize key findings from the assessments of the physical environment, businesses environment, commercial real estate, and administrative capacity into a SWOT matrix
- CONSULTANT will facilitate a discussion of the SWOT matrix with the CITY to focus on priority areas for improvement

Task 2.7 – City Council Presentations

- CONSULTANT will present Economic Scan to City Council and conduct City Council outreach through coordination with CITY's project manager
- CONSULTANT will provide at least three City Council updates throughout the process at City Council meetings

Task 3.0 - Summary Memo of Global and National Economic Trends

- CONSULTANT will research industry-wide changes in business operations, business travel, and trends that serve as indicators for how consumer tastes/preferences are evolving
- CONSULTANT's trend assessment will analyze secondary data from a variety of sources, including, but not limited to,
  - Real Estate Brokerage Experts (via CBRE)
  - Real Estate Market Outlook Reports (e.g. JLL, Colliers, Newmark)
  - San Francisco Travel Association
  - World Travel and Tourism Council
  - Destination Analysts

- Tourism Economics (Annual Economic Impact Reports)
- Destination Palo Alto's subscription data
- Other publicly available reporting

#### Task 4.0 – Draft Report of Strategies for Economic Development, Revisions, and Final Report of Strategies for Economic Development

##### Task 4.1 – Research and Draft Report of Strategies for Economic Development

- CONSULTANT will draft an economic development plan and strategy that prioritizes readily implementable short- and long-term actions and projects.
- CONSULTANT will clearly outline key steps that the CITY and stakeholders can take to implement any project or recommendation.
- CONSULTANT will include geographic focus areas of investment which may include economic clusters or specific opportunity parcels or sites.
- CONSULTANT's draft report recommendations may include, but is not limited to, the following areas:
  - Redevelopment in the public realm: Includes any improvements to existing transportation networks, public utility extensions, placemaking/tactical improvements, public space capital projects, and signage and wayfinding.
  - Redevelopment in the Private realm: includes programmatic interventions to support and/or incentivize private sector investments in real property improvements.
  - Business retention and attraction: includes programs that support business attraction, expansions, and relocation (e.g. workforce training, relocation incentives, and other)
  - Marketing and Promotion: includes tolls that will increase visits and raise awareness of the City's assets and retail/dining offerings, particularly through digital platforms.
  - Administrative capacity: includes strategies to address issues of capacity that might otherwise impede implementation of strategies (including capacity-building programs and partnerships with anchor businesses) as well as recommendations to address regulatory or zoning issues that may impede business growth and vitality.

##### Task 4.2 – Feedback from the City of Palo Alto

- CITY shall provide feedback on the draft report provided by CONSULTANT
- CONSULTANT will facilitate a City Council working session on draft strategies after CITY feedback has been incorporated

##### Task 4.3 – Finalize and Present Report of Strategies for Economic Development

- CONSULTANT will incorporate feedback from the working session City Council to create a Final Report on Strategies for Economic Development

#### Task 5.0 – Research and Draft Retail Market Analysis Report, Draft Tax Analysis Report, Revisions, and Final Market Analysis Report and Final Tax Analysis Report

Task 5.1 – Research and Draft Retail Market Analysis Report and Draft Tax Analysis Report

- CONSULTANT will identify additional revenue opportunities through Market Analysis Report and Draft and Final Tax Analysis Report
- CONSULTANT will analyze market-supported retail demand for the past five years through the City’s core commercial cores (Downtown, Stanford Shopping Center, California Ave., and neighborhood shopping centers)
- CONSULTANT will develop a comprehensive analysis of sales tax performance (including a breakdown by major business categories and across each commercial core)
- CONSULTANT will transmit draft versions of:
  - A sales tax gap leakage analysis: includes consumer demand and market supply assessment to evaluate sales tax performance within Palo Alto and ability to draw consumers from nearby communities and the greater trade area.
  - Assessment of Palo Alto’s major sources of tax revenue (sales tax, property tax, and transient occupancy tax) for pre-pandemic revenues, current revenues, and a three-year projection.
  - A SWOT analysis for Palo Alto to identify challenges and constraints along with opportunities to recognize going challenges as well as future threats to the Palo Alto retail marketplace
  - A void analysis to identify market opportunities for Palo Alto to attract new retail and restaurant possibilities that would be a good fit with the Palo Alto market place and market analytics make-up
- CONSULTANT shall submit draft reports to the City of Palo Alto

Task 5.2 – Feedback from the City of Palo Alto

- CITY will provide feedback on draft reports to the CONSULTANT

Task 5.3 – Finalize Retail Market Analysis Report and Tax Analysis Report

- CONSULTANT will incorporate CITY feedback into final versions of Retail Market Analysis Report and Tax Analysis Report

## Task 6.0 – Research and Produce Draft and Final Hospitality Market Analysis Report

Task 6.1 – Research and Draft Hospitality Market Analysis Report

- CONSULTANT will investigate and determine potential for hotel development in core commercial districts based on diagnostic assessment of submarket
  - Assessment will consider quality and quantity of existing hotel rooms, year-over-year occupancy rates, price points, and future competitions
- CONSULTANT will determine any viable demand gaps in the market and provide estimates for RevPAR and occupancy levels

- CONSULTANT will develop a comprehensive set of recommendations to reinforce the City's branding to travelers, increase overnight stays and visitor spending, and bolster existing community assets and priorities
- CONSULTANT will research questions around changes in corporate travel policies through iterative conversations and a survey instrument with key companies, institutions, and stakeholders.
- CONSULTANT will convene a focus group discussion with corporate stakeholders to uncover potential competitive advantages from the perspective of business travel.
- CONSULTANT will prepare a draft a report synthesizing findings related to the hospitality market which may include, but is not necessarily limited to:
  - Strategies for growing demand from visitors: includes raising awareness of existing assets through marketing, promotion, and branding, as well as strategies that improve the accessibility and visibility of the region's offerings.
  - Strategies to improve supply of visitors and hospitality: includes the quality and quantity of offerings that are unique to Palo Alto, with an emphasis on strategic destination drivers that reinforce the brand of Palo Alto and further differentiate the City from other regional destinations. May include capital investments to specific assets and/or public realm enhancements that improve the visitor experience.

Task 6.2 – Feedback from the City of Palo Alto

- CITY will provide feedback on the draft report to the CONSULTANT

Task 6.3 Finalize Hospitality Market Analysis Report

- CONSULTANT will incorporate CITY feedback into final version of Hospitality Market Analysis Report

Task 7.0 – Summary Memo and Business Profile of the City based on business registry

Task 7.1 – Assess Business Registry

- CONSULTANT will analyze and identify 'gaps' in the retail mix through examining the existing supply/landscape of businesses
- CONSULTANT will identify gaps in information currently detailed in the business registry for future revisions

Task 7.2 – Business Profile for the City of Palo Alto

- CONSULTANT will compare information from the business registry and other research to accurately determine any unmet market demand and potential new retail opportunities/expansions
- CONSULTANT will prepare a summary memo detailing their findings

**EXHIBIT A-1  
PROFESSIONAL SERVICES TASK ORDER**

CONSULTANT shall perform the Services detailed below in accordance with all the terms and conditions of the Agreement referenced in Item 1A below. All exhibits referenced in Item 8 are incorporated into this Task Order by this reference. CONSULTANT shall furnish the necessary facilities, professional, technical and supporting personnel required by this Task Order as described below.

---

CONTRACT NO.  
OR PURCHASE ORDER REQUISITION NO. (AS APPLICABLE)

- 1A. MASTER AGREEMENT NO. (MAY BE SAME AS CONTRACT / P.O. NO. ABOVE):
- 1B. TASK ORDER NO.:
- 2. CONSULTANT NAME:
- 3. PERIOD OF PERFORMANCE: START: \_\_\_\_\_ COMPLETION: \_\_\_\_\_
- 4. TOTAL TASK ORDER PRICE: \$ \_\_\_\_\_  
BALANCE REMAINING IN MASTER AGREEMENT/CONTRACT \$ \_\_\_\_\_
- 5. BUDGET CODE \_\_\_\_\_  
COST CENTER \_\_\_\_\_  
COST ELEMENT \_\_\_\_\_  
WBS/CIP \_\_\_\_\_  
PHASE \_\_\_\_\_
- 6. CITY PROJECT MANAGER'S NAME & DEPARTMENT: \_\_\_\_\_
- 7. DESCRIPTION OF SCOPE OF SERVICES (Attachment A)  
MUST INCLUDE:
  - SERVICES AND DELIVERABLES TO BE PROVIDED
  - SCHEDULE OF PERFORMANCE
  - MAXIMUM COMPENSATION AMOUNT AND RATE SCHEDULE (as applicable)
  - REIMBURSABLE EXPENSES, if any (with "not to exceed" amount)
- 8. ATTACHMENTS: A: Task Order Scope of Services B (if any): \_\_\_\_\_

**I hereby authorize the performance of the work described in this Task Order.**

**I hereby acknowledge receipt and acceptance of this Task Order and warrant that I have authority to sign on behalf of Consultant.**

**APPROVED:**  
CITY OF PALO ALTO

**APPROVED:**  
COMPANY NAME:  
\_\_\_\_\_

BY: \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

BY: \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

**EXHIBIT B  
SCHEDULE OF PERFORMANCE**

CONSULTANT shall perform the Services so as to complete each milestone within the number of days/weeks specified below. The time to complete each milestone may be increased or decreased by mutual written agreement of the Project Managers for CONSULTANT and CITY so long as all work is completed within the term of the Agreement. CONSULTANT shall provide a detailed schedule of work consistent with the schedule below within 2 weeks of receipt of the notice to proceed (“NTP”) from the CITY.

<b>Milestones</b>	<b>Completion (Number of Months from NTP); approximate hours if applicable</b>
Task 1: Define Economic Development Goals; create and transmit summary memo of the goal setting workshop	9 months; 96.5 hours
Task 2: Research and Create Economic Conditions Snapshot; Strengths, Weaknesses, Opportunities, and Threats (SWOT) Matrix; Presentation Deck for public Distribution	6 months; 341 hours
Task 3: Summary Memo of Global and National Economic Trends	5 months; 51.5 hours
Task 4: Research and Draft Report of Strategies for Economic Development	11 months; 144 hours
Task 5: Research and Draft Retail Market Analysis Report, Draft Tax Analysis Report, Revisions, and Final Market Analysis Report and Final Tax Analysis Report	10 months; 74 hours
Task 6: Research and Produce Draft and Final Hospitality Market Analysis Report	10 months; 206 hours
Task 7: Summary Memo and Business Profile of the City based on business registry	5 months; 30 hours

Optional Schedule of Performance Provision for On-Call or Additional Services Agreements.  
(This provision only applies if checked and only applies to on-call agreements per Section 1 or agreements with Additional Services per Section 4.)

The schedule of performance shall be as provided in the approved Task Order, as detailed in Section 1 (Scope of Services) in the case of on-call Services, or as detailed in Section 4 in the case of Additional Services, provided in all cases that the schedule of performance shall fall within the term as provided in Section 2 (Term) of this Agreement.

## EXHIBIT C COMPENSATION

CITY agrees to compensate CONSULTANT for Services performed in accordance with the terms and conditions of this Agreement, and as set forth in the budget schedule below. Compensation shall be calculated based on the rate schedule attached as Exhibit C-1 up to the not to exceed budget amount for each task set forth below.

CITY's Project Manager may approve in writing the transfer of budget amounts between any of the tasks or categories listed below, provided that the total compensation for the Services, including any specified reimbursable expenses, and the total compensation for Additional Services (if any, per Section 4 of the Agreement) do not exceed the amounts set forth in Section 4 of this Agreement.

CONSULTANT agrees to complete all Services, any specified reimbursable expenses, and Additional Services (if any, per Section 4), within this/these amount(s). Any work performed or expenses incurred for which payment would result in a total exceeding the maximum amount of compensation set forth in this Agreement shall be at no cost to the CITY.

### **BUDGET SCHEDULE**

<b>Milestones</b>	<b>Not to Exceed (NTE) Amount by Task</b>
Task 1: Define Economic Development Goals; create and transmit summary memo of the goal setting workshop	\$31,032
Task 2: Research and Create Economic Conditions Snapshot; Strengths, Weaknesses, Opportunities, and Threats (SWOT) Matrix; Presentation Deck for public Distribution	\$101,186
Task 3: Summary Memo of Global and National Economic Trends	\$9,540
Task 4: Research and Draft Report of Strategies for Economic Development	\$37,990
Task 5: Research and Draft Retail Market Analysis Report, Draft Tax Analysis Report, Revisions, and Final Market Analysis Report and Final Tax Analysis Report	\$15,780
Task 6: Research and Produce Draft and Final Hospitality Market Analysis Report	\$37,750
Task 7: Summary Memo and Business Profile of the City based on business registry	\$4,900
<b>Sub-Total:</b>	<b>\$238,178</b>
10% Contingency (Additional Services per Section 4 of this Agreement)	\$23,818
Reimbursable Expenses	\$0
<b>Grand Total:</b>	<b>\$261,995</b>

### **REIMBURSABLE EXPENSES**

CONSULTANT'S ordinary business expenses, such as administrative, overhead, administrative

Professional Services  
Rev. Dec.15, 2020

support time/overtime, information systems, software and hardware, photocopying, telecommunications (telephone, internet), in-house printing, insurance and other ordinary business expenses, are included within the scope of payment for Services and are not reimbursable expenses hereunder.

Reimbursable expenses, if any are specified as reimbursable under this section, will be reimbursed at actual cost. The expenses (by type, e.g. travel) for which CONSULTANT will be reimbursed are: **NONE** up to the not-to-exceed amount of: **\$0.00**.

**EXHIBIT C-1  
SCHEDULE OF RATES**

CONSULTANT's schedule of rates is as follows:

Hourly Rates:

Where the fee arrangement is to be on an hourly basis, the hourly rates shall be as noted below:

Managing/Technical Director	\$300
Senior Director	\$250
Director	\$225
Senior Manager	\$200
Manager	\$180
Senior Consultant	\$165
Consultant	\$110-\$140
Administrative Support	\$110
Subcontractor's hourly rates are:	
Principal Managing Director	\$250
Senior Associate	\$180

**EXHIBIT D  
INSURANCE REQUIREMENTS**

CONSULTANTS TO THE CITY OF PALO ALTO (CITY), AT THEIR SOLE EXPENSE, SHALL FOR THE TERM OF THE CONTRACT OBTAIN AND MAINTAIN INSURANCE IN THE AMOUNTS FOR THE COVERAGE SPECIFIED BELOW, **AFFORDED BY COMPANIES WITH AM BEST'S KEY RATING OF A-:VII, OR HIGHER, LICENSED OR AUTHORIZED TO TRANSACT INSURANCE BUSINESS IN THE STATE OF CALIFORNIA.**

AWARD IS CONTINGENT ON COMPLIANCE WITH CITY'S INSURANCE REQUIREMENTS AS SPECIFIED HEREIN.

REQUIRED	TYPE OF COVERAGE	REQUIREMENT	MINIMUM LIMITS	
			EACH OCCURRENCE	AGGREGATE
YES YES	WORKER'S COMPENSATION EMPLOYER'S LIABILITY	STATUTORY STATUTORY	STATUTORY	STATUTORY
YES	GENERAL LIABILITY, INCLUDING PERSONAL INJURY, BROAD FORM PROPERTY DAMAGE BLANKET CONTRACTUAL, AND FIRE LEGAL LIABILITY	BODILY INJURY	\$1,000,000	\$1,000,000
		PROPERTY DAMAGE	\$1,000,000	\$1,000,000
		BODILY INJURY & PROPERTY DAMAGE COMBINED.	\$1,000,000	\$1,000,000
YES	AUTOMOBILE LIABILITY, INCLUDING ALL OWNED, HIRED, NON-OWNED	BODILY INJURY	\$1,000,000	\$1,000,000
		- EACH PERSON	\$1,000,000	\$1,000,000
		- EACH OCCURRENCE	\$1,000,000	\$1,000,000
		PROPERTY DAMAGE	\$1,000,000	\$1,000,000
		BODILY INJURY AND PROPERTY DAMAGE, COMBINED	\$1,000,000	\$1,000,000
YES	PROFESSIONAL LIABILITY, INCLUDING, ERRORS AND OMISSIONS, MALPRACTICE (WHEN APPLICABLE), AND NEGLIGENT PERFORMANCE	ALL DAMAGES	\$1,000,000	
YES	<b>THE CITY OF PALO ALTO IS TO BE NAMED AS AN ADDITIONAL INSURED:</b> CONSULTANT, AT ITS SOLE COST AND EXPENSE, SHALL OBTAIN AND MAINTAIN, IN FULL FORCE AND EFFECT THROUGHOUT THE ENTIRE TERM OF ANY RESULTANT AGREEMENT, THE INSURANCE COVERAGE HEREIN DESCRIBED, INSURING NOT ONLY CONSULTANT AND ITS SUBCONSULTANTS, IF ANY, BUT ALSO, WITH THE EXCEPTION OF WORKERS' COMPENSATION, EMPLOYER'S LIABILITY AND PROFESSIONAL INSURANCE, <b>NAMING AS ADDITIONAL INSUREDS CITY, ITS COUNCIL MEMBERS, OFFICERS, AGENTS, AND EMPLOYEES.</b>			

- I. INSURANCE COVERAGE MUST INCLUDE:
- A. [INTENTIONALLY REMOVED].
- II. THE CONSULTANT MUST SUBMIT CERTIFICATES(S) OF INSURANCE EVIDENCING REQUIRED COVERAGE AT THE FOLLOWING URL:  
[HTTPS://WWW.PLANETBIDS.COM/PORTAL/PORTAL.CFM?COMPANYID=25569](https://www.planetbids.com/portal/portal.cfm?companyid=25569)
- III. ENDORSEMENT PROVISIONS WITH RESPECT TO THE INSURANCE AFFORDED TO ADDITIONAL INSUREDS:

A. PRIMARY COVERAGE

WITH RESPECT TO CLAIMS ARISING OUT OF THE OPERATIONS OF THE NAMED INSURED, INSURANCE AS AFFORDED BY THIS POLICY IS PRIMARY AND IS NOT ADDITIONAL TO OR CONTRIBUTING WITH ANY OTHER INSURANCE CARRIED BY OR FOR THE BENEFIT OF THE ADDITIONAL INSUREDS.

B. CROSS LIABILITY

THE NAMING OF MORE THAN ONE PERSON, FIRM, OR CORPORATION AS INSUREDS UNDER THE POLICY SHALL NOT, FOR THAT REASON ALONE, EXTINGUISH ANY RIGHTS OF THE INSURED AGAINST ANOTHER, BUT THIS ENDORSEMENT, AND THE NAMING OF MULTIPLE INSUREDS, SHALL NOT INCREASE THE TOTAL LIABILITY OF THE COMPANY UNDER THIS POLICY.

C. NOTICE OF CANCELLATION

1. IF THE POLICY IS CANCELED BEFORE ITS EXPIRATION DATE FOR ANY REASON OTHER THAN THE NON-PAYMENT OF PREMIUM, THE CONSULTANT SHALL PROVIDE CITY AT LEAST A THIRTY (30) DAY WRITTEN NOTICE BEFORE THE EFFECTIVE DATE OF CANCELLATION.
2. IF THE POLICY IS CANCELED BEFORE ITS EXPIRATION DATE FOR THE NON-PAYMENT OF PREMIUM, THE CONSULTANT SHALL PROVIDE CITY AT LEAST A TEN (10) DAY WRITTEN NOTICE BEFORE THE EFFECTIVE DATE OF CANCELLATION.

**EVIDENCE OF INSURANCE AND OTHER RELATED NOTICES ARE REQUIRED TO BE FILED WITH THE CITY OF PALO ALTO AT THE FOLLOWING URL:**

**[HTTPS://WWW.PLANETBIDS.COM/PORTAL/PORTAL.CFM?COMPANYID=25569](https://www.planetbids.com/portal/portal.cfm?companyid=25569)**

**OR**

**[HTTP://WWW.CITYOFPALOALTO.ORG/GOV/DEPTS/ASD/PLANET\\_BIDS\\_HOW\\_TO.ASP](http://www.cityofpaloalto.org/gov/depts/asd/planet_bids_how_to.asp)**

## Previous City Manager Reports Related to Economic Development

The dates of key previous conversations with the City Council regarding Economic Development, dating back to November 30, 2020, are included below. These conversations shaped and informed the scope of services included the Request for Proposals.

Following the date, a brief description, the CMR number, and a link to the pertinent report is included.

- November 30, 2020 – Study Session on Community and Economic Recovery Strategies (CMR 11790)  
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2020-2/id-11790.pdf>
- January 19, 2021 – Feedback and Direction on Economic Recovery Workplan (CMR 11877)  
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-11877.pdf>
- February 2021 – The City Council adopted its calendar year 2021 Priorities, including Community and Economic Recovery (CMR 11957)  
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-11957.pdf>
- March 22, 2021 – Community and Economic Recovery workplan adopted including item “G: Refine the scope and breadth of the city’s economic support activities” (CMR 12111)  
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-12111.pdf>
- May 3, 2021 – Update on Community and Economic Recovery (CMR 12206)  
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-12206.pdf>
- June 1, 2021 – Discussion and Direction on the Scope of Economic Development (CMR 12232)  
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-12232.pdf>
- June 21, 2021 – Update #2 Community and Economic Recovery Workplan (CMR 12362)  
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-12362.pdf>
- September 13, 2021 – Discuss and Provide Direction on a Request for Proposals (RFP) for an Economic Development Strategy Consultant and an Internal Staffing Plan to Support Economic Development Issues (CMR 13433)  
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/09-september/20210913/20210913pccsm-amended-linked-final-council-qa.pdf>



## City of Palo Alto City Council Staff Report

(ID # 14656)

**Report Type: Consent Calendar**

**Meeting Date: 9/12/2022**

**Summary Title: 215/217 Alma: Retail Preservation Waiver for Animal Care Use**

**Title: QUASI-JUDICIAL. 215/217 Alma Street {22PLN-00164}: Ratification of Director's Approval of Waiver From the Retail Preservation Ordinance for an Alternative Viable Use to Allow for an Animal Care Provider (Modern Animal) to Occupy a 4,200 Square Foot Portion of the Site. Zone District: Commercial Downtown Neighborhood with a Pedestrian Combining District (CD-N[P]). Environmental Assessment: Exempt from CEQA in Accordance With Guidelines Section 15061(b)(3) and 15301.**

**From: City Manager**

**Lead Department: Planning and Development Services**

### **Recommendation**

Staff recommends that Council approve the Record of Land Use Action in Attachment B, ratifying the Director's decision approving the subject waiver request.

### **Background**

This report transmits the Planning & Development Services Director's tentative approval for a partial waiver from the retail preservation ordinance adopted by Council on August 24, 2022, for the property located at 215/217 Alma Street.

Pursuant to Section 18.40.180 of the Municipal Code, owners of properties outside the Ground Floor (GF) and Retail (R) combining districts may apply for an adjustment or waiver from ground floor retail protections. This waiver is based on showing that the permitted retail or retail-like use is not viable, that the proposed use will support the purposes of the zoning district and Comprehensive Plan land use designation, and that the proposed use will encourage active pedestrian-oriented activity and connections. Applicants must provide substantial evidence to support their application and bear the burden of proof. The Director renders a tentative decision, which is then placed on the City Council's Consent agenda. The Council may accept

this decision on Consent, or alternatively, three council members may pull this item and require a future City Council public hearing.

## **Discussion**

The owner of the property at 215/217 Alma, in conjunction with the future proposed tenant, Modern Animal, requested a partial waiver from ground floor retail protections on May 17, 2022. A location map is included in Attachment A. The applicant provided supporting information about the tenant history over the past ten years; surrounding land uses; leasing efforts over the past seven years, including prospective tenant inquiries; information about the proposed new use; and other information to support their request (Attachment D). The last known tenant to occupy the building was a retail tenant, The North Face. When the interim ground floor retail protection ordinance was enacted in May and June of 2015, this retail use was legally operating at the address. The North Face left this space in April 2016 to occupy retail space at Stanford Shopping Center. The property owner began marketing the space in October 2015 to prospective tenants. Although other tenants expressed interest and one tenant even signed a lease and filed for a conditional use permit, which was approved, the tenant eventually chose not to open their business at this site.

The Retail Preservation ordinance gives the Director the authority to waive the provision requiring the preservation of retail or retail-like use in a tenant space. This decision is based on a determination that a retail or retail-like use is not viable at the location, that an alternative use will support the purposes of the zoning district and comprehensive plan, and that the proposed use will encourage active pedestrian-oriented activity and connections. The Director reviewed the attached waiver request, including the supporting information that was provided, and believes that it meets the standards of Section 18.40.160(c)(1)(B). In accordance with the provisions of the ordinance, the Director's decision letter is included with this report as Attachment C. The subject site is zoned Commercial Downtown Neighborhood with a Pedestrian Combining District (CD-N[P]) and has a similar designation in the Comprehensive Plan. The CD zone is intended "to be a comprehensive zoning district for the downtown business area, accommodating a wide range of commercial uses serving city-wide and regional business and service needs, as well as providing for residential uses and neighborhood service needs."

The identified replacement use, animal care, is a permitted use within the CD-N zone District. Surrounding land uses include public facilities to the north and west (Palo Alto Water Tower and a small parklet space to the north along Alma and Caltrain across Alma), an office use to the east, and a single-family residential use to the south. The site is deemed potentially eligible for the California Register of Historic Resources (CRHR); therefore, any application for demolition and reconstruction would require further analysis of the site's eligibility. Any future improvements associated with animal care use would be required to comply with all applicable

municipal code regulations. Only internal tenant improvements are proposed at this time. Treatment along the front windows would be required to comply with the Pedestrian Combining District requirements.

### **Policy Implications**

Since the adoption of the Retail Preservation Ordinance in March 2016, two other waiver requests were granted. It is unclear if this proposed waiver request will encourage others to similarly seek relief from the Retail Preservation Ordinance. The subject waiver approval is not precedent-setting, however, as each request received is evaluated on its own merits and is subject to Council acceptance. The future use of the site by Modern Animal would comply with applicable zoning regulations and the Comprehensive Plan.

### **Resource Impact**

The recommendation in this report has no significant budget or fiscal impacts. However, granting relief from the Retail Preservation Ordinance is anticipated to address the long-standing vacancy of the site, which may have marginal fiscal benefits to the city and other unquantifiable benefits to area businesses.

### **Timeline**

The Council's approval of this determination, ratifying the Director's decision, is effective immediately and is final. A request to pull this item of consent would result in scheduling a future public Council hearing.

### **Stakeholder Engagement**

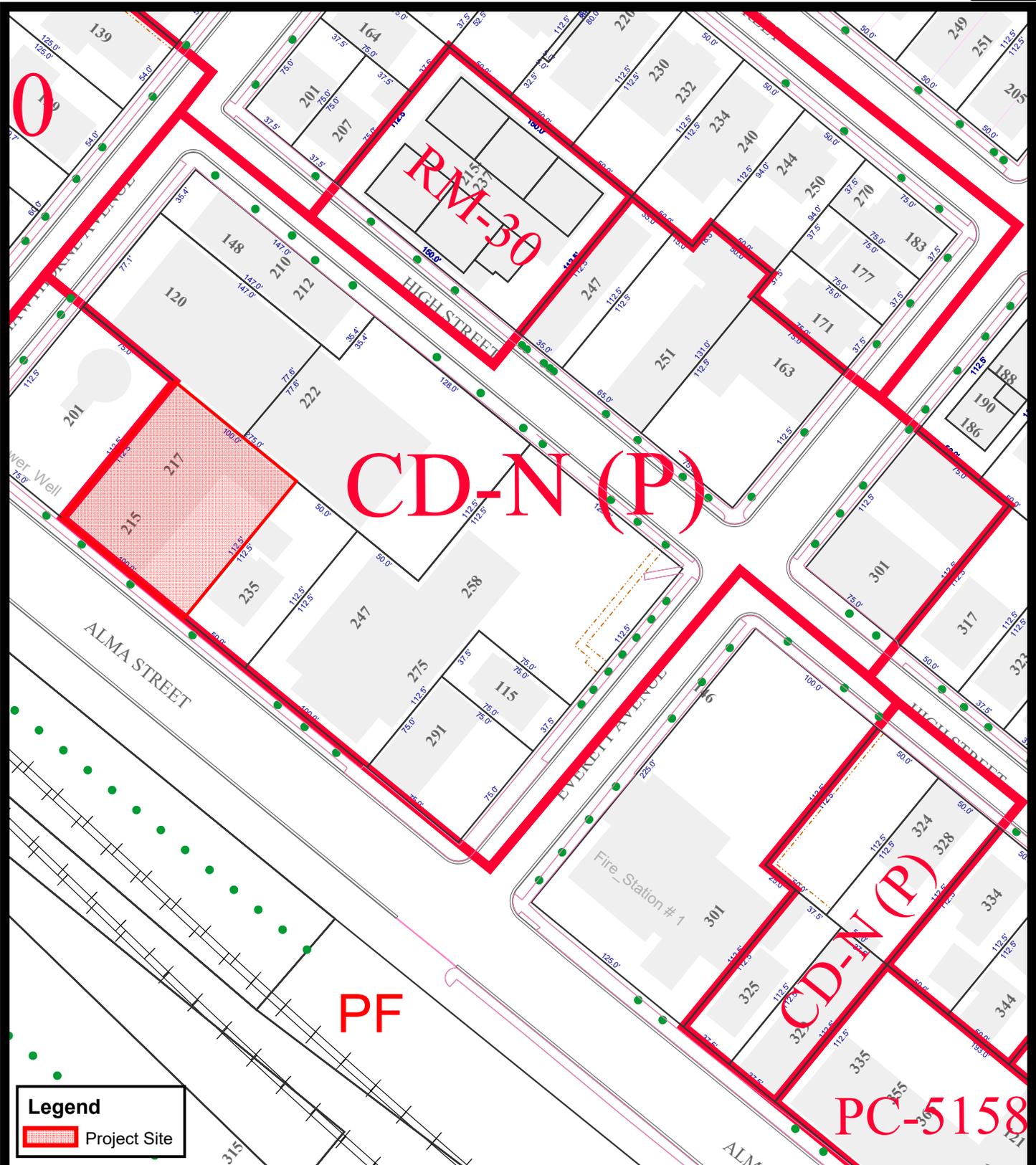
As of the writing of this report, no public comments were received on the proposed project.

### **Environmental Review**

This determination is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines in that it can be seen with certainty that there is no possibility the decision to waive this property from the city's retail preservation ordinance would cause a significant effect on the environment. The project is also exempt in accordance with CEQA Guidelines Section 15301 (existing facilities).

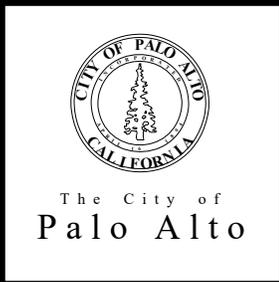
#### **Attachments:**

- |                        |   |
|------------------------|---|
| <b>Attachment13.a:</b> | <b>Attachment A: Location Map(PDF)</b>  |
| <b>Attachment13.b:</b> | <b>Attachment B: Record of Land Use Action (DOCX)</b>                                   |
| <b>Attachment13.c:</b> | <b>Attachment C: Director's Tentative Approval of the Requested Retail Waiver(PDF)</b>  |
| <b>Attachment13.d:</b> | <b>Attachment D: Applicant's Project Description and Supporting Documentation (PDF)</b> |



**Legend**

 Project Site



Attachment A:  
Project Site  
215/217 Alma

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





**APPROVAL NO. 2022-\_\_\_\_\_**

**RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION FOR 215/217 ALMA STREET:  
RETAIL PRESERVATION WAIVER REQUEST (22PLN-00164)**

On August 26, 2022, the City Council of the City of Palo Alto Ratified the Director of Planning & Development Services Approval of a Retail Waiver Request for a 4,200 sf tenant space at 215/217 Alma, allowing for an Alternative Viable Use, Animal Care, making the following findings, determinations and declarations:

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

- A. The permitted retail or retail-like use is not viable at this time.
- B. The proposed use will support the purposes of the zoning district and Comprehensive Plan land use designation will encourage active pedestrian- oriented activity and connections.
- C. On September 12, 2022, the City Council held considered the matter on its consent calendar, at which time all persons were afforded an opportunity to be heard in accordance with the Palo Alto Municipal Code and the Council’s Policies and Procedures.

SECTION 2. Environmental Review. This determination is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines in that it can be seen with certainty that there is no possibility the decision to waive this property from the city’s retail preservation ordinance would cause a significant effect on the environment. The project is also exempt in accordance with CEQA Guidelines Section 15301 (existing facilities).

SECTION 3. Retail Waiver Request Findings

*1. The permitted retail or retail-like use is not viable*

The applicant’s supporting documentation shows efforts made over a seven-year period (since October 2015) to lease the property without success. The site has been vacant since April 2016 when the former retail tenant vacated the space. Supporting information included in the administrative record and reflected in the staff report (CMR 14656) regarding the former tenant, the surrounding land uses, the site’s proximity to other retail locations, and efforts to lease the space support the conclusion that a permitted retail or retail-like use is not viable in this space at this time.

*2. The proposed use will support the purposes of the zoning district and Comprehensive Plan*

The proposed Animal Care use is consistent with the allowed uses within the Neighborhood Commercial comprehensive plan land use designation and is a permitted use within the

Commercial Downtown Neighborhood (CD-N) zone District.

3. *The proposed use will encourage active pedestrian- oriented activity and connections*

The proposed use encourages active pedestrian-oriented activity and connections that are conducive to retail uses. Specifically, animal care encourages pet owners to walk their pet to provide services and can serve as a draw to other nearby retail or retail-like spaces.

SECTION 4. Retail Waiver Request Granted. A retail waiver request is granted for the project by the *City Council* under Palo Alto Municipal Code Section 18.40.180(c), effective August 26, 2022 and subject to the conditions of approval in Section 5 of this Record of Land Use Action.

SECTION 5. Conditions of Approval.

1. CONFORMANCE WITH APPROVED USE. This approval allows for a waiver for the retail preservation ordinance for the proposed animal care use within a 4,200 square foot portion of the existing tenant space, which has been determined to meet the City’s criteria as an approved Alternative Active Viable Use. Any future use of this tenant space for a land use that does not meet the definition of retail, retail-like, or animal care, as defined in Chapter 18.04 of the municipal code would require a subsequent retail preservation waiver. This approval does not allow for a retail preservation waiver for the portion of the building that is currently occupied by a retail use (Walgreen’s Pharmacy).
2. SITE MODIFICATIONS. This project does not include approval of any changes to the building or site. Any future changes to the building or the site would be subject to applicable approvals and permits in conformance with all applicable regulations depending on the scope of the proposed work.
3. SIGNAGE. This approval does not include any signage or modifications to the approved signs on site. New signage or modifications to existing signage would be required to submit for a separate review and approval by the Planning Department.
4. PERIMETER MAINTENANCE. The tenant shall have a staff member patrol the public area on the adjacent Tower Well site once every 24 hours to clean up any waste left by pets. The tenant shall provide reminders within the waiting room for clients to clean up after their pets as well as make bags available for cleanup.
5. INDEMNITY. To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys’ fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

SECTION 6. Term of Approval. Retail Waiver Request Approval. In the event that the tenant space is not occupied within one year of the date of council approval, the approval shall expire and be of no further force or effect, pursuant to Palo Alto Municipal Code Section 18.77.090. Application for a one-year extension of this entitlement may be made prior to the expiration. A written request for a one-year extension shall be submitted prior to the expiration date in order to be considered by the Director of Planning and Development Services.

PASSED:  
AYES:  
NOES:  
ABSENT:  
ABSTENTIONS:

ATTEST:  
\_\_\_\_\_  
City Clerk

APPROVED:  
\_\_\_\_\_  
Director of Planning and  
Development Services

APPROVED AS TO FORM:  
\_\_\_\_\_  
Assistant City Attorney

**PLANNING & DEVELOPMENT SERVICES**

CITY OF  
**PALO  
ALTO** 250 Hamilton Avenue, 5<sup>th</sup> Floor  
Palo Alto, CA 94301  
(650) 329-2441

August 24, 2022

Richard Hackman  
530 Emerson Street  
Palo Alto, CA 94301

**Subject: 215/217 Alma Street Retail Preservation Waiver Determination 22PLN-00164**

Dear Mr. Hackman,

In accordance with Palo Alto Municipal Code Section 18.40.180(c), your request for a waiver from the City's retail preservation ordinance to allow an Alternative Viable Active Use (animal care use) for a 4,200 sf portion of the property at 215/217 Alma Street has been tentatively approved with conditions, as shown in Attachment A. This determination will be placed on the City Council's September 12, 2022 consent calendar agenda. If three or more council members vote to pull the item from the consent agenda, you will be notified of a future public hearing regarding your request. If approved on the consent agenda, this decision will be final.

This determination is based on information provided to the City, including effort over the last seven years (since October 2015) to lease the property, information regarding the former tenant, the surrounding land uses and the site's proximity to other retail locations. The City also noted that the most recent tenant, a retail use (The North Face), discontinued their lease in April 2016 after 24 years at the site in order to occupy a retail space at Stanford Shopping Center. The proposed Animal Care use is consistent with the allowed uses within the Neighborhood Commercial comprehensive plan land use designation and is a permitted use within the Commercial Downtown Neighborhood (CD-N) zone District. The proposed use encourages active pedestrian-oriented activity and connections that are conducive to retail uses.

In accordance with PAMC 18.40.180(c)(1)(B), the Director may issue a tentative decision to approve a retail waiver for an Alternative Viable Use based on a findings that he permitted retail or retail-like use is not viable; the proposed use will support the purposes of the zoning district and Comprehensive Plan land use designation; and the proposed use will encourage active pedestrian-oriented activity and connections. Based on the aforementioned information, the undersigned finds retail and retail-like uses are not viable within this tenant space at this time and that the proposed animal care use supports the purposes of the zoning district and Comprehensive plan land use designation and encourages pedestrian-oriented activity. No modifications to the building are

215/217 Alma Street; Application #22PLN-00164

proposed as part of the proposed project. Any physical modifications to the site proposed by Modern Animal in the future would be required to comply with the other applicable provisions of the municipal code and be consistent with the City's Comprehensive Plan.

If you have any questions regarding this determination, please do not hesitate to contact me.

Sincerely,

DocuSigned by:  
  
293CF322E1294F6...

Jonathan Lait  
Director of Planning & Development Services

Attachment A: Conditions of Approval

**Attachment A:  
Conditions of Approval (215/217 Alma Street; 22PLN-00164)**

1. **CONFORMANCE WITH APPROVED USE.** This approval allows for a waiver for the retail preservation ordinance for the proposed animal care use within a 4,200 sf portion of the existing tenant space, which has been determined to meet the City's criteria as an approved Alternative Active Viable Use. Any future use of this tenant space for a land use that does not meet the definition of retail, retail-like, or animal care, as defined in Chapter 18.04 of the municipal code would require a subsequent retail preservation waiver. This approval does not allow for a retail preservation waiver for the portion of the building that is currently occupied by a retail use (Walgreen's Pharmacy).
2. **SITE MODIFICATIONS.** This project does not include approval of any changes to the building or site. Any future changes to the building or the site would be subject to applicable approvals and permits in conformance with all applicable regulations depending on the scope of the proposed work.
3. **SIGNAGE.** This approval does not include any signage or modifications to the approved signs on site. New signage or modifications to existing signage would be required to submit for a separate review and approval by the Planning Department.
4. **PERIMETER MAINTENANCE.** The tenant shall have a staff member patrol the public area on the adjacent Tower Well site once every 24 hours to clean up any waste left by pets. The tenant shall provide reminders within the waiting room for clients to clean up after their pets as well as make bags available for cleanup.
5. **INDEMNITY.** To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
6. **PERMIT EXPIRATION.** The project approval shall be valid for a period of one year from the original date of approval. In the event that the proposed use does not occupy the space within a period of one year within the time limit specified above, the approval shall expire and be of no further force or effect. A written request for a one-year extension shall be submitted prior to the expiration date in order to be considered by the Director of Planning and Development Services.

Date: April 15, 2022

From: Modern Animal

To: City of Palo Alto

**Subject: Cover Letter for Application for Retail Preservation Ordinance Waiver at 217 Alma Street, Palo Alto, CA**

To Whom It May Concern:

I hope this letter finds you well. I'm writing to you today regarding our application for a retail preservation ordinance waiver at 217 Alma Street. This letter is intended to provide context and supporting information for our request that a retail preservation ordinance waiver be granted for Modern Animal use of the site. Below is information as to why we believe this is an appropriate action that's in the best interest of the community.

## Site

Modern Animal is proposing to occupy the vacant space at 217 Alma Street, Palo Alto, CA. This building is commonly referred to as the "former North Face store." 217 Alma Street was home to the North Face store from March 1, 1992 until April 30, 2016 when North Face left the site for a space at Stanford Shopping Center. Since April 30, 2016 the building as remained vacant.

The total size of 217 Alma Street is 7,771 square feet. There are eight parking spaces on-site.

## About Modern Animal

Modern Animal is a membership based general practice veterinary care provider that has enhanced both the consumer and practitioner experiences by making meaningful improvements in veterinary technology and design. Pet ownership continues to skyrocket, and a Modern Animal location at 217 Alma Street will provide meaningful benefits to Palo Alto residents.

A Modern Animal clinic will:

- Offer high-quality pet care to an area with meaningful pet ownership.
- Enhance the look and feel of the building at 217 Alma Street, which now sits vacant.
- Generate new pedestrian activity in the area which is essential for vibrant retail.
- Provide a new general practice veterinary clinic for canine and feline veterinary services including wellness, procedures, dental and urgent care.

A Modern Animal clinic will not:

- Provide any boarding or kenneling of any pets overnight.
- Serve as an animal hospital. Modern Animal partners with select animal hospitals and will refer patients, if required.
- Have staff at the facility overnight.

# Modern Animal

- Host special events or other things not normally associated with a veterinary clinic.

The estimated number of patients to be present at any given time is approximately eight.

Patients will visit for individual appointments which are spread evenly throughout the day. Appointments typically last 30-45 minutes.

Standard hours of operation are 8:00 AM to 6:00 PM Monday through Sunday. Staff typically arrives about 45 minutes prior to opening (7:15 AM) and leaves about 60 minutes after closing (7:00 PM).

Below are a few pictures of existing Modern Animal locations that give you a sense of what they look like:



# Modern Animal



As demonstrated in the above pictures, Modern Animal locations present a clean, modern look.

## Zoning

217 Alma Street is zoned Commercial Downtown District-Neighborhood with a Pedestrian Shopping Combining District, or CD-N (P). Palo Alto Municipal Code section 18.18 titled Downtown Commercial District governs the zoning for this site. According to Table 1 contained within Palo Alto Municipal Code Section 18.18.050, animal care, excluding boarding and kennels, is a permitted use at this site, however, because of the retail preservation ordinance, Modern Animal is not permitted to occupy the site without a waiver, despite being a permitted use.

Table 1				
CD Permitted and Conditionally Permitted Uses				
P Permitted Use • CUP Conditional Use Permit Required				
	CD-C	CD-S	CD-N	Subject to regulations in:
<b>SERVICE USES</b>				
Animal Care, excluding boarding and kennels	P	P	P	

## Retail Preservation Ordinance Waiver

Palo Alto Municipal Code Section 18.40.180 governs the retail preservation ordinance, including the waiver process. There are two grounds on which an applicant can apply for a retail preservation ordinance waiver: Economic Hardship or Alternative Viable Active Use, except in GF or R combining districts.

Under the *Economic Hardship* waiver, “An applicant may request that the requirements of this section be adjusted or waived based on a showing that applying the requirements of this section would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property.”

Under the *Alternative Viable Active Use* waiver, “Except in the GF or R combining districts, an applicant may request that the requirements of this Section be adjusted or waived based on a showing that: the permitted retail or retail-like use is not viable; the proposed use will support the purposes of the zoning district and Comprehensive Plan land use designation; and the proposed use will encourage active pedestrian-oriented activity and connections.”

Since 217 Alma Street is zoned CD-N (P), and therefore doesn’t include either a GF or R combining district, it’s permitted to apply for an *Alternative Viable Active Use* waiver for this site.

## Case for Retail Preservation Ordinance Waiver

Modern Animal is applying for a retail preservation ordinance waiver under the alternative viable active use clause.

The Palo Alto Municipal Code states the following, “Alternative Viable Active Use. Except in the GF or R combining districts, an applicant may request that the requirements of this Section 18.40.160 be adjusted or waived based on a showing that: the permitted retail or retail-like use is not viable; the proposed use will support the purposes of the zoning district and Comprehensive Plan land use designation; and the proposed use will encourage active pedestrian-oriented activity and connections.”

As stated above, there are three primary requirements to obtaining a retail preservation ordinance waiver under the alternative viable active use clause.

1. Demonstrating that the permitted retail use is not viable.
2. Demonstrating that the proposed use will support the zoning district and comprehensive plan.
3. Demonstrating that the proposed use will support pedestrian activity.

Regarding the first point, demonstrating that the permitted retail use is not viable, there is strong evidence to support the conclusion that retail use is no longer viable at this location. The most telling sign is the length of vacancy at this site. As of April 30, 2022, this site will have been vacant for six years, despite being actively listed on the market.

The challenges with leasing this space include but are not limited to: 1) its direct competition with Stanford Shopping due to its close proximity as evidenced by North Face moving there; 2) its location set back from a main retail corridor; and 3) the overall shift within the retail industry from a focus on brick & mortar to online sales. Additionally, the COVID-19 pandemic has brought additional uncertainty to the retail market which only makes identifying and signing prospective tenants for the space more difficult.

Regarding the second point, demonstrating that the proposed use will support the zoning district and comprehensive plan, Modern Animal is a perfect candidate to occupy this space. The proposed use will support the purposes of the zoning district and comprehensive plan land use designation by providing a valuable community service (i.e. veterinary care) that also generates new retail and pedestrian activity.

Regarding the third point, demonstrating that the proposed use will support pedestrian activity, the proposed use will encourage active pedestrian-oriented activity and connections as Modern Animal will be operating a business that will bring a significant number of customers to the location each day that can then shop at other nearby retailers. Additionally, because many of the veterinary customers will be dog owners, there is a stronger than usual likelihood that customers will access the location by walking, which is great for retail.

We feel that Modern Animal is a perfect tenant for 217 Alma Street based on the above criteria. Our occupancy of the site will remove a vacant building from the community and bring new life to the site with a community serving use. Additionally, Modern Animal will help achieve the objectives of both the zoning code and comprehensive plan by facilitating pedestrian orientated activity that supports the overall retail landscape of downtown Palo Alto.

## Conclusion

According to the American Society for the Prevention of Cruelty to Animals (ASPCA), more than 23 million American households, nearly one in five, adopted a pet during the COVID-19 pandemic. The result of that is an increased need for veterinary care across the United States, and Modern Animal is doing our part to address that need.

Part of the reason we are so interested in expanding to Palo Alto is because of how much this community values their pets. Palo Alto's long history of investing in pet and animal care is well documented and our hope is that Modern Animal can be the next chapter in that history. We truly believe that this proposal is a win-win-win-win in that our use of the site will help the City of Palo Alto by re-tenanting a long vacant building, the retailers of Palo Alto by bringing new life and customers to a currently vacant site, the residents of Palo Alto by providing a much needed community service and, of course, the pets of Palo Alto by ensuring they get the high-quality veterinary care they deserve.

Granting this waiver and allowing Modern Animal to occupy 217 Alma Street represents an amazing opportunity for everyone involved and we couldn't be more excited about the chance to expand into Palo Alto.

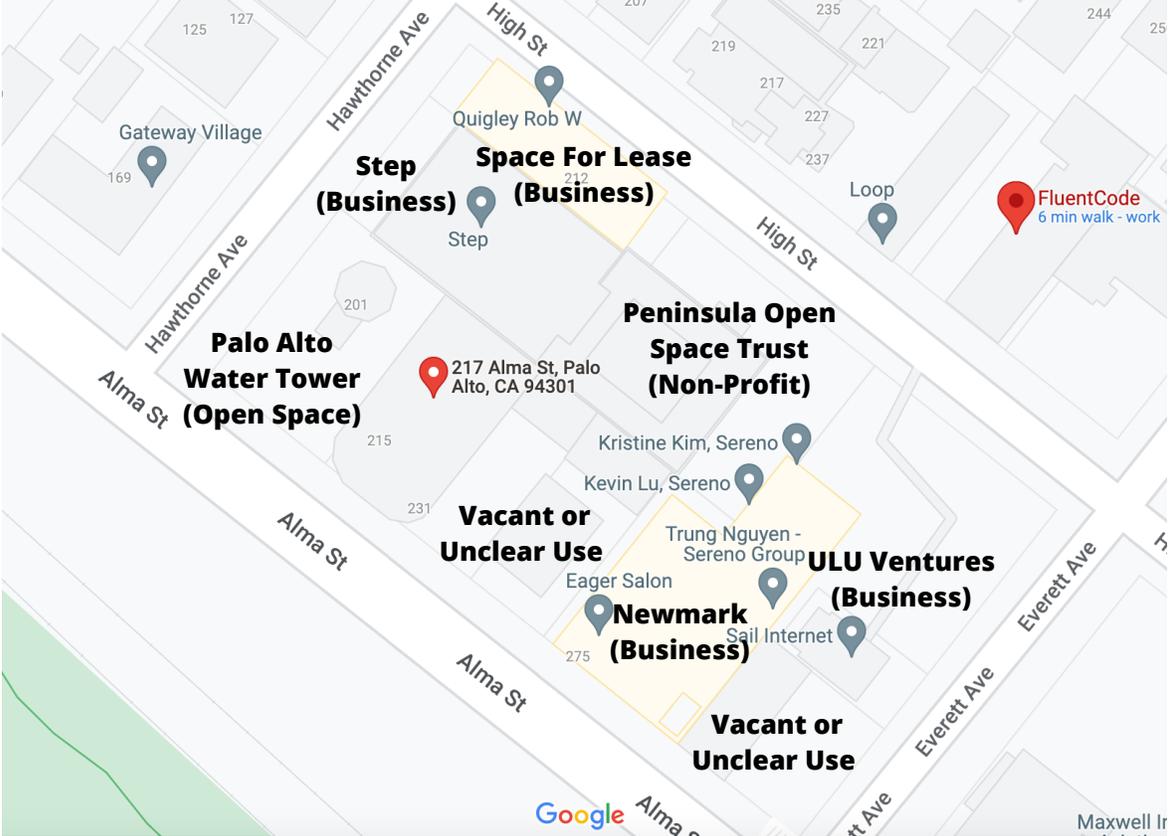
In advance, thank you for your time and consideration of this application. If there is any additional information you would like from us, we are happy to provide it. Thank you again and please let us know if you have any questions.

Respectfully,

*Joseph Pantano*

Joe Pantano  
Head of Real Estate & Development, Modern Animal

Attachments:           Modern Animal Slide Deck  
                                  Modern Animal Plan Set Drawings for 217 Alma Street



Premier Properties  
539 Alma Street  
Palo Alto, CA 94123

Date: June 22, 2022

From: Premier Properties

To: City of Palo Alto

**Subject: Letter from Premier Properties on Modern Animal’s Retail Preservation Ordinance Waiver Application**

To Whom It May Concern,

My name is Brad Ehikian and I’m with Premier Properties. We represent and manage the property located at 217 Alma Street, Palo Alto, CA. This letter is intended to provide the City of Palo Alto with additional information in support of Modern Animal’s application for a retail preservation ordinance waiver at 217 Alma Street.

#### Background

In May 2022, Modern Animal submitted their application for a retail preservation ordinance waiver at 217 Alma Street. 217 Alma Street is commonly referred to as the “Former North Face Store” or “Former North Face Site,” as this building was home to a North Face store from March 1, 1992 until April 30, 2016, when North Face left the site for a space at Stanford Shopping Center.

The total size of 217 Alma Street is 7,771 square feet and there are eight parking spaces on-site. Since April 30, 2016, the approximately 4,200 square foot portion of the building that Modern Animal is seeking to occupy has remained vacant. The remaining approximately 3,500 square foot portion of the building has been occupied by Walgreens RX since January 2018. This location is used primarily for prescription refills and does not include the retail components traditionally found at a Walgreens.

#### Leasing History

Aware of the impending departure of the North Face store, we started marketing this site for retail tenants in October 2015. Almost immediately, the reasons why the North Face left became the same challenges to re-tenanting the space: a lack of pedestrian foot traffic and a lack of parking.

For example, in September 2016 a restaurant group approached us and was interested in leasing the entire 7,771 square foot space for a restaurant use. Since restaurants require more parking than traditional retail, the City of Palo Alto told us that we would have to fully park the space for a restaurant to occupy it. So we developed a plan to install a 32 car mechanical parking system. However, to install a 32 car mechanical parking system for the restaurant, we would have had to

demolish a portion of the building to make space. But because this building is subject to the retail preservation ordinance, we weren't permitted to remove any portion of the building, even if it was to facilitate the addition of parking for a retail restaurant use. Further complicating matters, because 217 Alma Street is not a part of Palo Alto's downtown parking assessment district, there is no way to satisfy the parking requirement off-site in Palo Alto's downtown garages. This ultimately led the restaurant group to walk away from this site, and the same requirements have dissuaded other prospective restaurant tenants as well.

Another example, in May 2018 we signed a lease with a company that wanted to open a float station studio in the approximately 4,200 square foot portion of the building that Modern Animal is seeking to occupy. For the next 16 months, the float station studio worked with the City of Palo Alto on their conditional use permit (CUP) application, which was necessary for them to occupy the space. That CUP was ultimately granted by the City of Palo Alto in September 2019.

From September 2019 to March 2020, the float station studio worked on obtaining their building permit for the space, however, as we all know, in March 2020 the COVID-19 pandemic struck which caused major upheaval in the brick & mortar retail space that was already undergoing a shift due to the success of online retail. Recognizing the uncertain future, the float station studio handed back the keys and walked away from their lease in Spring 2020.

These two examples illuminate the different types of challenges we've faced trying to re-tenant the space with a conforming retail use. In the first example, the use conformed but because it was a restaurant, the use required additional parking. We attempted to install that parking but were prevented from doing so as the installation of the parking would have required the demolition of a portion of the retail space, which is protected.

In the second example, we actually leased the space and had a tenant working on their building permit to occupy the space, but they walked away from the deal after the COVID-19 pandemic struck. While these are just two examples, they reflect the general mix of challenges that exist in leasing this space for retail use.

Just to give you a sense of who has shown interest in this space, below is an image of our tour log since 2019:

DATE	COMPANY TYPE	CALLED	TOURED	NOTES
1/23/19	Retail	X	X	toured 2/6; photography printing shop w/ classes; Checking with city if they can be straight retail. Tenant hasn't called back.
4/10/19	Cat Cafe	X	x	Toured 4/11 w/ contractor; they didn't realize the process and cost. Decided not to pursue. Restaurant use is not permitted without adding parking
9/17/19	Sport Fencing Studio	X	X	██████████ looking for 4-5ksf. Requires CUP.
3/8/21	Autonomous car showroom	x	x	Toured 3/9; want a showroom for 2-3 months until they secure funding. Auto use is not permitted.
3/9/21	Retail	x	x	Toured 3/9; discussing with investor board; timing is around July, would want 5-year term; ended up leasing in downtown Los Altos
4/26/21	Spa	x	x	Space is too big. Looking for 2,500-3,000 SF in PA/MP for high end spa; 7-10 year term; toured 4/28; focused on a Los Gatos location and are going to push off PA expansion to next year
5/11/21	Vet clinic	x	x	2500-3500 SF for a vet clinic; toured 6/3; like the space, will be doing a site survey on 6/23. Tenant decided to look outside PA.
5/12/21	Team building events ██████████	x	x	██████████ looking to expand, would need a CUP; toured 5/13; like the size and location; will talk more with the city about what will be required. Decided not to move forward.
6/17/21	Outdoor furniture	x	x	██████████ toured 6/18; like the light and location but space is too small.

As the above table demonstrates, the space that Modern Animal is seeking to occupy is not vacant for a lack of trying. It's vacant due to a combination of both the current brick & mortar retail environment and City of Palo Alto requirements.

It should also be noted that when we had this site listed there was not a required minimum rental rate associated with the vacant space. Since 2015 we have been open to a variety of deal structures and rates but, despite that, we have still struggled to find an interested and code compliant tenant.

When Modern Animal came to us in July 2021 and said they would like the space, we immediately began working on a lease. Once that was completed, Modern Animal then began the process of preparing an application for a retail preservation ordinance waiver to occupy the space. Despite the need for a retail preservation ordinance waiver, we believe Modern Animal reflects what Palo Alto residents want as a part of their business community and presented a unique opportunity that would be openly embraced. So far that has proved true, as the reception to the prospect of this site being used for animal care has been very positive thus far.

#### Additional Considerations

Another thing to note is that with the retail preservation ordinance in effect, and animal care services unable to occupy formerly retail sites unless they have a waiver, there are extremely limited options within the city for where an animal care facility can be located, making the ability

of new animal care providers to serve Palo Alto much more difficult than many people realize. According to an American Society for the Prevention of Cruelty to Animals (ASPCA) article published in May 2021, “close to one in five households acquired a cat or dog since the beginning of the COVID-19 crisis, which would account for approximately 23 million American households based on the 2019 U.S. Census.”<sup>1</sup>

Due to Palo Alto’s restrictive zoning code, finding places to locate the animal care services necessary for all of the pandemic cats and dogs is proving extremely difficult. When you really dig-in on this issue, the retail preservation ordinance has effectively resulted in a moratorium, or close to it, on new animal care facilities in the city. This is especially true if someone seeks to open an animal care facility in the city’s most retail heavy areas such as downtown.

Additionally, it’s important to highlight is that Modern Animal is not asking for the base zoning to change. Rather, Modern Animal is asking for retail preservation ordinance waiver. This is important to highlight because animal care, such as that being proposed by Modern Animal, is a permitted use on this site. Therefore, Modern Animal isn’t asking for something that’s incompatible with the existing environment, rather they’re just asking to change from one permitted use (retail) to another permitted use (animal care). If this building had been previously occupied by a permitted non-retail use, there would be no zoning issue with Modern Animal occupying the space.

In closing, we’d just like to reiterate that we have been actively trying to lease this space since 2015. We’ve been active, not passive, in our efforts to re-tenant this space but a range of factors has made accomplishing that difficult. We hope this additional information has been helpful and informative. If there is any additional information we can provide you please let us know. We are happy to do so.

Thank you for your time.

Respectfully,

Brad Ehikian  
Premier Properties

---

<sup>1</sup> ASPCA article Link: <https://www.asPCA.org/about-us/press-releases/new-asPCA-survey-shows-overwhelming-majority-dogs-and-cats-acquired-during>



## City of Palo Alto City Council Staff Report

(ID # 14722)

Meeting Date: 9/12/2022

Report Type: Action Items

**Title: PUBLIC HEARING: Adoption of a Resolution Confirming the Weed Abatement Report and Ordering the Cost of Abatement to be a Special Assessment on the Respective Properties Described Therein**

**From: City Manager**

**Lead Department: Fire Department**

### RECOMMENDATION

Staff recommends Council (1) hold a public hearing to hear and consider objections from affected property owners of proposed assessments related to completed weed abatement work, and (2) adopt the attached resolution confirming the report and ordering abatement costs to be a special assessment on the properties specified in the report.

### BACKGROUND

The Weed Abatement Division of Santa Clara County Agriculture and Environmental Management administers the contract for weed abatement within the City of Palo Alto, in accordance with an agreement established on April 18, 1977, between the City and County.

On January 24, 2022, in accordance with Palo Alto Municipal Code Chapter 8.08, the City Council declared weeds to be a nuisance and ordered that the nuisance be abated. A public hearing was held on February 28, 2022, to consider objections to the proposed destruction or removal of the weeds. No objections were noted. Once the above steps had been taken, the County Weed Abatement Division instructed its contractor to abate weeds on City and private properties within Palo Alto. That work has now been completed. Property owners were notified the third week in January 2022 that weeds were to be abated by April 30th, 2022, either by the owners or by the County. If the property owners chose to have the County abate the weeds, the abatement charges would be levied against the respective properties as an assessment by the County Assessor. The County has since informed the property owners of the costs for destroying and removing the weeds.

The City Clerk has published the required notice of this hearing in the *Palo Alto Weekly*. The cost report by the County Weed Abatement Division has been posted on the City Hall Plaza bulletin board for ten (10) days prior to this hearing.

### DISCUSSION

Property owners may object to the charges for weed abatement being levied against their properties. The charge consists of the contractor's cost, plus 150 percent administrative charges, in accordance with Palo Alto's contract with Santa Clara County ([CMR #7527, December 12, 2016 <http://www.cityofpaloalto.org/civicax/filebank/documents/55172>](#)).

A representative from the County Weed Abatement Division will be present at the public hearing with the records of weed abatement that have taken place. Should there be any modifications in the proposed assessments as a result of the hearing; changes in the assessment spread will be made as necessary. After any recalculations are completed, and Council adopts the attached resolution confirming the abatements and ordering those costs to be imposed as liens on the abated properties, the assessments will be submitted to the County Assessor for entry on the October tax roll upon which general City taxes are to be collected.

#### **RESOURCE IMPACT**

There is no direct fiscal impact of this action to the City. The assessments identified on Attachment "A" of the resolution, totaling \$71,983.94, will be imposed as liens on the properties listed and will not be borne by the City.

#### **POLICY IMPLICATIONS**

This procedure is consistent with existing City policies.

#### **STAKEHOLDER ENGAGEMENT**

The entire weed abatement program is coordinated by the Santa Clara County Department of Agriculture and Environmental Management. Coordination includes contracts, inspections, nuisance reports/lists and fees.

#### **ENVIRONMENTAL ASSESSMENT**

The Santa Clara County Counsel has determined the Weed Abatement Program to be Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15308.

#### **Attachments:**

- **Attachment14.a:** Attachment A: Resolution Confirming Weed Abatement

***\*NOT YET APPROVED\****

Resolution No. \_\_\_\_\_

Resolution Confirming Weed Abatement Report and Ordering Cost of  
Abatement to be a Special Assessment on the Respective Properties  
Described Therein

## R E C I T A L S

A. The Council of the City of Palo Alto has heretofore declared weeds growing on certain properties within the City to be a public nuisance by Resolution No. 10014, dated January 24<sup>th</sup>, 2022 and

B. The Council on April 4<sup>th</sup>, 2022, did adopt Resolution No. 10020 thereby ordering the weed nuisance abated; and

C. Subsequent to the giving of said notice, the Fire Chief, through his Administrator, the Weed Abatement Division of Santa Clara County Department of Agriculture and Environmental Management, has caused to be abated the weeds on the herein described properties; and

D. The Fire Chief, through his Administrator, the Weed Abatement Division of Santa Clara County Department of Agriculture and Environmental Management, has filed his report and assessment list for weed abatement as provided by law and a hearing has been duly set and noticed, for objections to said report and assessment list and for confirmation; and

E. The Council has duly considered the report and assessment list and any objections thereto.

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

SECTION 1. The report and assessment list is in all respects complete and correct and is hereby confirmed. The amounts of the cost for abating the nuisance are confirmed and those remaining unpaid, as shown on Exhibit "A" attached hereto and incorporated herein, shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of the respective assessment.

SECTION 2. All written or oral protests or objections to said report and assessment list are overruled or denied.

SECTION 3. The unpaid assessments shown on Exhibit "A" shall be entered upon the 2022-2023 tax roll against the parcels of land and shall be collected at the same time and in the same manner as general City taxes, be subject to the same interest and penalties, and be subject to the same procedure and sale in case of delinquency. All laws and ordinances applicable to the

*\*NOT YET APPROVED\**

levy, collection, and enforcement of City taxes are hereby made applicable to this special assessment.

SECTION 4. Santa Clara County has determined the weed abatement program to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15308.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Chief Assistant City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Fire Chief

\_\_\_\_\_  
Director of Administrative Services

**2022 WEED ABATEMENT PROGRAM  
ASSESSMENT REPORT  
CITY OF PALO ALTO**

	<b>Situs</b>			<b>APN</b>	<b>OWNER ADDRESS</b>			<b>TAX ROLL AMT</b>	<b>TRA</b>
1	1605	Edgewood	003-12-002	<b>Miao Nina Yanti</b>	931 Clara Dr	PALO ALTO	94303-4002	\$2,833.40	<b>6001</b>
2	136	Lois	003-38-044	<b>Hobson Eleanor M Trustee</b>	Po Box 60452	PALO ALTO	94306	\$175.00	<b>6001</b>
3	170	Iris	003-41-008	<b>Xia Fan And Zhou Yuan</b>	170 Iris Way	PALO ALTO	94303-3036	\$175.00	<b>6001</b>
4	782	Greer	003-41-065	<b>Deng Jingjing And Jiang Lijun</b>	782 Greer Rd	PALO ALTO	94303-3022	\$175.00	<b>6001</b>
5	1938	Channing	003-42-039	<b>Haley Philip H Trustee &amp; Et Al</b>	506 Eisenhower St	DAVIS	95616	\$1,450.00	<b>6001</b>
6	1071	Embarcadero	003-42-055	<b>Nisita N Kothary And Niraj A Shah</b>	1071 Embarcadero Rd	PALO ALTO	94303	\$175.00	<b>6001</b>
7	1031	Embarcadero	003-42-060	<b>Xiao Zhihua And Chao Shan</b>	10181 Adriana Ave	CUPERTINO	95014-1125	\$175.00	<b>6001</b>
8	2385	St Francis	003-48-021	<b>Zadik Yair And Linda</b>	2385 St Francis Dr	PALO ALTO	94303-3136	\$641.00	<b>6001</b>
9	2075	Louis	003-50-021	<b>Keller Jeffrey R</b>	2075 Louis Rd	PALO ALTO	94303-3452	\$9,225.92	<b>6001</b>
10	946	El Cajon	003-52-057	<b>Pillsbury Helen Barkley</b>	707 Elm St Unit 221	SAN CARLOS	94070	\$1,450.00	<b>6001</b>
11	864	Embarcadero	003-56-002	<b>Choi Ben Chung-ming Trustee &amp; Et</b>	268 Castro St	MOUNTAIN VIEW	94041-1204	\$91.00	<b>6001</b>
12	742	Southampton	003-59-041	<b>Agrawal Parag And Agarwala Vineeta</b>	1725 Newell Rd	PALO ALTO	94303-2951	\$596.00	<b>6001</b>
13	260	Byron	120-02-030	<b>Liveright Michael</b>	260 Byron St	PALO ALTO	94301-1307	\$1,450.00	<b>6001</b>
14	655	Embarcadero	120-08-023	<b>L S &amp; Co Partnership</b>	555 Byron St Unit 105	PALO ALTO	94301-1303	\$2,540.00	<b>6001</b>
15	733	Ramona	120-27-063	<b>Koda Ross K Trustee</b>	P O Box 156	SOUTH DOS PALOS	93665	\$1,955.00	<b>6001</b>
16	128	Kingsley	124-15-038	<b>Poppy, James C And Sylvester, Mary</b>	135 Melville Av	PALO ALTO	94301-3541	\$175.00	<b>6001</b>
17	4102	Sutherland	127-16-005	<b>Yurchenco James R</b>	4102 Sutherland Rd	PALO ALTO	943034-4730	\$175.00	<b>6006</b>
18	3951	Sutherland	127-17-014	<b>Chan Allan Fukwah And Lam</b>	3951 Sutherland Dr	PALO ALTO	94303-4726	\$91.00	<b>6012</b>
19	3640	Lupine	127-21-140	<b>Luu Jane And Ng David M</b>	3640 Lupine Ave	PALO ALTO	94303-4431	\$1,450.00	<b>6001</b>

**2022 WEED ABATEMENT PROGRAM  
ASSESSMENT REPORT  
CITY OF PALO ALTO**

Situs			APN	OWNER ADDRESS				TAX ROLL AMT	TRA
20	3419	Cork Oak	127-48-023	<b>Sunny Venture Llc</b>	530 Showers Dr Unit 7-229	MOUNTAIN VIEW	94040	\$175.00	<b>6001</b>
21	454	Colorado	132-08-105	<b>Ramchandran Adesh</b>	1011 Bluff Rd	GLENCOE	60022	\$91.00	<b>6001</b>
22	464	Colorado	132-08-115	<b>Tanphaichitr, Saksiri &amp; Bellers,</b>	863 Warren Way	PALO ALTO	94303	\$641.00	<b>6001</b>
23	3120	Cowper	132-20-155	<b>Valentine Mary E</b>	3120 Cowper St	PALO ALTO	94306-3001	\$596.00	<b>6001</b>
24	3533	Ramona	132-22-097	<b>Tang Dexter Chihung Trustee &amp; Et Al</b>	3533 Ramona St	PALO ALTO	94306-3549	\$175.00	<b>6001</b>
25	3541	Bryant	132-23-033	<b>Kaposhilin Nicholas Trustee</b>	936 N California Ave	PALO ALTO	94303-3405	\$641.00	<b>6001</b>
26	84	Roosevelt	132-23-055	<b>Leung John Ka Yu And Joanna Kong</b>	Po Box 5358	SAN MATEO	94402-0358	\$91.00	<b>6001</b>
27	76	Roosevelt	132-23-059	<b>Liu Jenkuei Trustee &amp; Et Al</b>	4039 Scripps Ave	PALO ALTO	94306-4535	\$175.00	<b>6001</b>
28	179	El Dorado	132-25-021	<b>Simonini Corinne P Trustee</b>	3075 Ponte Morino Dr Apt 107	CAMERON PARK	95682-8290	\$91.00	<b>6001</b>
29	2876	Emerson	132-26-006	<b>Hsu Yen-fen Trustee</b>	2876 Emerson St	PALO ALTO	94306-2350	\$641.00	<b>6001</b>
30	2886	Emerson	132-26-007	<b>Luca Dario Llc</b>	395 Del Monte Ctr Ste 222	MONTEREY	93940	\$175.00	<b>6001</b>
31	11	Roosevelt	132-29-014	<b>Qi Feng And Chen Cheng-na</b>	11 Roosevelt Cir	PALO ALTO	94306-4217	\$91.00	<b>6001</b>
32	34	Roosevelt	132-29-061	<b>Lyons Charles P Trustee &amp; Et Al</b>	34 Roosevelt Cir	PALO ALTO	94306-4216	\$91.00	<b>6001</b>
33	18	Roosevelt	132-29-069	<b>Bernstein Amir D Trustee</b>	18 Roosevelt Cir	PALO ALTO	94306	\$175.00	<b>6001</b>
34	3780	Wright	132-30-017	<b>Axelrod Herbert And Fumiko</b>	3780 Wright Pl	PALO ALTO	94306-4262	\$91.00	<b>6001</b>
35	3830	Carlson	132-30-058	<b>Cheng Jing Et Al</b>	3830 Carlson Cir	PALO ALTO	94306-4224	\$91.00	<b>6001</b>
36	NULL	Null	132-33-060	<b>Linda Allen</b>	1700 Space Park Dr.	SANTA CLARA	95054	\$175.00	<b>6001</b>
37	220	Matadero	132-34-025	<b>Ajloun Enterprises Llc</b>	186 Camelia Dr	DALY CITY	94015	\$1,486.00	<b>6001</b>
38	3675	Park	132-34-045	<b>Basler Joshua R</b>	3675 Park Blvd	PALO ALTO	94306-2853	\$91.00	<b>6001</b>

**2022 WEED ABATEMENT PROGRAM  
ASSESSMENT REPORT  
CITY OF PALO ALTO**

	<b>Situs</b>			<b>APN</b>	<b>OWNER ADDRESS</b>			<b>TAX ROLL AMT</b>	<b>TRA</b>	
39	3605	Park		132-34-050	<b>Nasir Zulflqar Khan And Shazia Ali</b>	3605 Park Blvd	PALO ALTO	94306	\$1,486.00	<b>6001</b>
40	3561	Park		132-34-052	<b>Mahal Jaswinder</b>	180 Park Sharon Dr	SAN JOSE	95136-2535	\$1,991.00	<b>6001</b>
41	210	Wilton		132-35-012	<b>Chase Wilton Llc</b>	3024 Ross Rd	PALO ALTO	94303-4102	\$91.00	<b>6001</b>
42	443	Wilton		132-35-027	<b>Atashband Bahram</b>	443 Wilton Ave	PALO ALTO	94306-2859	\$175.00	<b>6001</b>
43	215	Wilton		132-35-042	<b>Godshall Kelvin V Et Al</b>	215 Wilton Ave	PALO ALTO	94306-2855	\$175.00	<b>6001</b>
44	2755	El Camino Real		132-36-084	<b>Whpv Alta Locale Llc</b>	530 Emerson St Ste 150	PALO ALTO	94301	\$175.00	<b>6001</b>
45	415	Fernando		132-39-038	<b>Brown Jonathan S And Miriam M</b>	415 Fernando Ave	PALO ALTO	94306-2820	\$175.00	<b>6001</b>
46	389	Matadero		132-40-053	<b>Mahany Gary W And Kemp Susan A</b>	389 Matadero Ave	PALO ALTO	94306-2833	\$91.00	<b>6001</b>
47	4032	Park		132-43-025	<b>Zhu Li And Wan Fanny Trustee</b>	33345 7th St	UNION CITY	94587	\$1,450.00	<b>6001</b>
48	3130	Ramona		132-48-033	<b>Zhimin And Zhu Xinyi Ding</b>	3130 Ramona St	PALO ALTO	94306-2922	\$673.00	<b>6001</b>
49	613	Stanford		137-01-059	<b>Baumann John R</b>	613 Stanford Ave	PALO ALTO	94306-1412	\$680.00	<b>6001</b>
50	2150	Yale		137-01-134	<b>Liang Ke</b>	33206 Falcon Dr	FREMONT	94555	\$596.00	<b>6001</b>
51	2321	Wellesley		137-02-024	<b>Culpepper Benjamin J</b>	335 Panoramic Way	BERKELEY	94704	\$2,664.42	<b>6001</b>
52	1082	College		137-03-036	<b>1080capa Llc</b>	3028 Scott Blvd Unit C	SANTA CLARA	95054	\$91.00	<b>6001</b>
53	2017	Oberlin		137-03-047	<b>Stanford Jewish Center Inc</b>	1289 College Ave	PALO ALTO	94306-1345	\$91.00	<b>6001</b>
54	2276	Harvard		137-05-016	<b>Bussey Jason M And Sachiko</b>	2276 Harvard St	PALO ALTO	94306-1351	\$91.00	<b>6001</b>
55	2195	Columbia		137-06-036	<b>Edelman Andrea Trustee</b>	2195 Columbia St	PALO ALTO	94306-1233	\$175.00	<b>6001</b>
56	3700	El Camino Real		137-11-078	<b>Kss Investment Llc</b>	1380 Miravalle Ave	LOS ALTOS	94024-5744	\$680.00	<b>6022</b>
57	3793	La Donna		137-12-016	<b>Mehta Bijal And Pallavi Trustee</b>	3793 La Donna Ave	PALO ALTO	94306-3151	\$1,486.00	<b>6059</b>

**2022 WEED ABATEMENT PROGRAM  
ASSESSMENT REPORT  
CITY OF PALO ALTO**

Situs			APN	OWNER ADDRESS				TAX ROLL AMT	TRA
58	721	Barron	137-13-042	<b>Ashworth Darren And Imane</b>	721 Barron Ave	PALO ALTO	94306-3108	\$175.00	<b>6059</b>
59	3890	La Donna	137-13-059	<b>Zhao Ruxiong And Bai Hua</b>	3890 La Donna Ave	PALO ALTO	94306-3156	\$175.00	<b>6059</b>
60	4146	El Camino Real	137-24-034	<b>Juan Chung-chiung And Su Chen</b>	6 Atherton Oaks Ln	ATHERTON	94027	\$680.00	<b>6022</b>
61	567	Maybell	137-25-134	<b>Wang Yunbing Trustee &amp; Et Al</b>	567 Maybell Ave	PALO ALTO	94306	\$175.00	<b>6059</b>
62	569	Maybell	137-25-135	<b>Raja Krishnaswamy And Madhu</b>	569 Maybell Ave	PALO ALTO	94306	\$175.00	<b>6059</b>
63	575	Maybell	137-25-136	<b>Albert Wu, Sau Ngan Lam &amp; Chiu</b>	575 Maybell Ave.	PALO ALTO	94306	\$175.00	<b>6059</b>
64	587	Maybell	137-25-137	<b>Yibo Xing Ying Yuan</b>	587 Maybell Ave	PALO ALTO	94306	\$175.00	<b>6059</b>
65	4101	Clemo	137-25-138	<b>Huahui Wu And Chunfang Li</b>	4101 Clemo Ave	PALO ALTO	94306	\$175.00	<b>6059</b>
66	4103	Clemo	137-25-139	<b>Richard Yoon And Yuree Soh</b>	135500 Country Way	LOS ALTOS HILLS	94022-2438	\$175.00	<b>6059</b>
67	4121	Orchard	137-25-140	<b>Raina Rosa Tagle And Thomas Neal</b>	809 S. Oakland St	ARLINGTON	22204	\$175.00	<b>6059</b>
68	4123	Orchard	137-25-141	<b>Elizabeth L. Ellie</b>	4123 Orchard Court	PALO ALTO	94306	\$175.00	<b>6059</b>
69	4131	Orchard	137-25-142	<b>Yuanhui Chen And Yanxing Wang</b>	4131 Orchard Ct	PALO ALTO	94306	\$175.00	<b>6059</b>
70	4135	Orchard	137-25-143	<b>Levon And Mary Budagyan</b>	4135 Orchard Ct	PALO ALTO	94306	\$175.00	<b>6059</b>
71	4139	Orchard	137-25-144	<b>Levon And Mary Budagyan</b>	4135 Orchard Ct	PALO ALTO	94306	\$175.00	<b>6059</b>
72	4150	Orchard	137-25-145	<b>Pramod Cherikumilli And Manju</b>	4150 Orchard Ct	PALO ALTO	94306	\$175.00	<b>6059</b>
73	4158	Orchard	137-25-146	<b>Kai Ye And Chi Qin</b>	4158 Orchard Ct	PALO ALTO	94306	\$175.00	<b>6059</b>
74	4168	Orchard	137-25-147	<b>Sujit Manohar Khale And Nesti Satish</b>	4168 Orchard Ct	PALO ALTO	94306-3960	\$175.00	<b>6059</b>
75	4178	Orchard	137-25-148	<b>Tracey S. Hong And Xiu Mei Luo</b>	4178 Orchard Ct	PALO ALTO	94306	\$175.00	<b>6059</b>
76	4188	Orchard	137-25-149	<b>Debanjan And Amrita Markherjee</b>	4188 Orchard Ct	PALO ALTO	94306-3960	\$175.00	<b>6059</b>

**2022 WEED ABATEMENT PROGRAM  
ASSESSMENT REPORT  
CITY OF PALO ALTO**

	<b>Situs</b>		<b>APN</b>	<b>OWNER ADDRESS</b>				<b>TAX ROLL AMT</b>	<b>TRA</b>
77	4130	Donald	137-27-086	<b>Hsi Hsing-hui</b>	4130 Donald Dr	PALO ALTO	94306-3822	\$91.00	<b>6022</b>
78	3460	Hillview	142-16-059	<b>Leland Stanford Jr Univ The Bd</b>	26 N Euclid Ave	PASADENA	91101	\$1,450.00	<b>6055</b>
79	1050	Arastradero	142-16-060	<b>Leland Stanford Jr Univ Bd</b>	300 Pasteur Dr	STANFORD	94305-5132	\$1,486.00	<b>6055</b>
80	3495	Deer Creek	142-16-062	<b>Leland Stanford Jr Univ Board</b>	150 Portola Rd	PORTOLA VALLEY	94025	\$1,991.00	<b>6055</b>
81	3500	Deer Creek	142-16-066	<b>Leland Stanford Jr University Board</b>	3500 Deer Creek Rd	PALO ALTO	94304	\$175.00	<b>6055</b>
82	1000	Page Mill	142-20-091	<b>Leland Stanford Jr University Board</b>	965 Page Mill Rd	PALO ALTO	94304	\$175.00	<b>6001</b>
83	4206	Darlington	148-03-037	<b>Ferreira Kavitha And Joao Carlos</b>	4206 Darlington Ct	PALO ALTO	94306-4129	\$673.00	<b>6001</b>
84	4201	Park	148-03-060	<b>Bordia Anupam And Surbhi</b>	11519 Arroyo Oaks Dr.	Los Altos Hills	94024-6551	\$175.00	<b>6001</b>
85	148	Monroe	148-06-001	<b>Sehrawat Varun And Prerna</b>	Monre Dr	PALO ALTO	94306-4415	\$175.00	<b>6015</b>
86	4388	Silva	148-12-028	<b>Yin Jun And Duanmu Lan</b>	4388 Silva Ct	PALO ALTO	94306-4422	\$175.00	<b>6057</b>
87	633	Arastradero	167-06-016	<b>Stone Virginia A And Bradley K</b>	3516 Bajamont Way	CARMICHAEL	95608	\$175.00	<b>6022</b>
88	639	Arastradero	167-06-063	<b>New Atlantis Llc, A Delaware Limited</b>	639 Arastadaro Rd	PALO ALTO	94306	\$175.00	<b>6022</b>
89	4179	Oak Hill	175-01-025	<b>Bachrach Sylvia Rashmi Trustee &amp; Et</b>	12 Star Way	MOUNTAIN VIEW	94040	\$1,955.00	<b>6001</b>
90	4169	Oak Hill	175-01-026	<b>Bachrach Sylvia R Trustee</b>	12 Starr Way	MOUNTAIN VIEW	94040	\$1,486.00	<b>6001</b>
91	849	Mesa	175-01-037	<b>Tlt Llc</b>	Po Box 1667	PALO ALTO	94302	\$641.00	<b>6001</b>
92	4243	Manuela	175-02-053	<b>Weakland Alan Trustee &amp; Et Al</b>	515 S Flower St Floor 25	LOS ANGELES	90071	\$2,698.00	<b>6001</b>
93	4103	Old Trace	175-20-078	<b>Smithwick Alton D And Ursula L</b>	Po Box 60065	PALO ALTO	94306	\$4,067.00	<b>6020</b>
94	890	Mockingbird	175-20-082	<b>Joshi Vivek Trustee &amp; Et Al</b>	3404 Mount Baker Dr.	Austin	78731-5725	\$596.00	<b>6020</b>
95	NULL	Old Adobe	175-20-092	<b>Waters Christopher J Trustee &amp; Et Al</b>	609 Arboleda Dr	LOS ALTOS	94024	\$680.00	<b>6020</b>

**2022 WEED ABATEMENT PROGRAM  
ASSESSMENT REPORT  
CITY OF PALO ALTO**

Situs		APN	OWNER ADDRESS					TAX ROLL AMT	<u>TRA</u>
96	4150 Old Adobe	175-20-105	<b>Hao Hsieh T And Ming C Trustee</b>		4150 Old Adobe Rd	PALO ALTO	94306-3726	\$91.00	<b>6020</b>
97	4155 Old Adobe	175-20-110	<b>Vilkin Peter D Trustee</b>		673 Maybell Ave	PALO ALTO	94306-3817	\$91.00	<b>6020</b>
98	3000 Alexis	182-35-035	<b>Palo Alto Hills Golf And Country</b>		3000 Alexis Dr	PALO ALTO	94304-1303	\$596.00	<b>6039</b>
99	3130 Alexis	182-43-024	<b>Von Clemm Peter F And Jennifer J</b>		3130 Alexis Dr	PALO ALTO	94304-1305	\$91.00	<b>6039</b>
100	951 Laurel Glen	182-49-004	<b>Bogerty Sharon D</b>		951 Laurel Glen Dr	PALO ALTO	94304-1323	\$4,428.20	<b>6039</b>
							<b>TOTAL</b>	<b>\$71,983.94</b>	



## City of Palo Alto City Council Staff Report

(ID # 14723)

Meeting Date: 9/12/2022

Report Type: Action Items

**Title: Adoption of an Ordinance Approving the Police Department's Military Equipment Use Policy Under AB 481**

**From: City Manager**

**Lead Department: Police Department**

### Recommendation

Staff recommends that the City Council adopt an ordinance (**Attachment A**) approving the Palo Alto Police Department Military Equipment Use Policy in accordance with AB 481.

### Background

[Assembly Bill 481](#) (**Attachment B**) was adopted by the California Legislature and approved by Governor Gavin Newsom in September 2021. It went into effect on January 1, 2022. AB 481 is designed to increase community awareness and oversight over the possession and use by local police departments of certain types of equipment that AB 481 labels as “military” equipment. It requires the City Council to provide both authorization and oversight of the equipment used. The law, [codified in California Government Code sections 7070 through 7075](#), requires law enforcement agencies to produce a military equipment use policy that identifies and describes: each type of military equipment; its authorized use; fiscal impact; rules/laws that govern use of such equipment; training required; and mechanisms to ensure compliance with the policy. (See Gov. Code section 7070(d)). The City Council is required to approve the policy for the Department to continue using this equipment. Additionally, the law requires an annual report and annual review by the governing body for continued use of the equipment. AB 481 requires every local law enforcement agency in California to post its proposed military equipment use policy no later than May 1, 2022. The law also requires at least a 30-day period for public comment on the proposed policy before the governing body discusses the proposed policy in a public meeting.

Police agencies across the state have developed similar policies to comply with this new law. The Department’s proposed policy describes the equipment that has already been in the Department’s possession. The Department does not anticipate adding any new equipment. The Department does not possess any equipment that is atypical for the region. Palo Alto possesses fewer types of this equipment than many other Bay Area agencies.

### Discussion

Staff recommends that the City Council adopt the attached ordinance approving the proposed Military Equipment Use Policy to ensure that the Palo Alto Police Department will continue to have access to each of its existing pieces of qualifying equipment, and to affirm the corresponding policies and procedures applicable to maintenance and use of the equipment.

On April 28, 2022, the Police Department launched a new web page (viewable at [www.cityofpaloalto.org/PAPDequipment](http://www.cityofpaloalto.org/PAPDequipment) ) dedicated to AB 481. This web page includes a link to a Medium article posted by the City on the same day explaining the new law, a link to the proposed policy, and a web form to collect community input about the draft proposed policy. Since the web page launched on April 28, 2022, the Police Department has received one response from the community via the web form. The response is attached (**Attachment C**).

AB 481 defines the term “military equipment” to include many pieces of equipment that are designed exclusively for, and commonly used by, local law enforcement agencies throughout the United States. While the Palo Alto Police Department possesses some equipment as defined by AB 481, the types of equipment possessed by the Palo Alto Police Department have been possessed for years (in some cases decades) and are all designed specifically for a law enforcement (not military) application. Under AB 481, military equipment is defined as: drones and robots; command and control vehicles; military-grade vehicles for breaching (Mine Resistant Ambush Protected vehicles (MRAP) and Humvees); vehicles propelled by tracks; weaponized aircraft, vessels, or vehicles; explosive rams, slugs, or breaching devices; any .50 caliber or larger weapon or ammunition; any firearm or firearm accessory that is designed to launch explosive projectiles; “flashbang” grenades and explosive breaching tools, “tear gas,” and “pepperballs”; Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD); 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons; any other equipment as determined by a governing body or a state agency to require additional oversight. (See Gov. Code section 7070(c)).

For each type of qualifying equipment possessed by the Palo Alto Police Department, the possession and use of that equipment was already governed by applicable Department policy, various statutes, and state and federal case law before the state enacted AB 481. Personnel of the Palo Alto Police Department meet or exceed all California Peace Officer Standards & Training (POST) training requirements that apply to the qualifying equipment.

In addition, many of the pieces of qualifying equipment possessed by the Palo Alto Police Department are specifically designed for the safe resolution of critical incidents, as opposed to everyday routine patrol deployment; as such, some are used exclusively by members of the specially-trained PAPD Crisis Response Unit (which includes the Special Weapons & Tactics Team and the Crisis Negotiation Team), who receive additional specialized training in the use of the equipment. The proposed policy outlines all qualifying equipment possessed by the Department in Section “G” on page 4 of the policy. Several pieces of qualifying equipment are designed to support community safety and criminal apprehension by:

- Alternatives to the use of deadly force, such as less-lethal munitions and chemical agents available to properly certified and/or trained sworn officers to provide less-lethal force options to safely effectuate arrests of criminal suspects in limited situations.
- Means of de-escalation, such as the long-range acoustic device intended to send messages to facilitate communications with subjects from a safe distance.
- Means of gathering information without jeopardizing the safety of officers, bystanders, and criminal suspects, such as an unmanned aerial vehicle or robot, neither of which are possessed by the Palo Alto Police Department but that may be used by a partner law enforcement agency to safely resolve a critical incident during a mutual aid event.
- Command and control vehicle ([the Mobile Emergency Operations Center, or MEOC](#)) which serves as a mobile command post at critical incidents, disasters, or special events, as well as a backup 9–1–1 dispatch center in the event the City’s main dispatch center is compromised or unavailable; (the MEOC is most typically operated by the City’s Office of Emergency Services).
- Diversionary devices, used exclusively by members of the Department’s SWAT team who have received specialized additional training; the equipment creates an auditory and visual diversion to facilitate the operation of tactical teams during a critical public safety incident.
- One sniper rifle with associated ammunition, used exclusively by members of the Department’s SWAT team who have received specialized additional training. While not covered by AB 481, all properly trained patrol officers carry standard-issue AR-15 patrol rifles that are carried locked in patrol vehicles. In both cases, rifles allow sworn officers to address threats with greater precision at a greater distance.

Per state law, the Police Department will release a public report annually to discuss any actual deployments or use of the equipment, gain public input on the report, and obtain authorization from the City Council to continue its use.

AB 481 requires the City Council to consider the proposed military equipment use policy and make the following findings in approving the policy:

1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, and civil liberties.
3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military

equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance. (See Gov. Code section 7071(d)(1)).

Should the Council desire to approve the policy, these findings are made in the attached ordinance.

### **Stakeholder Engagement**

The Department and the City Manager’s Communications Office collaborated on public communications about this proposed policy. In addition to the dedicated webpage on this topic, and a blog post issued, information was shared via the City’s homepage news, and distributed through the City and Police Department’s social media channels, Uplift Local digital newsletter. The [community input portal](#) has been active since April 28, 2022 and will continue to be a place for the community to comment. To date, the Police Department has received one response from the community via the web form **(Attachment C)**.

### **Policy Implications**

With Council approval of the proposed policy, the Police Department will continue to have access to each of its existing pieces of qualifying equipment, and the corresponding policies and procedures surrounding the use of the equipment will remain in effect.

### **Resource Impact**

There are no budget implications resulting from the adoption of this policy. Staff time will be required to prepare the annual report, which will occur within regularly assigned duties.

### **Environmental Review**

Adoption of an ordinance approving a military equipment use policy is not a “project” within the meaning of CEQA.

### **Attachments**

- Attachment A: Ordinance Approving City’s Military Equipment Use Policy
- Attachment B: Assembly Bill 481
- Attachment C: Public Input for Proposed Policy on AB 481

### **Attachments:**

- **Attachment15.a:** Attachment A: Ordinance Approving City's Military Equipment Use Policy
- Attachment15.b: Attachment B: Assembly Bill 481
- Attachment15.c: Attachment C AB481 comment 5-6-2022

\*NOT YET APPROVED\*

Ordinance No. \_\_\_\_\_

Ordinance of the Council of the City of Palo Alto Implementing AB 481 (2021) by  
Approving a Military Equipment Use Policy

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

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

1. In 2021, the California Legislature and the Governor approved AB 481, which requires the City Council to approve a “Military Equipment Use Policy” in order to acquire, use, or seek funds for the use of certain equipment used by law enforcement. AB 481 is codified at Gov. Code section 7070 *et seq.*
2. The Palo Alto Police Department posted the proposed policy on its website on April 28, 2022 in compliance with Gov. Code section 7071.
3. The policy is attached to this ordinance as **Exhibit A** and is fully incorporated into this Ordinance.
4. The City Council now seeks to approve the attached Military Equipment Use Policy in compliance with AB 481.

**SECTION 2.** The City Council makes the following required findings in compliance with AB 481 (now codified at Gov. Code section 7071(d)(1)) as to the attached Military Equipment Use Policy:

- (A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (B) The proposed military equipment use policy will safeguard the public’s welfare, safety, civil rights, and civil liberties.
- (C) The equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- (D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

**SECTION 3.** The City Council hereby approves the attached Military Equipment Use Policy incorporated as Exhibit A to this ordinance.

**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 adoption of this Ordinance is not a “project” within the meaning of CEQA.

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

**SECTION 7.** This Ordinance shall be uncodified.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Chief of Police

**Palo Alto Police Department Military Equipment Use Policy**

**PURPOSE**

This policy is provided to fulfill the obligations set forth in Assembly Bill No. 481 and establishes guidelines for the acquisition, funding, use and reporting of “military equipment”, as the term is defined in Government Code section 7070. These obligations include but are not limited to seeking approval on specific items deemed, by statute, to be military equipment and requirements related to compliance, annual reporting, cataloging, and complaints regarding these items.

**PROCEDURE**

**A. DEFINITIONS**

- 1. Governing Body – The City Council of the City of Palo Alto.
- 2. Military Equipment – Shall have the same meaning as defined by California Government Code § 7070(c).

**B. GOVERNING BODY APPROVAL**

- 1. The Department shall obtain approval of the governing body prior to engaging in any of the following activities:
  - a. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
  - b. Seeking funds for military equipment including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
  - c. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
  - d. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.
  - e. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to general order
  - f. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.
  - g. Acquiring military equipment through any means not provided in a. through f.
- 2. In seeking the approval of the governing body, the Department shall comply with Gov. Code § 7071, which requires that the Department submit a proposed military equipment use policy, or subsequent amendments, to the City Council and the public via the law enforcement

agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

3. The governing body must be able to make the following findings in approving the Military Equipment Use Policy as required by Gov. Code § 7071(d)(1) in order to use military equipment:

- a. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- b. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- c. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- d. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

### **C. MILITARY EQUIPMENT ANNUAL REPORT**

The Department shall submit an annual military equipment report to the governing body that addresses each type of military equipment possessed by the Department in compliance with Gov. Code § 7072.

1. The Department shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use.
2. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
  - a. A summary of how the military equipment was used and the purpose of its use.
  - b. A summary of any complaints or concerns received concerning the military equipment.
  - c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
  - d. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
  - e. The quantity possessed for each type of military equipment.
  - f. If the Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The Department will document each use of military equipment and, via administrative review, ensure compliance with this policy. Any instances of non-compliance will be reported to the City Council via the annual military equipment report, and to the Independent Police Auditor where appropriate.

#### **D. MILITARY EQUIPMENT USE POLICY COMPLAINTS AND CONCERNS**

Pursuant to Gov. Code § 7070(d)(7), members of the public may register complaints or concerns or submit questions by any of the following means:

1. Via web form available at [www.cityofpaloalto.org/PAPDequipment](http://www.cityofpaloalto.org/PAPDequipment)
2. Via phone call to: (650) 329-2406
3. Via mail sent to: Palo Alto Police Department  
Attn: Personnel and Training  
275 Forest Avenue  
Palo Alto, CA 94301

The Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.

#### **E. MILITARY EQUIPMENT TRAINING**

Military equipment shall only be used after applicable training, including any course required by the Commission on Peace Officer Standards and Training (P.O.S.T.), has been completed, unless exigent circumstances arise.

#### **F. MILITARY USE EQUIPMENT POLICY CONTENTS**

All military use equipment kept and maintained by the Department shall be cataloged in a way which addresses each of the following requirements in compliance with Gov. Code § 7070(d):

1. A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
3. The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military

equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

6. The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

## G. USE POLICY FOR SPECIFIC EQUIPMENT

### Qualifying Equipment Owned/Utilized by the Department

<b>Equipment Type:</b> 37mm Less Lethal Launchers and Kinetic Energy Munitions - CA Gov't Code §7070(c)(14)	
<b>Quantity Owned/Sought:</b> 30 owned	<b>Lifespan:</b> Approximately 15 years
<b>Equipment Capabilities:</b> The 37MM Less Lethal Launcher is capable of firing 37MM Kinetic Energy and Chemical Agent Munitions. Palo Alto PD only possesses "KO1" impact baton rounds in its inventory.	
<b>Manufacturer Product Description:</b> Sage Control Ordinance 37MM launchers are rugged, reliable, and simple to operate less lethal launchers. These launchers are light weight, versatile and used worldwide by police officers. The 37MM launcher family of products is available in single-shot ("Ace"), double-shot ("Deuce"), or magazine fed configurations. Palo Alto PD possesses the "Ace" and "Deuce" models.	
<b>Purpose/Authorized Uses:</b> The 37MM Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.	
Circumstances appropriate for deployment include, but are not limited to, situations in which:	
(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.	
(b) The suspect has made credible threats to harm him/herself or others.	
(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.	
(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.	
<b>Fiscal Impacts:</b> The initial cost of this equipment was approximately \$27,000. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.	
<b>Legal/Procedural Rules Governing Use:</b> Use governed by applicable State, Federal and Local law, and PAPD policy, including but not limited to PAPD policy §§ 300 (Use of Force) and 308 (Control Devices and Techniques). Use will continue to be subject to an administrative Use of Force review.	

**Training Required:** Officers must complete a department certified 37mm course as well as regular training and qualifications as required by law and policy.

**Other Notes:** None.

**Equipment Type:** Long Range Acoustic Device (LRAD) - CA Gov't Code §7070(c)(13)

**Quantity Owned/Sought:** 1

**Lifespan:** Unknown.

**Equipment Capabilities:** LRAD systems are a type of Acoustic Hailing Device (AHD) used to send messages over long distances. LRAD systems produce much higher sound levels (volume) than normal loudspeakers or megaphones, and can be more narrowly directed.

**Manufacturer Product Description:** LRAD systems are a type of Acoustic Hailing Device (AHD) used to send messages over long distances. LRAD systems produce much higher sound levels (volume) than normal loudspeakers or megaphones. Over shorter distances, LRAD signals are loud enough to cause pain in the ears of people in their path.

**Purpose/Authorized Uses:** Primarily used to communicate, from a safe distance, with armed and/or barricaded subjects, for the purpose of negotiation. Can also be used in furtherance of search and rescue operations, and to communicate lawful dispersal orders.

**Fiscal Impacts:**

**Legal/Procedural Rules Governing Use:** Use governed by applicable State, Federal and Local law, and PAPD policy, including but not limited to PAPD policy § 414 (Hostage and Barricade Incidents). Use will be subject to an administrative review.

**Training Required:** The Palo Alto Police Department provides internal training for staff members prior to allowing them to use this equipment.

**Other Notes:** This equipment is maintained and operated by members of the Department's Crisis Negotiation Team (CNT).

**Equipment Type:** Diversionary Devices and Chemical Agents (tear gas) and pepper balls - CA Gov't Code §7070(c)(12)

**Quantity Owned/Sought:** 108

**Lifespan:** 5 years

**Equipment Capabilities:** Capable of creating auditory/visual distractions, and/or deploying tear gas or pepper chemical to distract potentially dangerous individuals.

**Manufacturer Product Description:**

The Palo Alto Police Department uses Diversionary Devices and Chemical Agents produced by Defense Technology (DT) and Combined Tactical Systems (CTS). All Chemical Agents utilized by PAPD contain CS (Orthochlorobenzalmalonitrile) or OC (Oleoresin Capsicum).

Diversionary Devices:

1. Flash-Bang (CTS-7290)
  - a. The CTS 7290 is the standard for diversionary flash-bang devices. The 7290 produces a 165-180db and 6-8 million candela of light output.

2. Mini-Bang (CTS-7290M)

- a. The Model 7290M Flash-Bang exhibits all of the same attributes of its larger counterpart but in a smaller and lighter package. Weighing in at just 15 ounces the new 7290M is approximately 30% lighter than the 7290 but still has the same 180db output of the 7290 and produces 6-8 million candela of light.

Chemical Agents:

1. CS 37mm Liquid Ferret Barricade Round (CTS-3330)
  - a. 3330 – Liquid CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room.
2. CS 37mm Liquid Ferret Barricade Round (DT-1162)
  - a. The Ferret® 37 mm CS Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers the .16 oz. agent payload inside a structure.
3. CS Flameless Tri-Chamber (DT-1032)
  - a. The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately .70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections, but was designed with the barricade situation in mind.
4. CS Triple Chaser Separating Canister (DT-1026)
  - a. The Triple-Chaser® CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system.
5. CS Riot Control (DT-1082)
  - a. The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn. . This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. .

Smoke:

1. Maximum HC (Hexachlorethane) Smoke (DT-1073)
  - a. The Maximum Smoke Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn. This grenade can be used to conceal tactical movement or to route a crowd. The volume of non-irritant smoke and agent is vast and obtrusive.

Pepperball:

Less lethal launchers are designed for minimum time between launches and quick reload speed, so whether in a crowd control scenario, tactical or even Mobile Field Force situation, the PepperBall system offers flexibility, safety and security, all within one platform. Each launcher is air powered, with either carbon dioxide (CO2), nitrogen, or compressed air powering the launch of projectiles.

**Purpose/Authorized Uses:** creating explosive distractions, and/or deploying chemical agents.

**Fiscal Impacts:** The initial cost of the Pepperball equipment was approximately \$7,920. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff. The initial cost of the distraction devices and chemical agents was approximately \$2,400. The ongoing costs for munitions will vary and (minimal, if any) maintenance is conducted by departmental staff.

**Legal/Procedural Rules Governing Use** Use governed by applicable State, Federal and Local law, and PAPD policy, including but not limited to PAPD policy §§ 300 (Use of Force), 308 (Control Devices and Techniques), and 408 (Crisis Response Unit). Use of tear gas or pepper balls will continue to be subject to an administrative Use of Force review. Use of distraction devices will be subject to an administrative review to ensure policy compliance.

**Training Required:** A P.O.S.T. certified Control Devices and Techniques Department chemical agent and distraction device instructor provides internal training for all members of the SWAT team prior to allowing them to use flashbang grenades or tear gas. The Department provides internal training for all members prior to allowing them to use pepper balls.

**Other Notes:** Distraction devices and chemical agents are exclusively maintained and operated by members of the Department's Special Weapons and Tactics Team (SWAT).

**Equipment Type:** Bolt Action Rifle and Ammunition - CA Gov't Code §7070(c)(10)

**Quantity Owned/Sought:** 1 owned

**Lifespan:** Approximately 15 years

**Equipment Capabilities:** Accuracy International rifle is capable of firing a 7.62mm/.308 cal projectile bullet.

**Manufacturer Product Description:** Accuracy International (AI) Accuracy Tactical bolt action rifle .308 Winchester/7.62mm NATO.

1. 20" barrel threaded 5/8x24
2. Nightforce:C622 Scope .250 MOA
3. AI Adjustable cheek piece
4. AI Two-stage trigger
5. AI 10-round .380 caliber magazine
6. AI Three-position safety

**Purpose/Authorized Uses:** This rifle is authorized for use by a specially-trained, SWAT marksman only and may be deployed in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the rifle may include but are not limited to:

1. Situations where the officer reasonably anticipates an armed encounter.

<ol style="list-style-type: none"> <li>2. When the officer is faced with a situation that may require accurate and effective fire at long range.</li> <li>3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.</li> <li>4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.</li> <li>5. When an officer reasonably believes that a suspect may be wearing body armor.</li> <li>6. When authorized or requested by a supervisor.</li> </ol>
<p><b>Fiscal Impacts:</b> This equipment was purchased by the Palo Alto Police Department at an initial cost of \$6500.00. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.</p>
<p><b>Legal/Procedural Rules Governing Use:</b> Use governed by applicable State, Federal and Local law, and PAPD policy, including but not limited to PAPD policy §§ 300 (Use of Force), 312 (Firearms), and 408 (Crisis Response Unit). Each use will continue to be subject to an administrative Use of Force review.</p>
<p><b>Training Required:</b> In addition to CA P.O.S.T. certified patrol rifle and CA P.O.S.T. certified standard SWAT Operator training, SWAT marksmen must successfully complete a CA P.O.S.T. certified course as well as regular SWAT marksmanship training and qualifications as required by law and policy.</p>
<p><b>Other Notes:</b> The Palo Alto Police Department does not presently have an active-duty SWAT marksman among its staff, so there are no Palo Alto Police personnel presently authorized to use this Military Equipment.</p>

### Qualifying Equipment Owned/Utilized by Palo Alto OES

<p><b>Equipment Type:</b> Command and control vehicle – CA Gov't Code §7070(c)(5)</p>	
<p><b>Quantity Owned/Sought:</b> 1</p>	<p><b>Lifespan:</b> Approximately 20 years</p>
<p><b>Equipment Capabilities:</b> The City of Palo Alto Office of Emergency Services (OES) has a Mobile Emergency Operations Center (MEOC) vehicle.</p>	
<p><b>Manufacturer Product Description:</b> The MEOC is built on a 40' Freightliner chassis, 2010 Model Year.</p>	
<p><b>Purpose/Authorized Uses:</b> The MEOC serves as a resource for public safety and coordinates with other such vehicles operated by other agencies. It is deployed to "all hazards" ranging from natural disasters, wildfires, crime, special events, and planned and unplanned disruptions to 9-1-1 and Emergency Operations Center systems and facilities.</p>	
<p><b>Fiscal Impacts:</b> The MEOC was acquired in approximately 2010 with grant funding of \$300,000 and City funding of \$375,000. The ongoing costs for maintenance and operation will vary and most maintenance is conducted by City staff.</p>	
<p><b>Legal/Procedural Rules Governing Use:</b> It is the policy of OES to use the MEOC in accordance with California State law regarding the operation of motor vehicles. Furthermore, since the MEOC is grant-funded and since the MEOC is a rare resource, the City may support mutual</p>	

aid with the MEOC (for example wildfire response). Use will be subject to an administrative review to ensure policy compliance.

**Training Required:** The MEOC is a highly complex system. City staff are provided with requisite training and licensing, depending on their role in supporting the MEOC.

**Other Notes:** The MEOC is not a “military vehicle” but could support coordination with the National Guard, FEMA, and other cooperating agencies after a major earthquake or other disaster.

**Qualifying Equipment known to be owned and/or utilized by law enforcement units with which the Palo Alto Police Department collaborates and/or participates for law enforcement purposes**

<b>Equipment Type:</b> Unmanned Aircraft Systems (UAS/Drones) – CA Gov’t Code §7070(c)(1)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Various
<b>Equipment Capabilities:</b> Remotely piloted aerial vehicles capable of providing live and recorded video images captured from aerial positions, including images enhanced by Forward Looking Infrared (FLIR) and optical zoom lenses.	
<b>Manufacturer Product Description:</b> Various. Dependent upon the availability of mutual aid equipment and personnel at the time of need.	
<b>Purpose/Authorized Uses:</b> UAS/Drones may be utilized to enhance the Department’s mission of protecting lives and property when other means and resources are not available or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification and mitigation; response to emergency calls; crisis communications; legally authorized surveillance.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> Use governed by applicable State, Federal and Local law, Federal Aviation Administration (FAA) regulations, and PAPD policy, including but not limited to PAPD policy §§ 322 (Search and Seizure) and 352 (Outside Agency Assistance). Federal Aviation Administration (FAA) regulations . Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Upon mutual aid or other request from PAPD, UAS/Drone will be operated by the deploying agency’s staff pursuant to their own policies and review.	
<b>Training Required:</b> Prior to piloting any UAS/Drone staff members must secure an FAA Remote Pilot License and complete all training required by our FAA COA.	
<b>Other Notes:</b> None.	

<b>Equipment Type:</b> Unmanned, remotely piloted, powered ground vehicles - CA Gov't Code §7070(c)(1)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Various
<b>Equipment Capabilities:</b> Robots are capable of being remotely navigated to provide scene information and intelligence in the form of video and still images transmitted to first responders.	
<b>Manufacturer Product Description:</b> Various. Dependent upon the availability of mutual aid equipment and personnel at the time of need.	
<b>Purpose/Authorized Uses:</b> To enhance the safety of potentially dangerous situations by providing first responders with the ability to capture video and still images of hazardous areas prior to, or in lieu of, sending in personnel.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> Absent a warrant or exigent circumstances, operators and observers shall adhere to all applicable privacy laws and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Use governed by applicable State, Federal and Local law, Federal Aviation Administration (FAA) regulations, and PAPD policy, including but not limited to PAPD policy §§ 322 (Search and Seizure) and 352 (Outside Agency Assistance). Upon mutual aid or other request from PAPD, vehicle will be operated by deploying agency's staff pursuant to their own policies and review.	
<b>Training Required:</b> Subject to the policies of the deploying agency.	
<b>Other Notes:</b> While the Palo Alto Police Department does not own or operate this equipment, it could be deployed to an incident within city limits.	

<b>Equipment Type:</b> Wheeled vehicles that have a breaching apparatus attached - CA Gov't Code §7070(c)(3)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Various
<b>Equipment Capabilities:</b> Capable of breaching doors, gates, and other points of entry; facilitating the safe transport of officers or civilians facing an armed suspect.	
<b>Manufacturer Product Description:</b> Various. Dependent upon the availability of mutual aid equipment and personnel at the time of need.	
<b>Purpose/Authorized Uses:</b> Breaching doors, gates, and other points of entry. Safely transporting police personnel or evacuating civilians, when facing with an armed suspect.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> Use governed by applicable State, Federal and Local law, and PAPD policy, including but not limited to PAPD policy §§ 322 (Search and Seizure) and 352 (Outside Agency Assistance). Upon mutual aid or other request from PAPD, vehicle will be operated by deploying agency's staff pursuant to their own policies and review.	
<b>Training Required:</b> Subject to the policies of the deploying agency.	
<b>Other Notes:</b> While the Palo Alto Police Department does not own or operate this equipment, it could be deployed to an incident within city limits.	

## Assembly Bill No. 481

### CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with  
Secretary of State September 30, 2021.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing

additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. FUNDING, ACQUISITION, AND USE OF MILITARY  
EQUIPMENT

7070. For purposes of this chapter, the following definitions shall apply:

(a) "Governing body" means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county.

(b) "Law enforcement agency" means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff's department.

(3) A district attorney's office.

(4) A county probation department.

(c) "Military equipment" means the following:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters,

or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight

authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) “State agency” means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) “Type” means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of

the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications

to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency's internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would

result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

O

# Public Input for Proposed Policy on AB 481

Submission date: 6 May 2022, 2:33PM  
Receipt number: 2  
Related form version: 2

Please share your thoughts with us!

I went to the Ciy site titled: New State Law: Draft Military Equipment Use Policy, Next Steps & Ways to Share Input. On it was a "list" of military equipment the PAPD has. This list is useless - it is simply a list of general categories, indeed by use, but this about about law inforcement possessiong military weapons/equipment. Example - less lethal weapons as a category is mentioned, but not what the weapons are.

Thus - no transparency, no actual information about the heart of the matter to the public. All hat, no cattle. This is not acceptable.

Winter Dellenbach

Optional contact information...

I went to the City site titled: New State Law: Draft Military Equipment Use Policy, Next Steps & Ways to Share Input. On it was a "list" of military equipment the PAPD has. This list is useless - it is simply a list of general categories, indeed by use, but this about about law enforcement possessiong military weapons/equipment. Example - less lethal weapons as a category is mentioned, but not what the weapons are.

Thus - no transparency, no actual information about the heart of the matter to the public. All hat, no cattle. This is not acceptable.

Winter Dellenbach



# City of Palo Alto

## City Council Staff Report

(ID # 14133)

---

**Meeting Date: 9/12/2022**
**Report Type: Information Reports**
**Title: Semiannual Update on the Status of Capital Improvement Program Projects**
**From: City Manager**
**Lead Department: Public Works**
**Recommendation**

This report is provided for information only and requires no Council action.

**Executive Summary**

The City Council and Palo Alto community can be proud of the City's capital improvement program (CIP). The CIP represents major investments in infrastructure functionality and sustainability, funded largely through the 2014 Council Infrastructure Plan as well as utility rates and various other sources. The 2022-2026 five-year CIP totaled \$720.5 million for 170 projects as reviewed by the Council in its adoption of the FY 2022 Capital Budget. Since July 2016, the City has completed 87 individual community-serving projects totaling over \$284 million in improvements.

The CIP also represents a major effort for much of the City workforce. The following table summarizes the status of all projects for the six-month period of January to June 2022.

Project Type	Active Projects		Construction Phase (excludes Recurring)	Completed
	One-Time	Recurring		
Buildings & Facilities	17	9	6	-
Parks & Open Space	9	9	1	1
Streets & Sidewalks	2	8	-	-
Traffic & Transportation	8	4	1	-
Airport	4	-	1	-
Electric Fund	18	9	3	2
Fiber Optics Fund	1	2	-	-
Gas Fund	2	4	1	-

Stormwater Management Fund	5	1	-	-
Water Fund	4	7	2	-
Wastewater Collection Fund	1	4	1	-
Wastewater Treatment Fund	8	1	2	-
<b>Totals</b>	<b>79</b>	<b>58</b>	<b>18</b>	<b>3</b>

**Background**

This report provides Council with an update on the status of capital improvement program (CIP) projects and does not include Internal Service Funds Capital Projects (Information Technology and Vehicle). Prior to 2016, year-end and mid-year financial reports included very simple status updates on CIP projects. In contrast, this semiannual report provides more detailed and useful information for the Council and public regarding general fund and enterprise fund projects that appear on Council agendas, and will be visible throughout the community.

**Discussion**

Project Update Organization

The City has a robust capital improvement program, and many individual projects are in progress at any given time. The 2022-2026 five-year CIP totaled \$720.5 million for 170 projects as reviewed by the Council as part of the Adoption of the FY 2022 Capital Budget. The attached CIP project tables are intended to provide Council with a quick overview of each project, including budgetary information, the anticipated completion date, a brief description of the project scope, the status of the project, and upcoming activities including Council actions. Also included in the report is a list of all completed projects since the introduction of the Infrastructure Management System.

Major/Significant Projects Summary

The 2014 Council Infrastructure Plan is a major focus of staff’s capital improvement program efforts. The following table details the Total Project Budget and Total Actual Expenses through the second half of Fiscal Year 2022 for the Infrastructure Plan projects.

Significant milestones have been achieved on the Infrastructure Plan projects since June 2020, even though construction delays occurred due to the COVID-19 pandemic. The Highway 101 Pedestrian/Bicycle Bridge project was completed in November 2021 and significant progress has been made on the last phase of the Charleston/Arastradero Corridor Project and on the Public Safety Building. Current Infrastructure Plan project schedules can be found at <http://www.infrastructure.cityofpaloalto.org/>

<u>Council Infrastructure Plan Projects</u>	<u>CIP Number</u>	<u>Update</u>	<u>Total Project Budget</u>	<u>Total Actual Expenses*</u>
New Public Safety Building	PE-15001	Construction is underway with completion expected in fall 2023.	\$118,037,804	\$56,260,400

Bicycle and Pedestrian Transportation Implementation Plan	PL-04010	Project on hold pending recent project evaluation and review of future project scoping.	\$15,276,377	\$9,568,815
New Downtown Parking Garage	PE-15007	Council directed staff to look at the feasibility of partnering with a private entity to develop new parking using downtown in-lieu parking fees in conjunction with housing or other uses, including the use of City surface lots or privately held parcels.	\$7,188,899	\$1,440,311
New California Avenue Area Parking Garage	PE-18000	Completed	\$50,149,954	\$48,708,812
Charleston Arastradero Corridor Project	PE-13011	Phase 1 & 2 improvements are complete. Phase 3 construction is underway with completion expected fall 2022.	\$20,788,951	\$15,582,850
Fire Station 3 Replacement	PE-15003	Completed	\$10,503,209	\$10,583,157**
Highway 101 Pedestrian/Bicycle Overpass Project	PE-11011	Completed; project closeout in progress	\$22,962,969	\$23,500,391***
Fire Station 4 Replacement	PE-18004	A contract for design services was approved by Council in May 2022.	\$10,167,779	\$315,210
Byxbee Park Completion	PE-18006	On hold pending completion of Baylands Comprehensive Conservation Plan.	\$3,699,189	\$368,192
Downtown Parking Guidance System	PL-15002	A design/build contract was approved by Council in August 2021 but could not be bonded by the Contractor. A new design/build RFP was issued in June 2022.	\$2,815,468	\$228,690
<b>Total Project Budget and Total Actual Expenses</b>			<b>\$261,590,599</b>	<b>\$166,556,828</b>

\*Expenses as of June 30, 2022

\*\*Includes final settlement with contractor

\*\*\*Includes final adjustments made due to salaries and benefits

Key considerations for the information presented in the project update tables include:

- Project status information is current as of June 2022
- The individual project tables align with the Capital Improvement Fund categories in the FY 2022-2026 capital budget: Buildings and Facilities, Parks and Open Space, Streets and Sidewalks, and Traffic and Transportation. Enterprise Fund projects follow the order of their respective Fund in the capital budget
- Department Technology Upgrades and Improvements projects and Cubberley Property Infrastructure Fund projects are included in the Buildings and Facilities table
- Additional project information is available in the FY 2022-2026 capital budget
- Each project table is divided into a section for one-time projects and a section for recurring projects that have ongoing annual funding
- Budgetary figures include staff oversight costs for projects to which staff costs have been allocated

- The table of completed projects, provides a summary of all CIP projects completed since the Biannual CIP updates to council began in 2016. The data is sorted from most recent to oldest

### Completed Projects

Projects completed in the second half of Fiscal Year 2022, since the last update in December 2021, from January 2022 to June 2022 include the following:

#### **Capital Improvement Fund (general fund)**

- Rinconada Park Improvements (PE-08001)

#### **Electric Fund:**

- Capacitor Bank Installation (EL-06001)
- Facility Relocation for Caltrain Modernization (EL-17007)

These completed projects do not include the significant amount of annual work completed under ongoing recurring projects, such as streets and sidewalks repairs, parking lot maintenance, roofing replacements, and regular maintenance of Utilities assets.

Below are some photos of completed projects:

Rinconada Park Improvements (PE-08001)





### Projects Under Construction

Projects that are currently under construction include the following:

#### **Capital Improvement Fund (general fund):**

- Charleston-Arastradero Corridor Project (PE-13011)
- Civic Center Electrical Upgrade and EV Charger Installation (PE-17010)
- Civic Center Waterproofing Study and Repairs (PE-15020)
- Magical Bridge Playground Rubber and Synthetic Turf Resurfacing (PE-21003)
- Municipal Service Center A, B and C Roof Replacement (PF-17000)
- New Public Safety Building (PE-15001)
- Performing Arts Venues Seat Replacement (AC-18000)

#### **Airport Fund**

- Airport Apron Reconstruction (AP-16000)

#### **Electric Fund**

- Inter Substation Line Protection Relay (EL-17005)
- Rebuild Underground District 24 (EL-10006)
- Substation Physical Security (EL-16003)

#### **Gas Fund**

- Gas Main Replacement Project 23 (GS-13001)

### Wastewater Collection Fund

- Wastewater Collection System Rehabilitation Augmentation Project 30 (WC-17001)

### Wastewater Treatment Fund

- Primary Sedimentation Tank Rehabilitation (WQ-14003)

### Water Fund

- Water Main Replacement Project 28 (WS-14001)
- Water Tank Seismic System Upgrades (WS-09000)

As described above for completed projects, the list of projects under construction does not include work currently being conducted under recurring CIP projects.

Below are some photos of projects under construction:

### New Public Safety Building (PE-15001)



### Public Safety Building Update

The Public Safety Building project made significant progress in Fiscal Year 2022. All decks were poured, and the building was topped out in June. As of June 2022, construction is 50% complete and 54% of the project's construction contingency has been used. Staff continues to coordinate with the City Auditor, Baker Tilly, on the Public Safety Building Construction Audit by providing project documents on a monthly basis. Staff is starting to work on procurement packages for Furniture, Fixtures, and Equipment (FF&E) and will be coming to Council for contract approvals starting this fall. Additionally, a cross-departmental staff team is meeting monthly to review and coordinate construction of the Public Safety Building and other projects in the California Avenue area, with a goal of communicating and mitigating the impacts.

### Boulware Park Improvements Update

The Boulware Park Improvements project is of particular community interest as it will both improve the existing park and incorporate the Birch Street property acquired by the City in Fiscal Year 2019 into the park. Design of the project is complete. It is expected to go out to bid in October 2022, with construction beginning in January or February 2023.

### Capital Improvements of Note Implemented by Other Agencies

#### El Camino Real:

El Camino Real (State Highway 82) is maintained by Caltrans. Pavement Condition Index scores for El Camino Real are significantly lower than the average for Palo Alto streets. Staff has been communicating with Caltrans about the upcoming plans to repave El Camino Real from the Mountain View to Menlo Park borders. Currently, this work is planned for 2023.

#### Caltrain Electrification:

The majority of construction for Caltrain Electrification in the City of Palo Alto has been completed, including the installation of all of the foundations, poles and wires for the project within the City. Construction is continuing at the Paralleling Station near Page Mill Road which is now scheduled to be complete in fall 2022. In March 2022, Caltrain celebrated the arrival of the first new electric trains which will begin testing in San Jose and Santa Clara this fall. Pictures of the new electric trains can be found at <https://calmod.org/gallery/>. The Caltrain Electrification Project is scheduled to be complete in fall 2024.

#### Palo Alto Flood Basin Tide Gate Replacement Project:

Santa Clara Valley Water District (Valley Water) is working on a project to replace the existing tide gate structures built in 1957. The 90% Plans, Specifications and Engineer's Estimate (PS&E) were submitted to Palo Alto in February 2022 for review and comment. Staff provided comments in March 2022. Valley Water continues to work with the regulatory agencies to secure the permits required to start construction, which they anticipate will start in September 2023 with completion in 2027.

### **Resource Impact**

Funding for the projects discussed in this report is provided in the [Fiscal Year 2022 Adopted Capital Budget](#) and 2022-2026 Five-Year CIP.

### **Stakeholder Engagement**

Stakeholder engagement is conducted separately for each project.

#### **Attachments:**

- **Attachment16.a:** Attachment A: CIP Biannual Updates

**Semiannual Update on the Status of Capital Improvement Program Projects****Capital Improvement Fund CIP Projects**

- ❖ Buildings and Facilities Projects
- ❖ Parks and Open Space Projects
- ❖ Streets and Sidewalks Projects
- ❖ Traffic and Transportation Projects

**Enterprise Fund CIP Projects**

- ❖ Airport Projects
- ❖ Electric Projects
- ❖ Fiber Optics Projects
- ❖ Gas Projects
- ❖ Stormwater Management Projects
- ❖ Wastewater Collection Projects
- ❖ Wastewater Treatment Projects
- ❖ Water Projects

**List of Completed Projects**

Blank page

## Buildings and Facilities Projects

Status as of June 2022

**One-Time Projects**

Animal Shelter Renovation (PE-19002)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$2,843,210	\$3,967,759	Public Works	Design	Summer 2023
	<b>Project Status:</b> This project installs interim facility improvements to the Animal Shelter that accompany the agreement for operation of the shelter by Pets in Need approved by City Council in November 2018. The medical area upgrades and the modular office building are complete. The new kennel addition has been submitted for building permit. Project was placed on hold following receipt of Pets-In-Need's letter providing one-year notification of termination of the agreement between Pets-In-Need and the City. Public Works and Community Service Department staff are reviewing the project as negotiations continue on a new agreement.				
Automated External Defibrillator Replacement (FD-21000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$167,019	\$237,500	Fire Department	Procurement	Summer 2022
	<b>Project Status:</b> This project replaces the entire complement of Automated External Defibrillators (AEDs) throughout City facilities and emergency response vehicles, which currently totals 93 AEDs. The RFP process was completed in fall 2021 and the contract is currently underway. The new AEDs have been purchased and will be deployed in summer 2022.				
City Facilities Assessment and Record Plan Management System (PE-20002)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$0	\$344,687	Public Works	Construction	Winter 2023
	<b>Project Status:</b> The Kitchell Report in 2008 summarized the last City-wide facility condition assessment. A new facility condition assessment is warranted per the City's APWA reaccreditation requirements. All City facilities will be assessed to bring current the "catch-up" and "keep up" costs. In addition, an electrification assessment will be included to help the City reach its sustainability goals for 2030. Staff is evaluating if the current asset management system can be utilized to meet the needs of an Electronic Records Management System. Council awarded the contract in April 2022. The Facility Condition and Electrification assessment pilot project at the Municipal Service Center began in June 2022.				

**Buildings and Facilities Projects**

**Status as of June 2022**

City Hall Space Planning (PE-19000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$3,306	\$682,900	Public Works	Pre-Design	Fall 2024
	<b>Project Status:</b> This project involves space planning to determine future workgroup space needs and programming for the City Hall office building focused primarily on the areas that will be vacated once the new Public Safety Building is complete and occupied. The project will include preliminary design of the space following the initial feasibility phase.				
Civic Center Electrical Upgrade & EV Charger Installation (PE-17010)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$438,689	\$1,016,519	Public Works	Design	Spring 2023
	<b>Project Status:</b> This project installed EV chargers in existing downtown garages and will replace the aging Civic Center electrical switchgear and motor control centers. Five new dual head EV chargers were installed in the Civic Center garage. Two new dual head EV chargers were installed in the Bryant Street garage. Six new dual head EV chargers were installed at the Webster Street garage. EV charger construction was completed in December 2021. A contract was awarded in June 2021 for the design of the Civic Center switchgear replacement and is currently underway.				
Civic Center Fire Life Safety Upgrades (PE-18016)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$260,687	\$642,681	Public Works	Design	Spring 2023
	<b>Project Status:</b> This project will assess, update, and replace the Civic Center fire alarm system. The fire life safety system is approaching the end of its useful life. The fire alarm panel and associated equipment need an upgrade to meet current code requirements. The award of a design-build contract was approved by Council in June 2021 and design was delayed due to staffing shortages at the design-build firm. Plans were submitted for permits in June 2022, and construction is expected to begin in summer 2022.				
Civic Center Waterproofing	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$264,021	\$721,546	Public Works	Construction	Summer 2022

## Buildings and Facilities Projects

Status as of June 2022

Study and Repairs (PE-15020)	<b>Project Status:</b> This project includes a condition assessment of the Civic Center plaza deck structural system. In late 2016, RDH Building Science, Inc. determined that the expansion joint on the plaza could be repaired. The scope expanded to include replacing the waterproof coatings on the inside of the plaza perimeter planter boxes. Construction on the waterproofing joint began in May 2022 and is expected to be completed by September 2022.				
Fire Station 4 Replacement (PE-18004)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$315,210	\$10,167,779	Public Works	Design	Fall 2025
Extrication Tool Replacement (FD-22000)	<b>Project Status:</b> This project provides funding to replace Fire Station #4 at the corner of Middlefield Road and East Meadow Drive. The replacement facility will be based on the prior Replacement Study and Needs Assessment prepared in 2005. Consultant contract was approved by Council on May 23, 2022 for the first phase of design to start summer 2022.				
	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
JMZ Renovation (AC-18001)	\$0	\$298,200	Fire Department	Procurement	Fall 2022
	<b>Project Status:</b> This project provides funding for the replacement of all extrication tools for the Fire Department. Extrication tools, also known as "Jaws of Life", are used to rescue victims of car accidents and other emergencies where the victims are trapped in confined spaces. Some equipment will be purchased in summer 2022, and staff is working with the Purchasing Department to complete orders for all additional equipment. It is expected to be in use by fall 2022.				
JMZ Renovation (AC-18001)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$3,482,539	\$4,474,903	Community Services	Construction	Spring 2024
<b>Project Status:</b> This project provided for the relocation of the Junior Museum and Zoo to Cubberley for two years while a new JMZ was being built, tenant improvements to the Cubberley Auditorium and then removal of tenant improvements post-construction. Construction of the new Junior Museum and Zoo was completed and opened to the public on November 12, 2021. Staff are working with purchasing to complete orders for final equipment					

**Buildings and Facilities Projects**

**Status as of June 2022**

	and contracts for some limited improvements. An additional federal grant associated with this CIP funds a portion of the California Dinosaur’s den to be completed in spring 2024.				
Library Automated Material Handling LB-21000	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$106,891	\$1,060,300	Library	Design	Winter 2023
	<b>Project Status:</b> This project is to provide the design and construction of three new Automated Material Handling (AMH) Systems for the College Terrace, Children’s, and Downtown Libraries. AMH systems efficiently sort returned library materials based on the Radio Frequency Identification Devices (RFID) on the materials. Design is in process and obtaining planning entitlements. Children’s Library is to be constructed first.				
Municipal Service Center A, B, & C Roof Replacement (PF-17000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$1,692,733	\$2,173,683	Public Works	Construction	Summer 2022
	<b>Project Status:</b> This project will replace the existing MSC roofs. The existing asphalt and gravel roofs have reached the end of their useful life and need to be replaced. The new roofs will meet current cool roofing codes to optimize energy efficiency. Council approved a construction contract in June 2021 and construction is expected to be complete by summer 2022.				
Municipal Service Center Lighting, Mechanical, and Electrical Improvements (PF-16006)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$983,633	\$8,001,422	Public Works	Design	Summer 2023
	<b>Project Status:</b> This project replaces original mechanical, electrical, and lighting systems installed in 1966. It also includes design and construction for office renovations for the Zero Waste group. In 2019, a single bid for the site-wide mechanical and electrical upgrades exceeded the available budget. Additional funding was added for FY 2020 and design revisions were needed to better prepare the site for future electrification. A new contract with the design consultant was awarded on June 20, 2022 to fund the design revisions.				

## Buildings and Facilities Projects

Status as of June 2022

New Downtown Parking Garage (PE-15007)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$1,440,311	\$7,188,899	Public Works	Design	Spring 2024
	<b>Project Status:</b> This project was intended to provide a new parking structure in the University Avenue commercial area at existing Parking Lot D at the corner of Hamilton Avenue and Waverley Street. The project received ARB approval in July 2018. In February 2019, the City Council certified the EIR by adopting the Resolution and Mitigation Monitoring and Reporting Program. The Record of Land Use Action was also approved. As part of the FY 2021 budget strategy, all Capital Improvement Fund funding has been removed and only the downtown parking in-lieu fee funding remains for this project. In December 2021, Council directed staff to look at the feasibility of partnering with a private entity to develop new parking using downtown in-lieu parking fees in conjunction with housing or other uses, including the use of City surface lots or privately held parcels.				
New Public Safety Building (PE-15001)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$56,260,400	\$ 118,037,804	Public Works	Construction	Fall 2023
	<b>Project Status:</b> This project will provide a new, modern Public Safety Building (PSB) that will meet essential services standards and the current and future needs of the public safety departments. The PSB and new garage in the California Avenue business district are now an integrated project and both are part of the 2014 Council Infrastructure Plan. Construction on the PSB started in March 2021 and will continue through fall 2023. The structural concrete columns and decks were completed in June 2022 .				
Performing Arts Venues Seat Replacement (AC-18000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$90,554	\$470,600	Community Services	Construction	Summer 2023
	<b>Project Status:</b> This project will replace all the seats in the Community and Children’s Theatres. Staff hired a consultant to design the seat replacements and ADA upgrades for the Children’s Theater’s portion of the project. Additional funding was added for FY 2023 to handle the Community Theater portion. A contract for the Children’s Theater seats replacement was awarded in spring 2022 with construction expected to be complete in fall 2022.				

## Buildings and Facilities Projects

Status as of June 2022

Water, Gas, Wastewater Office Remodel (PE-19001)	Prior Years Actuals	Total Project Budget	Implementing Department	Project Phase	Project Completion
	\$307,215	\$874,389	Public Works	Procurement	Fall 2022
	<p><b>Project Status:</b> This project incorporates renovations to the Utilities Water Gas Wastewater (WGW) office space at the Municipal Service Center (MSC). The current space no longer meets the operational needs of the department. This project reconfigures the space in a more efficient design for department operations and to replace aging furniture and finishes. The new work area will include a small reception area, a renovated kitchen and printer area, additional offices and cubicles, upgrades to the HVAC system, lighting improvements and fire life safety systems upgrade. The project is currently being solicited for construction bids, and is expected to be completed by fall 2022.</p>				

Recurring Projects

Americans With Disabilities Act Compliance (PF-93009)	Prior Year Actuals	Current Year Budget	Implementing Department	Project Phase	Project Completion
	\$124,143	\$789,821	Public Works	N/A	Recurring
	<p><b>Project Status:</b> This project provides accessibility upgrades to City facilities and equipment. It includes continued funding for improvements such as path of travel, restrooms, drinking fountains, and counters. An updated ADA Transition Plan was adopted by Council in June 2021. Staff set up Sharepoint for internal access to the ADA Transition Plan in order to track and document the City's progress. Staff will be procuring new software in summer 2022 that will allow staff to identify and log new barriers, track grievances from the public, and update the ADA Transition Plan Report.</p>				
Building Systems Improvements (PF-01003)	Prior Year Actuals	Current Year Budget	Implementing Department	Project Phase	Project Completion
	\$40,213	\$1,025,091	Public Works	N/A	Recurring
	<p><b>Project Status:</b> This project provides electrical, mechanical, plumbing, structural, and security upgrades for City facilities. This CIP was partially defunded because of COVID budget cuts. The new cooling tower media replacement</p>				

## Buildings and Facilities Projects

Status as of June 2022

	originally scheduled for winter 2020 has been delayed until FY 2022. A consultant has been selected to develop design drawings for the replacement of the Utility Control Center (UCC) generator. A contractor has been selected for the tennis courts lighting upgrade project. Design drawings for the UCC generator project are complete. The tennis and pickle ball courts lighting and controls upgrade project was completed in March 2022.				
City Facility Parking Lot Maintenance (PE-09003)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$319,943	\$308,920	Public Works	N/A	Recurring
	<b>Project Status:</b> This project maintains parking lots and walkways at City facilities. No work has been performed at City facility parking lots in FY 2022.				
Cubberley Repairs (CB-17001)	<b>Prior Years Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$104,426	\$393,347	Public Works	N/A	Recurring
	<b>Project Status:</b> This project is for general maintenance needs of the Cubberley campus. Due to a staffing shortage, no further work has been done in FY 2022. Staff is currently assessing water damage to the gymnasium following crawlspace flooding in early 2022.				
Cubberley Roof Replacements (CB-16002)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$58,657	\$1,123,020	Public Works	N/A	Recurring
	<b>Project Status:</b> This project replaces existing roofs at Cubberley Community Center. The project to reroof Wing H was bid in December 2021. The roof replacement work from the previous year for Wings F and FH was completed in April 2022. The roof for Wing H is scheduled to be completed in September 2022.				
Facility Interior Finishes Replacement (PF-02022)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$51,273	\$708,100	Public Works	N/A	Recurring
	<b>Project Status:</b> This project improves the interior finishes of City facilities, including flooring, walls, cabinets, paint, lighting, ceiling tiles, soundproofing, and fixed office furniture, doors, windows, and associated fire/life safety,				

## Buildings and Facilities Projects

Status as of June 2022

	mechanical, electrical and plumbing code compliance requirements. Remodel of the City Auditor's Office was recently completed to create more meeting spaces, transient staff desk stations, and a mother's nursing room. Design of modifications to the Revenue Collections office area on Level G will begin in fall 2022.				
Police Video Recording Systems Replacement (PD-20000)	<b>Prior Years Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$48,482	\$193,200	Police Department	N/A	Recurring
	<b>Project Status:</b> This project maintains the Palo Alto Police Department video recording systems used to record events in the field with up to five in-car cameras as well as body-worn cameras (BWC). In-car units were added to new vehicles as they came into service in FY 2022 and a local server was upgraded.				
Roofing Replacement (PF-00006)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$129,604	\$910,744	Public Works	N/A	Recurring
	<b>Project Status:</b> This project replaces existing roofs at City facilities that have outlived their useful lifespans. The roof replacement for the Ventura Community Center has been completed. The Animal Shelter roof recoating has been delayed due to roof modifications required for the current remodel of the facility. Staff is working on the design for the Peers Park Field House roof replacement. The project to repair the roof and gutter at Mitchell Park Library has been awarded and is scheduled to be completed by September 2022.				
University Avenue Parking Improvements (PF-14003)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$22,265	\$197,600	Public Works	N/A	Recurring
	<b>Project Status:</b> This project maintains parking lots and parking structures within the University Avenue Downtown Business Parking District. With the completion of work on Parking Lot C in spring 2019, all University Avenue parking district lots have been resurfaced and no additional work is planned at this time.				

## Parks and Open Space Projects

Status as of June 2022

One-Time Projects

Boulware Park Improvements (PE-17005)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$405,776	\$4,083,101	Public Works	Design	Spring 2023
	<b>Project Status:</b> This park renovation project was initially planned in FY 2018 but was postponed due to project priorities and potential purchase of the adjacent AT&T lot located at 3350 Birch Street. In fall 2019, the lot was purchased by the City. In response to the purchase, the City utilized the funding for the initial renovation project for preliminary design and outreach for both the existing park and the newly purchased park land. Additional funding was requested as part of the FY 2021 CIP process to implement park renovations for the existing Boulware Park and the new park land. In 2020, a Parks and Recreation Commission meeting and two community meetings were held to obtain input on project design. A Park Improvement Ordinance for the improvements was adopted by the City Council in October 2021. The project is anticipated to go out to bid in fall 2022 and begin construction in winter 2023.				
Byxbee Park Completion (PE-18006)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$368,192	\$3,699,189	Public Works	Pre-Design	Spring 2025
	<b>Project Status:</b> This project allows for the remaining improvements to Byxbee Park that follows the completion of the landfill capping work. The Baylands Comprehensive Conservation Plan (BCCP), which is currently undergoing CEQA analysis, will include recommendations on the scope of the Byxbee Park project. The BCCP and the conceptual plan for Byxbee Park are anticipated to be completed in summer 2022. The project has been moved to fiscal year 2024 due to staffing constraints.				
Cameron Park Improvements (PG-14002)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$136,134	\$236,419	Community Services	Procurement	Winter 2023
	<b>Project Status:</b> This project upgrades and renovates safety and accessibility features at Cameron Park with a primary focus on the park playground. Community meetings were held in May and July 2020 in addition to the Parks and Recreation Commission discussion in September 2020. A park improvement ordinance was approved by Council in February 2021. The project went out to bid in May 2022 and construction will start in summer 2022.				

## Parks and Open Space Projects

Status as of June 2022

Cubberley Field Restroom (CB-17002)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$190,668	\$455,367	Public Works	Design	Winter 2023
	<b>Project Status:</b> This project will install a new restroom in the sports field area of the Cubberley Community Center. Design for the project started in fall 2018 along with public outreach. A community meeting was held, and the Parks and Recreation Commission reviewed the project in November 2018. The project design needs to be completed prior to review by the Architectural Review Board (ARB). Due to staffing constraints and other priorities, the restroom installation moved to fiscal year 2023. Staff assessed the feasibility of on-site utilities connection and reviewed design and specifications of a prefabricated restroom building to incorporate in the final design for ARB review.				
Foothills Nature Preserve Boronda Lake Dock Replacement (OS-18000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$0	\$230,700	Public Works	Pre-design	Fall 2023
	<b>Project Status:</b> This project replaces an aged and deteriorating Boronda Lake Dock located in the Foothills Nature Preserve. Due to staffing constraints, the design for this project is on hold until fall 2022.				
Foothills Nature Preserve Dam Seepage Investigation and Repairs (PE-20000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$0	\$32,400	Public Works	Pre-design	Spring 2023
	<b>Project Status:</b> This project will study a location of historic seepage from the Foothills Nature Preserve Dam at the sharp bend in the road on the face of the dam. The seepage is very minor, but it appears to be slowly worsening. The source of the seepage is suspected to be the trench backfill around the pipe that returns shallow groundwater to Boronda Lake. This project will locate and investigate the pipe and trench backfill material. Due to staffing constraints and other priorities, this project has been moved to FY 2023.				
Magical Bridge Playground	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$145,782	\$891,600	Community Services	Construction	Winter 2023

**Parks and Open Space Projects**

**Status as of June 2022**

Rubber and Synthetic Turf Resurfacing (PE-21003)	<p><b>Project Status:</b> This project will replace rubberized and synthetic turf surfacing in the playground and will repair or replace play equipment including swings, climbing net, and playhouse. An IFB was issued in November 2021 and Council awarded a construction contract in spring 2022. The project construction is anticipated to begin in September 2022.</p>				
Ramos Park Improvements (PG-14000)	<b>Prior Years Actuals</b> \$2	<b>Total Project Budget</b> \$227,772	<b>Implementing Department</b> Community Services	<b>Project Phase</b> Design	<b>Project Completion</b> Spring 2023
	<p><b>Project Status:</b> This project includes safety and accessibility improvements at Ramos Park. The work includes replacing the existing park playground, benches, drinking fountains, and resurfacing the basketball court playing surface. A Park Improvement Ordinance (PIO) for these improvements went to the Parks and Recreation Commission in December 2020. Council approved the PIO in spring 2021. The project will go out to bid in summer 2022 and construction is planned for fall 2022.</p>				
Rinconada Park Improvements (PE-08001)	<b>Prior Years Actuals</b> \$4,646,247	<b>Total Project Budget</b> \$9,356,891	<b>Implementing Department</b> Public Works	<b>Project Phase</b> Completed	<b>Project Completion</b> Spring 2022
	<p><b>Project Status:</b> This project provides upgrades to safety, site amenities, playground facilities, a new restroom, irrigation, drainage, and ADA accessibility improvements at Rinconada Park. These improvements were identified in the Rinconada Long Range Plan (LRP). Construction started in August 2021 and construction was completed in spring 2022. A new restroom that was removed from the park improvements from FY 2022 is now planned for design and construction in FY 2023. According to the LRP, future improvement phases will include improvements to the eastern half of the park by FY 2026 including pathway improvements, new restroom, ADA upgrades, planting, irrigation, lighting, and site furnishings. The design and construction of a restroom building with a family changing room and locker room facilities is anticipated in FY 2024.</p>				

## Parks and Open Space Projects

Status as of June 2022

Recurring Projects

Art in Public Spaces (AC-86017)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$138,347	\$1,704,694	Community Services	N/A	Recurring
	<b>Project Status:</b> This project provides the ongoing temporary and permanent artworks throughout the City. The FY 2022 budget funded temporary murals at the Public Safety Building construction site, the Code: ART festival in October, the installation of permanent artworks for the Highway 101 Bike and Pedestrian Bridge, the Junior Museum and Zoo, the initiation of the King Artist in-Residence program, and forty Art Lift Microgrant projects throughout the City. Projects in process include the ongoing King Artist-in-Residence including temporary artwork for King Plaza, completion and installation of permanent artwork for the Charleston-Arastradero Corridor, and permanent artworks at the Public Safety Building, design development for permanent artwork at Fire Station 4, as well as a new series of Art Lift Microgrants, and implementation of the California Avenue Public Art Plan.				
Athletic Courts Resurfacing (PG-06001)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$13,170	\$323,840	Community Services	N/A	Recurring
	<b>Project Status:</b> This project repairs and resurfaces tennis and basketball courts in various Palo Alto parks. The basketball court at Ramos Park was re-lined and new tennis court posts were installed at Greene Middle School in winter 2022. A contract for resurfacing the tennis courts at Cubberley Community Center and Peers Park was issued in April 2022. The resurfacing work began in May and the courts at Cubberley Community Center were completed in June 2022. The resurfacing at Peers Park tennis courts will be completed in early summer 2022.				
Benches, Signage, Walkways, Perimeter Landscaping (PG-06003)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$195,411	\$191,000	Community Services	N/A	Recurring
	<b>Project Status:</b> This project restores and replaces existing benches, signage, fencing, walkways, and landscaping at various City facilities. In winter 2022, decomposed granite walkways were repaired and leveled at Mitchell Park, Bol Park, and Seale Park. Athletic court signs were updated and replaced to reflect changes to court shared use rules at				

**Parks and Open Space Projects**

**Status as of June 2022**

	Mitchell Park. In spring 2022, trash receptacles at Heritage Park and Johnson Park were replaced with sorting enclosures for landfill, recycling, and compost, and seat bench repairs were performed at Peers Park.				
Dog Park Installation and Renovation (PG-18001)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$100	\$163,400	Community Services	N/A	Recurring
	<b>Project Status:</b> This project enables the construction of dog parks at various City parks and facilities that currently do not have dog parks, as well as renovating existing dog parks. A new dog park will be added at Boulware Park during the Boulware Park Improvement Project scheduled for fall 2022. A community meeting to discuss enlarging the dog park at Mitchell Park was held in May and the results will be discussed at a Parks and Recreation Commission meeting in summer 2022.				
Off-Road Pathway Resurfacing and Repair (OS-09001)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$55,739	\$155,657	Public Works	N/A	Recurring
	<b>Project Status:</b> This project resurfaces failing and broken pathways within the City. Pathways are chosen based on inspections and resident requests. The Adobe Creek Reach Trail construction was completed with the Highway 101 Pedestrian and Bicycle Overcrossing Project in November 2021. A pedestrian pathway through Hoover Park was replaced in December 2021. No additional repairs were performed in winter and spring of 2022.				
Open Space Lakes and Pond Maintenance (OS-00002)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$31,150	\$62,600	Community Services	N/A	Recurring
	<b>Project Status:</b> This project rehabilitates lakes and ponds in open space nature preserves to protect wildlife habitat and recreational safety and to meet State Division of Safety of Dams requirements. A new three-year maintenance contract was awarded in 2021 which included three phases of vegetation removal once per year. The second pond servicing for the removal of aquatic vegetation was completed in spring 2022.				

**Parks and Open Space Projects**

**Status as of June 2022**

Open Space Trails and Amenities (OS-00001)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$513,143	\$232,000	Community Services	N/A	Recurring
	<b>Project Status:</b> This project restores unpaved trails, fences, picnic areas, and campgrounds at Foothills, Baylands, and Pearson-Arastradero Nature Preserves. In fall 2021, a new three-year trail maintenance contract was awarded. Work performed in the second half of FY 2022 included reconstruction of the Woodland Star trail and clearing of ditches in Pearson-Arastradero Preserve, gravel repair around Boronda Lake, bridge repair in Wildhorse Valley, some fire break maintenance, and gravel repair of the utility yard at Foothills Nature Preserve.				
Parks and Open Space Emergency Repairs (PG-09002)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$202,069	\$188,500	Community Services	N/A	Recurring
	<b>Project Status:</b> This project replaces or repairs playgrounds, play yard surfaces, wooden structures, park amenities, and play equipment in the event of storms, fire, vandalism or structural failure. Playground and pathway repairs were completed at Peers Park, Mitchell Park, and Johnson Park. Paver repairs near the playground at Johnson Park was completed in May 2022.				
Park Restroom Installation (PG-19000)	<b>Prior Years Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$16,962	\$467,240	Community Services	N/A	Recurring
	<b>Project Status:</b> This project installs new restrooms at City parks that currently do not have restroom facilities. The restrooms may be prefabricated. A Park Improvement Ordinance (PIO) for adding a new restroom at Ramos Park was reviewed and recommended for Council approval by the Parks and Recreation Commission in December 2020. Council approved the PIO in March 2021. Staff is working on a Ramos Park restroom preliminary design and preparing the materials for the upcoming ARB review. Due to staffing constraints and other priorities, the restroom installation is anticipated to occur in summer 2023.				

## Streets and Sidewalks Projects

Status as of June 2022

**One-Time Projects**

California Avenue District Gateway Signs (PE-17004)	Prior Years Actuals	Total Project Budget	Implementing Department	Project Phase	Project Completion
	\$21,436	\$150,488	Public Works	Design	Summer 2022
	<b>Project Status:</b> This project includes the design and replacement of two existing gateway signs for the California Avenue business district. Public outreach was completed in winter 2021. The Birch Street off-ramp sign is scheduled to be replaced in summer 2022. The California Avenue gateway sign has been put on temporary hold.				
Newell Road San Francisquito Creek Bridge Replacement (PE-12011)	Prior Years Actuals	Total Project Budget	Implementing Department	Project Phase	Project Completion
	\$2,098,507	\$18,227,483	Public Works	Design	Spring 2024
	<b>Project Status:</b> This project removes and replaces the Newell Road bridge over San Francisquito Creek with a clear span to allow the channel to convey up to the natural capacity of the San Francisquito Creek, approximately 7,500 cubic feet per second, and improved safety for vehicular, bicycle, and pedestrian traffic. The project is being closely coordinated with the City of East Palo Alto, Santa Clara Valley Water District, and the San Francisquito Creek Joint Powers Authority (JPA). The design consultant amendment and cooperative agreement with the City of East Palo Alto were approved by Council in June 2021. Work to advance the design and prepare regulatory permit applications began in summer 2021. The Bridge Type Selection Report was submitted to Caltrans in September 2021 and approved in January 2022. Staff continues to work with Santa Clara Valley Water District to amend the funding agreement and anticipates taking the agreement to Council for approval in fall 2022. The consultant issued the 65% Plans in February 2022 and staff submitted comments in March. The revised 90% Plan Specification & Estimate package was resubmitted in June 2022.				

**Recurring Projects**

City Bridge Improvements	Prior Year Actuals	Current Year Budget	Implementing Department	Project Phase	Project Completion
	\$9,746	\$223,400	Public Works	N/A	Recurring

**Streets and Sidewalks Projects**

**Status as of June 2022**

(PE-20001)	<p><b>Project Status:</b> This project includes bridge inspections, maintenance, repair, and an improvement program over the next five years. This program will include on-going inspections to report physical changes to the structures, recommendations for work to be done, and additional information to meet functional and structural standards in accordance with industry standards. Staff hired an on-call structural engineering firm to assist with the bridge inspection and repair program. Staff prioritized and completed inspections of twenty-five bridge and culvert structures in spring 2022. Staff is prioritizing repair projects to complete in FY 2023.</p>				
Curb and Gutter Repairs (PO-12001)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$339,713	\$144,785	Public Works	N/A	Recurring
San Francisquito Creek Joint Powers Authority Ongoing Creek Projects (PE-22000)	<p><b>Project Status:</b> This project repairs curbs and gutters uplifted by tree roots. The FY 2021 &amp; FY 2022 Street Maintenance Projects replaced 640 linear feet of Type A gutter and 40 linear feet of Type B gutter in the second half of FY 2022.</p>				
	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
Sidewalk Repairs (PO-89003)	\$0	\$61,000	Public Works	N/A	Recurring
	<p><b>Project Status:</b> This project provides funding for studies and completion of the design for the San Francisquito Creek Joint Powers Authority (JPA) upstream project including channel widening and Continuing Authority Program Section 205 (CAP 205) study. Completion of the CAP 205 study will make the channel widening components eligible for federal funding and will help fund the construction of the upstream project and address elements of the JPA's comprehensive flood management program.</p>				
Sidewalk Repairs (PO-89003)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$947,768	\$622,599	Public Works	N/A	Recurring
<p><b>Project Status:</b> This project repairs and replaces broken and uplifted sidewalks. The program completed all twenty-three sidewalk districts in 2017, a thirty-year (1986–2017) sidewalk repair district cycle. Council approved a sidewalk assessment contract in November 2017 to evaluate the sidewalk program and assess potential improvements to the</p>					

**Streets and Sidewalks Projects**

**Status as of June 2022**

	current district-based program. Staff used this assessment to compile a list of areas that require prompt action at varying locations throughout Palo Alto. These priority locations were repaired in FY 2020. Funding was reduced in FY 2022 as part of the FY 2022 Capital Improvement Program budget strategy. Remaining funding will be used to perform emergency maintenance and spot repairs. The FY 2021 & FY 2022 Street Resurfacing Projects replaced 3,160 square feet of broken and uplifted sidewalks at locations reported through Palo Alto 311 in the second half of FY 2022.				
Sign Reflectivity Upgrade (PO-11000)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$31,358	\$69,800	Public Works	N/A	Recurring
	<b>Project Status:</b> This project includes the annual inventorying, upgrading and maintaining of all traffic signs. A list of signs not meeting the minimum requirement is derived from MUTCD approved Nighttime Visual Inspection surveys. Due to Covid-19 and understaffing, there were no new signs identified for reflectivity replacement.				
Street Lights Improvements (PO-05054)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$183,186	\$112,400	Public Works	N/A	Recurring
	<b>Project Status:</b> This project replaces streetlights, including poles, pole foundations, luminaires and wiring as needed to restore or improve street lighting. There were seven knockdown locations, including three with substructure repairs completed in FY 2022.				
Street Maintenance (PE-86070)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$8,556,531	\$2,804,686	Public Works	N/A	Recurring
	<b>Project Status:</b> This project includes the annual resurfacing, micro-seal, crack seal, and reconstruction of various city streets. This project funds the street maintenance work that supports Council’s adopted goal of achieving a citywide average pavement condition index (PCI) score of 85, representing very good or excellent conditions, by 2019. The citywide PCI goal of 85 was met at the end of calendar year 2018, and the emphasis has been shifted to maintaining the 85 score while addressing the remaining streets with PCI scores less than 60. The FY 2022 Street Resurfacing				

**Streets and Sidewalks Projects**

**Status as of June 2022**

	<p>Project is under construction and will repave 2.63 lane miles of arterial and residential streets with PCI's averaging 46 and expecting to complete construction in summer 2022. This will help maintain and improve the City's Pavement Condition Index (PCI) beyond its average of 83 and will address many streets whose PCI scores fall below the City's minimum goal of 60.</p>				
<p>Thermoplastic Lane Marking and Striping (PO-11001)</p>	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$0	\$101,800	Public Works	N/A	Recurring
	<p><b>Project Status:</b> This project maintains the thermoplastic markings on roadways. Thermoplastic lane marking and striping is incorporated into annual Pavement Preventive Maintenance Projects. No new thermoplastic markings and striping were installed in the second half of FY 2022.</p>				

## Traffic and Transportation Projects

Status as of June 2022

One-Time Projects

	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
Charleston Arastradero Corridor Project (PE-13011)	\$15,582,850	\$20,788,951	Public Works	Construction	Fall 2022
	<b>Project Status:</b> This project is part of the 2014 Council Infrastructure Plan. It will reconfigure the Charleston Arastradero Corridor to provide new landscaped median islands, bulb outs, enhanced bike lanes, traffic signal improvements, and new street trees to complement the new lane configurations that were approved for permanent retention. Phase 1 (Arastradero Road between Foothill Expressway to Clemo Avenue) and Phase 2 (Charleston Road from Alma Street to Middlefield Road) were completed in 2020. Phase 3 (Arastradero Road from Los Palos Avenue to El Camino Real, Charleston Road from El Camino Real to Alma Street and from Middlefield Road to San Antonio Road) was approved by Council in June 2021. Construction of Phase 3 is ongoing. The contractor has completed paving East Charleston Road from Middlefield Road to San Antonio Road and West Charleston Road from El Camino Real to Alma Street. Final striping and median island curbs on West Charleston Road and East Charleston Road have been completed. The contractor started irrigation and landscaping installation on East Charleston Road and West Charleston Road in June 2022. Construction is anticipated to be completed by fall 2022.				
Churchill Avenue Enhanced Bikeway (PL-14000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$315,398	\$4,040,908	Office of Transportation	Design	Fall 2024
	<b>Project Status:</b> This project includes planning, design and construction of a shared-use path along the north side of Churchill Avenue between the existing shared-use path at Castilleja Avenue and the Stanford Perimeter Trail. It also includes intersection improvements at Churchill Avenue and El Camino Real, which will include a new dedicated westbound right-turn lane. The project is anticipated to gain PAUSD approval and will go out to bid in early 2023. Construction is anticipated to be completed by fall 2024.				
Churchill Avenue Alma Street	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$203,918	\$5,099,300	Office of Transportation	Design	Winter 2024

**Traffic and Transportation Projects**

**Status as of June 2022**

Railroad Crossing Safety Improvements (PL-20000)	<p><b>Project Status:</b> This project is a railroad crossing improvement project to enhance safety at the intersection of Churchill Avenue and Alma Street. This crossing was identified for possible funding for hazard elimination and safety improvements through the Federal Section 130 funds. Design includes traffic signal modifications, street lighting improvements, roadway resurfacing, sidewalk realignment and/or widening, drainage improvements, utility relocations, signage, and striping. Council approved the concept plan in May 2021 after community outreach. Staff is currently working with Caltrain, Caltrans, and California Public Utilities Commission (CPUC). The design plans reached completion in early 2022. Staff is coordinating with the Joint Power Board for CPUC approval to move forward with construction. Staff is preparing bid documents for construction to be released in fall 2022. Construction is anticipated to begin in early 2023.</p>				
Downtown Automated Parking Guidance Systems, Access Controls & Revenue Collection Equipment (PL-15002)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$228,690	\$2,815,468	Office of Transportation	Design	Winter 2023
Emergency Vehicle Traffic Signal Preemption System Pilot	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$486,422	\$686,322	Fire Department	Procurement	Fall 2022
<p><b>Project Status:</b> This project will purchase and implement an emergency vehicle preemption system pilot project. The system will integrate with the City’s current traffic signal management system and with the City’s computer-aided emergency response dispatch system to provide safer and quicker response times for emergency vehicles.</p>					

Traffic and Transportation Projects

Status as of June 2022

(PL-19000)	<p>This project is a pilot on 25 intersections. The traffic signal controls software were updated in spring 2020 and staff is working with our CAD and Signal System vendors to integrate the two systems for communication across the two platforms. Purchasing is drafting the contract for the plug-in software and staff expects the project will be complete by fall 2022.</p>				
<p>Quarry Road Improvements and Transit Center Access (PL-16000)</p>	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$1,282,050	\$3,130,759	Office of Transportation	Pre-Design	Fall 2024
	<p><b>Project Status:</b> This project includes the planning, design, and construction of bicycle, pedestrian, and transit access improvements along Quarry Road between El Camino Real and Welch Road, including, but not limited to, upgraded bicycle lanes and crosswalks, innovative intersection treatments for bicyclists, improved access to transit stops, roadway improvements for transit access, and signal modification. Planning, design, and construction of bicycle lanes and pedestrian improvements between the Palo Alto Transit Center bus depot and the intersection of Quarry Road and El Camino Real, and between El Camino Real and Welch Road have been completed. The next phase of the project will provide the transit access from Quarry Road to the Transit Center. The City is working with Stanford on evaluating the land ownership and entitlements before proceeding with design of such improvements.</p>				
<p>Railroad Grade Separation and Safety Improvements (PL-17001)</p>	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$3,836,455	\$15,883,876	Office of Transportation	Pre-Design	Fall 2025
	<p><b>Project Status:</b> This project is a community-based process to advance the railroad grade crossing circulation study and context sensitive solutions study envisioned by the City Council. It will also fund the preparation of a Project Study Report and environmental analysis that will be required for the City to realize its goals of advancing grade separations. This capital project provides funds to perform preliminary engineering design, conduct project related studies, and to prepare environmental documents for the project. The consultant in collaboration with the community prepared several conceptual plans for grade separations. In 2019, City Council established the Expanded Community Advisory Panel (XCAP) for reviewing the selected nine alternatives at the three crossing locations (Churchill Avenue, Meadow Drive and Charleston Road) to provide recommendation to the City Council. XCAP</p>				

**Traffic and Transportation Projects**

**Status as of June 2022**

	<p>delivered its final report to Council in March and April 2021. In early 2021, Council performed the review of the alternatives under consideration and eliminated the two south Palo Alto Tunnel Alternatives. Later in the year, upon further review, Council eliminated viaduct alternatives from further consideration for all three crossing locations. In addition, Council selected the partial underpass alternatives as preferred alternative for Churchill Avenue crossing. The Churchill Closure with mitigations was recommended as an alternative. Council directed staff to perform additional studies to review geotechnical conditions, refine the underpass/partial underpass alternatives, and to reconvene the Rail Committee and discuss the financial considerations. The consultant contract amendment was approved in May 2022. Staff will seek Rail Committee direction in the review of additional studies for the development of Project Alternatives for City Council Approval.</p>				
<p>University Ave Streetscape Project (PE-21004)</p>	<p><b>Prior Years Actuals</b></p>	<p><b>Total Project Budget</b></p>	<p><b>Implementing Department</b></p>	<p><b>Project Phase</b></p>	<p><b>Project Completion</b></p>
	<p>\$17,947</p>	<p>\$175,000</p>	<p>Public Works</p>	<p>Design</p>	<p>Fall 2025</p>
	<p>Project Status: This project includes a study to reconfigure University Avenue between Alma Street and Middlefield Road to adapt the public realm to maximize pedestrian and bicycle use, reduce congestion, and enhance the retail environment/economic activity, while maintaining two-way vehicular access, parking opportunities, delivery and loading zones, ride share spaces, and other amenities including performance space. Council awarded a professional services contract for CSW/Stuber-Stroeh Engineering in February 2022. The project uses a phased approach with Phase 1 consisting of public outreach, conceptual design, preliminary environmental studies, and financial assessment. A preferred plan will be developed in Phase 1 based on community and stakeholders’ input. Upon completion of Phase 1 assessment and Council’s review of the community preferred plan, future phases including design, environmental assessment, bidding and construction will be developed. Phase 1 is anticipated to be completed by spring 2023.</p>				

**Traffic and Transportation Projects**

**Status as of June 2022**

**Recurring Projects**

Bicycle and Pedestrian Transportation Plan Implementation (PL-04010)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$9,568,815	\$15,276,377	Office of Transportation	N/A	Recurring
	Project Status: The Neighborhood Traffic Safety and Bicycle Boulevards Phase 1 Project along Amarillo Avenue, Moreno Avenue and Ross Road was completed in November 2018. Conceptual plans for the Neighborhood Traffic Safety and Bicycle Boulevards Phase 2 Project along Bryant Street, Maybell Avenue, Stanford Avenue, Park Boulevard, and Wilkie Way were adopted by City Council in 2015. Currently, Phase 2 is on hold at 75% design until staff resources are available.				
Safe Routes to School (PL-00026)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$70,370	\$1,141,128	Office of Transportation	N/A	Recurring
	<b>Project Status:</b> This project enables the City’s Safe Routes to School program, including school commute planning, encouragement activities, and capital improvements along local and collector streets that may be impacted by school commute activities. The capital improvements include traffic calming devices, enhanced crosswalks, and improved signage along suggested safe routes to school. The community engagement and planning process for the construction of the South Palo Alto Bikeways project began in FY 2021. The project will implement buffered or protected bike lanes on East Meadow Drive from Alma Way to Fabian Way, Fabian Way from East Meadow Drive to East Charleston Road, and widen and repave the Waverley Avenue Bike Path between East Meadow Drive and Charleston Road . Due to lack of staff resources, the project schedule was delayed, and the City relinquished construction grant funds prior to expiration of funding. Staff is currently applying for new grant funds for construction.				
Traffic Signal and Intelligent Transportation Systems	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$227,010	\$980,450	Office of Transportation	N/A	Recurring
	Project Status: This project includes design and construction of traffic signals, traffic signal communications networks, detection, and data projects for transportation use, and maintenance of the City’s traffic signal central				

**Traffic and Transportation Projects**

**Status as of June 2022**

(PL-05030)	<p>management system. The project includes the replacement of traffic signal controllers/cabinets, video detection systems, accessible pedestrian buttons, and related field equipment. The new controllers enable additional traffic signal timing strategies and improve the reliability of the City's traffic signals. Design for traffic signal safety and operational improvements at the intersection of San Antonio Road and Charleston Road is currently in progress. The design is 65% complete. Staff is working on the final plans and will be preparing bid documents for construction to be released in fall 2022. Construction is anticipated to begin in late 2022.</p>				
<p>Transportation and Parking Improvements (PL-12000)</p>	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$62,198	\$635,400	Office of Transportation	N/A	Recurring
	<p>Project Status: This project implements miscellaneous neighborhood traffic calming improvements including neighborhood traffic studies and parking improvements. This project also funds the development of grant proposals used to procure funding for future projects. Projects currently in progress include the Crescent Park neighborhood traffic calming pilot. The conceptual plan for the traffic calming pilot project in the Crescent Park neighborhood was approved by Council in November 2020. Traffic calming elements were placed in summer 2021 for a one-year trial period.</p>				

## Airport Projects

Status as of June 2022

### One-Time Projects

Airport Apron Reconstruction (AP-16000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$35,518,439	\$42,211,235	Public Works	Construction	Spring 2022
	<b>Project Status:</b> This project includes the design and reconstruction of the Palo Alto Airport apron and is being implemented in multiple phases. The pavement surfaces at the airport are failing and uneven. The need to reconstruct the aircraft parking apron is critical to airport safety. Construction Phase I was completed in November 2017. Construction Phase II was completed in winter 2020. Construction on Phase III began in November 2020 and the project is 95% complete. The project is expected to be completed in summer 2022.				
Airport Layout Plan (AP-21000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$58,000	\$741,500	Public Works	Design	Summer 2024
	<b>Project Status:</b> This project provides updates to the Airport Layout Plan (ALP), including a narrative report and environmental study. The Airport received funding for a Phase I portion of this project in fall 2020. Phase I is approximately 75% complete, and it is anticipated that funding for Phase II will be received in summer 2022. The project is expected to be completed by summer 2024.				
Airport Temporary Office Buildings AP-22001	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$947	\$181,000	Public Works	Design	Winter 2023
	<b>Project Status:</b> This project provides funding for the installation and Furniture, Fixtures, & Equipment (FF&E) of existing temporary modular buildings at the airport to provide adequate office space for airport staff as well as terminal space for the public. A Request for Bids will be issued in fall 2022.				

**Airport Projects**

**Status as of June 2022**

Automated	Prior Years Actuals	Total Project Budget	Implementing Department	Project Phase	Project Completion
Weather Observation System (AWOS) AP-19000	\$0	\$607,700	Public Works	Design	Summer 2024
<p><b>Project Status:</b> This project provides a new weather information system to be installed at the Palo Alto Airport. The Airport has applied for FAA funding, and is waiting for the grant agreement to start design.</p>					

**Recurring Projects**

**2022-2026 – Airport Capital Improvements Program Projects:** *There are no recurring projects scheduled at this time.*

## Electric Fund Projects

Status as of June 2022

**One-Time Projects**

115 kV Electric Intertie (EL-06001)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$689,663	\$6,990,040	Utilities	Pre-Design	Summer 2027
	<b>Project Status:</b> This project will perform a technical feasibility study to determine the general project requirements to establish a 115 kV electric intertie line and construct a 115/60 kV substation to connect the City's electric system directly to the 15 kV transmission line at an additional location. Staff is seeking the California Independent System Operator's commitment to support this interconnection.				
Capacitor Bank Installation (EL-16002)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$774,084	\$1,050,443	Utilities	Completed	Spring 2022
	<b>Project Status:</b> This project installs capacitor banks at electric substations and on distribution lines to ensure Northern California Power Association Power Factor requirements are met. Staff has performed an analysis of where capacitors are needed to provide VAR support to enhance the voltage regulation and stability of the system. Capacitor banks will be installed at Hanover Avenue, Hansen Way, Maybell Avenue, and Park Boulevard Substations. Engineering has completed the design and procurement of materials for the project and is currently 95% complete with the construction and installation phase. The Hansen Way and Park Boulevard projects are complete. Hanover Avenue is in the final implementation of cabling and interconnection. The Maybell Avenue project was substantially completed in June 2022 and will be commissioned and energized in summer 2022 along with the Hansen Way and Park Boulevard projects.				
Coleridge Cowper Tennyson 4/12kV Conversion (EL-14000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$180,813	\$2,661,878	Utilities	Design	Summer 2023
	<b>Project Status:</b> This project converts the primary electric distribution system in the Coleridge Avenue, Cowper Street, Tennyson Avenue area from 4 kV to 12 kV. This project is a precursor to work being planned for the Colorado Street and Hopkins Avenue Substations. Design is at 90% completion and is delayed due to staffing needs.				

## Electric Fund Projects

Status as of June 2022

Colorado Distribution Feeder Outlet Replacement (EL-22002)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$0	\$400,000	Utilities	Design	Summer 2023
	<b>Project Status:</b> This project is for the installation of a new underground duct bank and cable at Colorado Substation. The installation will improve reliability for all Colorado circuits. The design is in progress and construction will begin by early spring 2023.				
Colorado Power Station Equipment Upgrades (EL-19001)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$4,335,869	\$10,865,445	Utilities	Pre-Design	Fall 2027
	<b>Project Status:</b> This project is for the upgrades to equipment at the Colorado Power substation. In FY 2022 staff completed the evaluation of existing equipment and will proceed with replacing the COP-3 115 kV/60 kV transformer bank and the 115 kV breaker. Staff will begin preliminary design in FY 2023.				
Colorado Substation Site Improvements (EL-19002)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$250,139	\$1,306,071	Utilities	Design	Fall 2024
	<b>Project Status:</b> This project will make modifications to the substation driveways and fence to provide adequate ingress and egress for utility vehicles used for maintenance and repair. Staff is preparing an overall master plan for Colorado Substation to include all proposed improvements. Detailed designs for lighting, driveway, fences, walls, and an oil containment improvement are being prepared. All the proposed improvements are coordinated, to ensure a cohesive design and plan for construction.				
East Meadow Circles 4/12kV Conversion (EL-17001)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$239,819	\$1,838,701	Utilities	Design	Spring 2024
	<b>Project Status:</b> This project converts the primary electric distribution system in the East Charleston/Alma Street/East Meadow Drive/Middlefield Road area from 4 kV to 12 kV and is challenging because of the configuration of the streets and rear easement facilities. This project has been split into six design and construction phases. Engineering has completed the substructure and electrical design work for Phase 1. The engineering design				

## Electric Fund Projects

Status as of June 2022

	for Phase 2 is currently in progress. Construction for Phases 1 and 2 will be completed by spring 2023. All six phases are targeted to be completed by spring 2024. Construction for this project was deferred to maintain zero rate increases to ease economic recovery because of COVID-19. Phase 1 substructure construction is completed.				
Facility Relocation for Caltrain Modernization Project (EL-17007)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$2,405,571	\$3,055,472	Utilities	Completed	Spring 2022
	<b>Project Status:</b> The Utilities Department received approval from Caltrain to continue removal of the overhead lines in October 2018. The installation of the Overhead Catenary System above the rails to power the trains will cause conflicts with the City's overhead electric and communication lines, as well as those owned by others, including AT&T and Comcast, which cross the railroad tracks. This project was completed in spring 2022.				
Foothills Rebuild (Fire Mitigation) (EL-21001)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$1,742,548	\$4,000,000	Utilities	Design	Fall 2025
	<b>Project Status:</b> This project will rebuild the approximately 11 miles of overhead line in Foothills Park, as necessary to mitigate the possibility of wildfire due to overhead electric lines. This could include the utilization of more robust equipment or construction practices, rerouting to avoid vegetation and improve access for inspection and maintenance, or converting the overhead lines to underground where feasible. Two proposals were received for this project and both proposals were rejected because they did not provide an option to underground existing overhead electric lines. Substructure for Phase 1 was completed in spring 2022 and the substructure for Phase 2 is expected to start in July 2022. Phases 3 and 4 are currently in design phase.				
Hopkins Substation 4/12 kV Conversion (EL-20000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$0	\$2,010,000	Utilities	Design	Fall 2025
	<b>Project Status:</b> This project will convert the distribution system connected to the Hopkins Substation from 4 kV to 12 kV. The future conversion of the Hopkins Substation from 4 kV to 12 kV requires that all the areas currently				

**Electric Fund Projects**

**Status as of June 2022**

	served at 4 kV from the Hopkins Substation be converted to 12 kV. This project will improve operating flexibility of the system, service reliability, and back-up to customers in downtown and other adjacent areas.				
Inter-Substation Line Protection Relay (EL-17005)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$370,372	\$821,030	Utilities	Construction	Summer 2024
	<b>Project Status:</b> This project replaces the existing HCB pilot wire relays with a new microprocessor line differential protective relay to protect the city’s 60 kV sub-transmission line sections and equipment from damage due to faults (i.e. short circuits) on the 60 kV line sections. This project is being done in phases, with design and construction happening concurrently on the different phases. Construction of these improvements relies on work completed by other projects to install fiber optic connections. This project is temporarily delayed due to available staffing levels and a refocus on current priorities and customer service projects.				
Rebuild Underground District 15 (EL-11003)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$43,348	\$1,293,337	Utilities	Design	Fall 2023
	<b>Project Status:</b> This project rebuilds and replaces the underground electric system in Underground District 15, the area bounded by Los Palos Avenue, Glenbrook Drive, Pomona Avenue, and Arastradero Road. This project is in the preliminary stages of engineering design and work will be coordinated with EL-16000 which is currently rebuilding the electric system along Arastradero Road. Work on this project was delayed due to public input regarding the design of the project. Changes to the Rules and Regulations will require property owners to pay for the differential cost should they want submersible equipment instead of pad mount. Design of the project is delayed due to staffing needs.				
	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$28,742	\$735,335	Utilities	Design	Spring 2023

## Electric Fund Projects

Status as of June 2022

Rebuild Underground District 16 (EL-13003)	<b>Project Status:</b> This project rebuilds and replaces the underground electric system in Underground District 16, the area along Louis Road between Greer Street and Loma Verde Avenue. The engineering design work is complete. This project will be bundled with other similar type jobs for bidding to obtain more favorable pricing.				
Rebuild Underground District 24 (EL-10006)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$1,949,767	\$2,525,338	Utilities	Construction	Fall 2022
	<b>Project Status:</b> This project rebuilds and replaces the underground electric system in Underground District 24, the area bounded by Lytton Avenue; Bryant Street; Forest Avenue; and Alma Street. This project is projected to be completed in December 2022.				
Rebuild Underground District 26 (EL-16000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$36,817	\$312,447	Utilities	Design	Spring 2025
	<b>Project Status:</b> This project rebuilds and replaces the underground electric system in Underground District 26, the area along Arastradero Road between El Camino Real and Hillview Avenue. This is a four-phase project. The first phase design is complete, the remaining phases will be started once the division is fully staffed.				
Smart Grid Technology Installation (EL-11014)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$2,058,142	\$17,674,003	Utilities	Design	Fall 2024
	<b>Project Status:</b> Council approved the Advanced Metering Infrastructure (AMI) with Sensus on October 18, 2021. The project includes replacement of 30,000 electric meters and retrofit of 20,800 water and 24,200 gas meters with radio endpoints to transmit meter data to the AMI network. The proof of concept phase including AMI network installation, meter testing, and system integration will occur between January 2022 and June 2023. Full deployment is anticipated to run from July 2023 through December 2024.				

## Electric Fund Projects

Status as of June 2022

Substation 60kV Breaker Replacement (EL-17002)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$1,467,555	\$6,062,637	Utilities	Pre-Design	Summer 2028
	<b>Project Status:</b> This project replaces high voltage circuit breakers that interconnect the nine electric substations and two power switching stations that are reaching the end of their useful life and are now underrated for their use. This project is being done in phases, with design and construction happening concurrently on the different phases. Four breakers were replaced recently while anticipating the multi-year contract procurement method. Staff completed the construction on the first phase and is working to procure a multi-year contract with a contractor to complete the design and replacement of the remaining breakers. Legal and Procurement have been deciding on a pre-qualification RFP process beginning in 2019, which needs to be finalized before this project can proceed in any significant manner.				
Substation Physical Security (EL-16003)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$1,489,198	\$3,200,190	Utilities	Construction	Winter 2025
	<b>Project Status:</b> This project installs facilities providing physical protection of electric substations from vandalism and intrusion. A professional services contract was awarded to Burns & McDonnell and the study was completed. Staff continues to implement recommendations from the study each fiscal year. Procurement for improvements at Hansen Way were completed in 2022. CPAU intends to award a bid for a wide-scale nine electric substation security cameras and lighting upgrade in 2022, with construction occurring in 2023.				

**Recurring Projects**

Communications System Improvements (EL-89031)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$14	\$170,000	Utilities	N/A	Recurring
	<b>Project Status:</b> This project installs high frequency coaxial cable, fiber optic cable, and related equipment to provide communications services for traffic signal coordination, telephone links, computer data transmission, and				

## Electric Fund Projects

Status as of June 2022

	the Electric Supervisory Control and Data Acquisition (SCADA) system. This project is funding a portion of the design phase of an expanded Utilities fiber optic network. The contract for design of this network was approved by Council in June 2020. Staff is in the planning stages for design implementation.				
Electric Customer Connections (EL-89028)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$1,255,231	\$2,689,745	Utilities	N/A	Recurring
	<b>Project Status:</b> This project installs services, transformers, and meters for new customers; upgrading of existing services; temporary service connections; and overhead and underground extensions for new or existing customers. Projects are in many stages of design and construction to provide temporary and permanent power to residential and commercial customers in Palo Alto. There are ongoing electric customer connections each year.				
Electric System Improvements (EL-98003)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$909,344	\$2,597,000	Utilities	N/A	Recurring
	<b>Project Status:</b> This project consists of various projects that replace deteriorated facilities or install protective devices that improve the Electric Distribution System. Projects are in many stages of development to replace transformers, replace poles, replace overhead wires, and install protective devices to improve service reliability. There are ongoing electric systems improvements each year.				
Electric Utility Geographic Information System (EL-02011)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$172,408	\$492,100	Utilities	N/A	Recurring
	<b>Project Status:</b> This project enhances the citywide Geographical Information System (GIS). The primary emphasis will be to provide a compatible user interface and estimating software, to edit and update data which will reside in the citywide GIS. This funding is also being used to pay for Utilities Electric Division's share of cost for the implementation of new city-wide GIS system (ESRI) led by IT. Staff is also working directly with IT to assess GIS needs and the transition of the mapping information to ESRI. The data migration to ESRI's Utility Network Model is in progress. The migration for Electric is 35% complete.				

## Electric Fund Projects

Status as of June 2022

SCADA System Upgrades (EL-02010)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$283,489	\$405,674	Utilities	N/A	Recurring
	<b>Project Status:</b> This project upgrades the Supervisory Control and Data Acquisition (SCADA) system hardware. Staff completed upgrade of the servers used for monitoring the utility substations and equipment in 2014. The next hardware and software upgrade is in progress at the factory and work will occur in winter 2023.				
Substation Facility Improvements (EL-89044)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$264,757	\$450,000	Utilities	N/A	Recurring
	<b>Project Status:</b> This project makes improvements to facilities at the electric substations in Palo Alto. Staff is working on the replacement of Remote Terminal Units (RTU) at various substations, upgrading gravel and grounding, 60 kV air switches, and reconfiguring steel trusses and associated devices.				
Substation Protection Improvements (EL-89038)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$183,000	\$480,000	Utilities	N/A	Recurring
	<b>Project Status:</b> This project makes improvements to equipment used at electric substations to protect the substation equipment and circuits emanating from the substation from damage due to faults (i.e. short circuits) on the electric system.				
Underground System Rebuild (EL-16001)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$36,944	\$349,999	Utilities	N/A	Recurring
	<b>Project Status:</b> This project replaces underground electric equipment in areas that were originally installed underground, that are not part of an Underground District. Staff is working to identify areas where the age of the existing cables are a high priority for cable replacement. To date, this includes areas in the Stanford Research Park, Arastradero Road, and along East Bayshore Road. New areas have been identified and progress has been made on development of the project. Construction of this project was deferred to maintain zero rate increases to ease economic recovery because of COVID-19.				

## Electric Fund Projects

Status as of June 2022

Wood Pole Replacement (EL-19004)	Prior Year Actuals	Current Year Budget	Implementing Department	Project Phase	Project Completion
	\$1,297,849	\$1,739,927	Utilities	N/A	Recurring
	<p><b>Project Status:</b> This project will fund the annual replacement of deteriorated wood power poles. The project is in the design phase with expected completion in December 2022 and construction starting summer 2023. The project is delayed this year because of staffing shortages. CPAU is working to bring on a consultant to work on the design phase of this project.</p>				

## Fiber Optics Fund Projects

Status as of June 2022

One-Time Projects

Fiber Optic Network System Rebuild (FO-16000)	Prior Years Actuals	Total Project Budget	Implementing Department	Project Phase	Project Completion
	\$1,318,527	\$2,579,289	Utilities	Design	Spring 2024
	<b>Project Status:</b> This project is for the System Capacity Improvement that rebuilds portions of the "dark" fiber optic network around Palo Alto. The first phase of this project has been constructed. Additional work is being assessed and will be coordinated with the project to expand the Utilities Fiber Optic Network (EL-89031). This project is postponed due to the Fiber Expansion Project. Fiber contractor is expected to finish design in summer 2022.				

Recurring Projects

Fiber Optics Customer Connections (FO-10000)	Prior Year Actuals	Current Year Budget	Implementing Department	Project Phase	Project Completion
	\$48,111	\$250,000	Utilities	N/A	Recurring
	<b>Project Status:</b> This project enables the installation of fiber optic infrastructure for new service connections. Projects are developed as needed to meet customer requests for leasing of fibers on the Dark Fiber system. Staff have processed and completed twelve customer connection projects in FY 2022, in addition to several smaller projects involving existing fiber optic cable connections that were handled directly by Operations staff. The reduced number of projects was impacted by COVID-19 work restrictions.				
Fiber Optics Network System Improvements (FO-10001)	Prior Year Actuals	Current Year Budget	Implementing Department	Project Phase	Project Completion
	\$221,227	\$145,710	Utilities	N/A	Recurring
	<b>Project Status:</b> This project improves the reliability within the fiber optic network system. A project to install a new fiber optic cable from Park Substation to the Stanford Research Park to enhance capabilities and reliability is identified and waiting for availability of staff to design. This project is postponed due to the Fiber Expansion Project. The fiber contractor is expected to finish design in summer 2022.				

## Gas Fund Projects

Status as of June 2022

**One-Time Projects**

Gas Main Replacement	Prior Years Actuals	Total Project Budget	Implementing Department	Project Phase	Project Completion
Project 23 (GS-13001)	\$5,634,415	\$7,951,869	Utilities	Construction	Summer 2022
	<b>Project Status:</b> This project enables the design and construction to replace approximately 21,700 linear feet (which represents 1.9% of the City's Gas distribution main system) of distribution main and 320 gas services constructed mainly of PVC material on various streets within the Midtown, Evergreen Park, Ventura, College Terrace, Charleston Terrace, and Research Park neighborhoods. Gas pipeline replacement at the Town & Country Village property was removed, while the pipeline replacement on Encina Avenue, Embarcadero Road and El Camino Real will continue. Construction began in winter 2021 with construction scheduled to be completed in summer 2022.				
Gas Main Replacement	Prior Years Actuals	Total Project Budget	Implementing Department	Project Phase	Project Completion
Project 24 (GS-14003)	\$24,178	\$9,000,000	Utilities	Design	Winter 2024
	<b>Project Status:</b> This project enables the design and construction to replace approximately 20,100 linear feet (which represents 1.9% of the City's Gas distribution main system) of distribution main and 260 gas services constructed mainly of PVC on various streets within the University Park, Stanford, and Green Gables neighborhoods. Release of the project for bidding has been delayed to incorporate the Town & Country Village scope. Construction is anticipated to begin in winter 2023.				

**Recurring Projects**

Gas Distribution System Improvements	Prior Year Actuals	Current Year Budget	Implementing Department	Project Phase	Project Completion
(GS-11002)	\$323,979	\$500,000	Utilities	N/A	Recurring
	<b>Project Status:</b> This project enables Gas Distribution System improvements. Typical activities include increasing distribution system capacity for load growth, replacing deteriorated capital facilities, reconfiguring/adding to the system to improve service reliability, and conducting research related to performance of the gas distribution system or its				

**Gas Fund Projects**

**Status as of June 2022**

	various components making general improvements to the system. The City must continuously evaluate service reliability needs and make improvements to the system to maintain top level service to City customers and to minimize potential economic losses due to service interruptions. In the second half of FY 2022, replacement of various gas services and valves throughout the system were completed.				
Gas Equipment and Tools (GS-13002)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$8,922	\$50,000	Utilities	N/A	Recurring
	<b>Project Status:</b> This project purchases polyethylene (PE) fusion equipment and tools, directional boring/locating equipment and tools, and general shop equipment and tools. The equipment needs to be upgraded on an annual basis to safely operate and maintain a natural gas distribution system and to ensure operators' safety and productivity. In the second half of FY 2022, a new air motor for the large diameter tapping and stopping equipment was purchased.				
Gas Meters and Regulators (GS-80019)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$140,566	\$500,000	Utilities	N/A	Recurring
	<b>Project Status:</b> This project provides replacement of the existing gas meters and regulators annually. The coordination of gas meter and regulator replacements with gas meters identified to be replaced under the AMI contract, which is generally gas meters that are 25 years or older. The gas meter replacement program ensures the accuracy of gas consumption measurement, reduces possible revenue loss due to under-registered gas, and provides customers with accurate monthly bills. Replacement of aged gas meters and regulators is on-going. The next major replacement of meters and regulators will be coordinated with Gas Main Replacement Project 24 (GS-14003) and the Advanced Metering Infrastructure project.				
Gas System, Customer Connections (GS-80017)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$1,207,298	\$1,124,169	Utilities	N/A	Recurring
	<b>Project Status:</b> This project enables the Gas Distribution System to be extended in order to provide gas service to new customers and augment service to customers with increased natural gas demands. Improvements include new mains,				

**Gas Fund Projects**

**Status as of June 2022**

	<p>services, valves, regulators, meters, and accessories. This project upgrades infrastructure to provide gas service connections to new customers, meet changes in existing customer service demands, and respond to changes in gas service requirements due to new development or redevelopment. This project is funded partially from reimbursements by customers. City crews completed 27 new gas services installations and 25 gas service demolitions in the second half of FY 2022.</p>
--	--

## Stormwater Management Projects

Status as of June 2022

### One-Time Projects

Corporation Way System Upgrades and Pump Station (SD-21000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$161,481	\$3,949,241	Public Works	Design	Fall 2023
	<b>Project Status:</b> This project incorporates a design of a new small pump station with 25 cubic feet per second capacity and upgrades 700 linear feet of pipe to 30-inch diameter High Density Polyethylene pipe. The existing system does not have the force needed to discharge storm flows into the Adobe Creek. Adding a pump station in advance of the outfall and upsizing the storm pipe will eliminate the routine flooding along East Bayshore Road and convey runoff from a 10-year storm event. Staff is also in the process to secure an easement for the pump station from adjacent property owners. The design consultant contract was awarded in June 2020. The final design will be completed in fall 2022 and construction is anticipated to start in winter 2023.				
Green Stormwater Infrastructure (SD-22001)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$0	\$500,800	Public Works	Design	Summer 2024
	<b>Project Status:</b> This project provides funding for Green Stormwater Infrastructure (GSI) projects and the integration of GSI features to be included in the design and implementation of planned CIP projects supported by other funds and in the future maintenance of the City's GSI assets. GSI mimics the natural environment to slow, spread, sink, and filter storm runoff through native or engineered soils or other pervious material rather than discharging it directly into storm drain inlets. Elements include bioretention planters, tree wells, pervious pavement, and rainwater harvesting (rain barrels and cisterns) to manage stormwater runoff.				
Trash Capture Device Installation (SD-22002)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$9,950	\$613,000	Public Works	Design	Fall 2022
	<b>Project Status:</b> This project provides funding for the design and construction of a large trash capture device (TCD) to be installed in the planting strip along Embarcadero Road located in front of the Palo Alto Baylands Golf Links parking lot. The TCD will be integrated into a 36-inch storm pipe to capture trash as small as five millimeters from a section of the storm drain system prior to discharging to the San Francisco Bay. The 189-acre drainage area treated				

**Stormwater Management Projects**

**Status as of June 2022**

	by the TCD consists of 169 acres of commercial and office land use in the City’s jurisdiction and 20 acres in the California Department of Transportation (Caltrans) right-of-way. A Request for Proposals was released in May 2022 for design and construction support. A design contract will be brought to Council for award in summer 2022.				
West Bayshore Road Pump Station (SD-20000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$234,588	\$1,795,272	Public Works	Design	Spring 2024
	<b>Project Status:</b> This project incorporates design and construction of a new small pump station with 15 cubic feet per second capacity. Installing a new pump station will allow storm flows to be pumped into the Adobe Barron Creek confluence while adding a pump station in advance of the outfall would eliminate the routine flooding along West Bayshore Road and allow the system to convey runoff from a 10-year storm event. The design consultant contract was awarded in June 2020. The consultant has reached 90% completion of the design plans. Staff is also in the process to secure an easement for the pump station from adjacent property. The final design will be completed in fall 2022 with construction expected to start by fall 2023.				
West Bayshore Road Trunk Line Improvements (SD-23000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$43,799	\$2,410,175	Public Works	Design	Spring 2024
	<b>Project Status:</b> This project replaces approximately 1,400 linear feet of existing 15-inch diameter pipe with 36-inch High Density Polyethylene pipe. These improvements along with the new West Bayshore Road Pump Station (SD-20000) will eliminate the routine flooding along West Bayshore Road and allow the system to convey runoff from a 10-year storm event. Once the design for the pump station is finalized the consultant will advance the design for the capacity upgrades. The final design will be completed in fall 2022 with construction expected to start by fall 2023.				

## Stormwater Management Projects

Status as of June 2022

### Recurring Projects

Storm Drainage System	Prior Year Actuals	Current Year Budget	Implementing Department	Project Phase	Project Completion
Replacement and Rehabilitation (SD-06101)	\$374,725	\$2,279,411	Public Works	N/A	Recurring
<p>Project Status: This project provides for annual replacement and rehabilitation to maintain the integrity of the storm drain system, including deteriorated storm drain piping, manholes, and storm drain inlets. The rehabilitation includes cured-in-place pipe (CIPP) lining, and replacement of broken pipe with HDPE. The rehabilitation project went to bid in summer 2021, construction started in early 2022 and completion is expected in fall 2022.</p>					

## Wastewater Collection Fund Projects

Status as of June 2022

### One-Time Projects

Wastewater Collection System Rehabilitation Augmentation Project 30 (WC-17001)	Prior Years Actuals	Total Project Budget	Implementing Department	Project Phase	Project Completion
	\$752,887	\$4,302,315	Utilities	Construction	Fall 2022
<p><b>Project Status:</b> This project includes the design and construction of high priority mains with structural defects that cannot be addressed with routine maintenance. The wastewater mains on various streets in the City, will be replaced with approximately 10,000 linear feet of sanitary sewer mains and associated laterals in the Ventura, Charleston Meadows, Fair Meadow, and Palo Verde neighborhoods. The Notice to Proceed for construction was issued in March 2022 with an anticipated project completion in November 2022.</p>					

### Recurring Projects

Sewer Lateral/Manhole Rehabilitation and Replacement (WC-99013)	Prior Year Actuals	Current Year Budget	Implementing Department	Project Phase	Project Completion
	\$0	\$800,000	Utilities	N/A	Recurring
<p><b>Project Status:</b> This project replaces defective sewer laterals, cleanouts, manholes, backwater devices, and equipment to support these activities to maintain the Wastewater Collection System, as well as to comply with the Sanitary Sewer Master Plan (SSMP). Information collected during routine annual maintenance activities is used to prioritize work. The continued work performed will also help reducing both sewage blockage and the City's treatment expenses to treat rainwater or groundwater infiltration. A new 3-year contract was approved to replace problematic sewer laterals.</p>					
Sewer System, Customer Connections (WC-80020)	Prior Year Actuals	Current Year Budget	Implementing Department	Project Phase	Project Completion
	\$436,902	\$450,000	Utilities	N/A	Recurring
<p><b>Project Status:</b> This project installs sewer lateral connections and additions or extensions of existing mains to serve new customers and to respond to changes in sewer requirements due to redevelopment. Old existing non-plastic</p>					

**Wastewater Collection Fund Projects**

**Status as of June 2022**

	sewer laterals with condition deficiencies per Utilities Operations’ criteria are required to be replaced in accordance with the latest 2021 WGW Standards. This project recovers the cost for installation and maintenance through customer connection fees and capacity increase fees for connecting to the wastewater collection system.				
Wastewater General Equipment and Tools (WC-13002)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$53,446	\$120,000	Utilities	N/A	Recurring
	<b>Project Status:</b> This project includes the acquisition of new fusion equipment to fuse pipe joints together and other tools needed to clean and inspect the collection system. As the equipment ages, the quality of the fusion joints begins to decline, and the operators must spend more time scraping, aligning, and fusing construction joints to maintain high standards for the installation of sewer pipes. Recent equipment replacement include the new jetter to flush the pipes and CCTV camera to inspect the condition of the pipes.				
Wastewater System Improvements (WC-15002)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$201,040	\$200,000	Utilities	N/A	Recurring
	<b>Project Status:</b> This project implements improvements to the Wastewater Collection System by increasing system capacity for growth, flow monitoring, hydraulic modeling and system analysis, load simulations, asset management analysis and assessment, system inflow/infiltration analysis, and sanitary sewer overflow monitoring and reduction. Replacement of the City’s legacy wastewater maintenance and asset management software (from ICOM to Sedaru) was completed in May 2021.				

**Wastewater Treatment Fund Projects**

**Status as of June 2022**

**One-Time Projects**

Advanced Water Purification Facility (WQ-19003)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$1,451,891	\$20,216,590	Public Works	Design	Fall 2024
<p><b>Project Status:</b> This project enables the design and construction of an Advanced Water Purification Facility to further improve the quality of the tertiary-treated recycled water by ultrafiltration followed by reverse osmosis to reduce the level of total dissolved solids. The water reuse partnership agreement with Valley Water and Mountain View provides \$16 million in funding from Valley Water for this project. The City has received a State low-interest loan for the design and construction phases. The original project budget was based on the Preliminary Design Report from 2017. Project costs have increased, due to a detailed design which addresses sea level rise policy implications, a requirement for piling the entire facility, and local market construction inflationary factors due to supply chain issues. The design is currently at 60% completion and is expected to be completed in fall 2022, with project construction completion in fall 2024.</p>					
Headworks Facility Replacement (WQ-16002)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$0	\$49,120,400	Public Works	Design	Fall 2027
<p><b>Project Status:</b> This project replaces influent pumping, including the suction and discharge piping, pipe manifolds, valves, the electrical and controls system, screening equipment, grit handling equipment, the force main to the primaries and modifying headworks building, and yard piping. Solicitation for a consultant to perform advance planning is expected to begin in summer 2022.</p>					
Horizontal Levee Pilot (WQ-22001)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$0	\$832,100	Public Works	Design	Summer 2027
<p><b>Project Status:</b> This project consists of the design, permitting, and construction of a horizontal levee pilot system. The system will utilize treated wastewater to create a transitional brackish habitat on the Bayside of a future flood control levee located in the Palo Alto Baylands, adjacent to the City of Palo Alto’s Regional Water Quality Control Plant (RWQCP). Information and data collected by this pilot system could support broader implementation of horizontal</p>					

**Wastewater Treatment Fund Projects**

**Status as of June 2022**

	levees as green infrastructure components in larger flood control levee improvement projects within Palo Alto and beyond. The project is currently at 60% design and working towards completing CEQA review by December 2022.				
New Laboratory and Environmental Services Building (WQ-14002)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$363,705	\$24,149,059	Public Works	Design	Fall 2027
	<b>Project Status:</b> This project was originally envisioned to replace the existing plant laboratory and environmental services offices. Staff is currently revising space planning assumptions as the City and WQCP are investigating the potential acquisition of a property adjoining the WQCP and have put further design efforts on hold until more advanced planning can be completed. Solicitation for engaging a consultant for advance planning is expected in fall 2022.				
Outfall Line Construction (WQ-19000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$0	\$10,668,115	Public Works	Design	Summer 2026
	<b>Project Status:</b> This project consists of the construction of a new parallel outfall pipe to convey final plant effluent to San Francisco Bay. Design was completed in fall 2020. The PWE/USACOE Levee Project requires a re-design of the pipeline to accommodate a potential future runway shift at PAO Airport. Staff is currently working with PAO/FAA staff towards gaining FAA concurrence for the project re-design. The City has received a State low-interest loan for the design and construction phase, and the State is working with the City to retain the loan through the re-design process.				
Plant Master Plan (WQ-10001)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$4,940,812	\$5,513,891	Public Works	Construction	Winter 2024
	<b>Project Status:</b> This project enables the ongoing program management support for major capital projects. Current tasks include developing scopes of work, evaluating consultant proposals, coordinating project management activities, pursuing State low-interest loans for multiple projects, and updating partner agreements. The consultant provides support for the projects associated with the Long-Range Facilities Plan (LRFP).				

**Wastewater Treatment Fund Projects**

**Status as of June 2022**

Primary Sedimentation Tank Rehabilitation (WQ-14003)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$3,658,289	\$20,616,546	Public Works	Construction	Winter 2023
	<b>Project Status:</b> This project enables the design and construction for new protective coatings on each of the four concrete primary sedimentation tanks, with replacement of worn rotating parts and mechanical and electrical equipment. These tanks were installed in 1972 and the recoating project will extend the concrete life for another 30 years. The design and construction cost of the project is funded by a state low-interest loan through the Clean Water State Revolving Fund with the Installment Sale Agreement executed on July 12, 2021. Construction began in summer 2021, with completion expected by winter 2023.				
Secondary Treatment Upgrades (WQ-19001)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$3,402,946	\$128,952,177	Public Works	Design	Winter 2027
	<b>Project Status:</b> This project upgrades the Secondary Treatment process at the Regional Water Quality Control Plant. The existing Secondary Treatment process has two main components, the Fixed Film Reactors (FFR) and the Activated Sludge (AS) Process. This project includes the reconstruction of the AS process, rehabilitation and reconfiguration of the AS Aeration Basins, the elimination of the FFRs, and replacement of equipment beyond its useful life. Project cost has increased to address sea level rise policy implications, new infrastructure needed to reduce project life cycle costs, a larger standby power generator for unanticipated loads, and to meet code requirements. The project construction timeline has been increased to five years due to the sensitive nature of the work that needs to take place, while also allowing the Plant to operate and meet permit requirements for treatment. The 100% design milestone was completed in spring 2022, and staff issued IFB documents for construction in summer 2022. Construction is expected to start in spring 2023. The City has received a State low-interest loan for the design and construction phases.				

## Wastewater Treatment Fund Projects

Status as of June 2022

### Recurring Projects

	Prior Year Actuals	Current Year Budget	Implementing Department	Project Phase	Project Completion
Plant Repair, Retrofit and Equipment Replacement (WQ-19002)	\$2,269,938	\$8,791,959	Public Works	N/A	Recurring
	<p><b>Project Status:</b> This project enables the assessment, repair, and retrofit of the Plant's concrete and metal structures; the replacement of necessary Plant equipment and ancillary facilities, including electrical equipment/systems, to maintain treatment reliability and existing infrastructure; and the replacement of large diameter flow meters built into the wastewater treatment system on sewers, pipes, and water lines. Design of the 12kV Electrical Loop Upgrade Project, reached 100% completion in spring 2022.</p>				

## Water Fund Projects

Status as of June 2022

**One-Time Projects**

Water Main Replacement Project 28 (WS-14001)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$422,177	\$11,106,620	Utilities	Construction	Fall 2023
	<b>Project Status:</b> This project will replace approximately 18,600 linear feet (which represents 1.6% of the City's water distribution system) of mains and 265 services on various streets in the City, including areas in the Duveneck, St. Francis, Barron Park and Charleston Meadows neighborhoods. Construction began in April 2022, and around 20% of water mains have been installed.				
Water Recycling Facilities (WS-07001)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$710,106	\$1,243,714	Utilities	Pre-Design	Fall 2023
	<b>Project Status:</b> This project allows the City to hire a consultant to prepare a business plan, prepare preliminary design, and secure funding options for an expansion of the existing recycled water delivery system in the City. The pipeline will primarily serve the Stanford Research Park and provide an alternative supply source of 435,600 cubic feet per year, roughly 10% of Palo Alto's total water consumption in 2015. The environmental impact report was completed in September 2015. The expansion pipeline is one of several water reuse projects being considered in the Northwest County Recycled Water Strategic Plan. This, or one of the other projects, may be recommended to Council for design and construction. Staff is considering expanding the recycled water distribution system as one project to be evaluated against other alternatives in the One Water Plan tentatively scheduled for Council approval in spring 2023. The earliest such a project could begin is fall 2023.				
Water Regulation Station Improvements (WS-07000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$1,725,571	\$2,099,995	Utilities	Design	Summer 2023
	<b>Project Status:</b> This project for Water Regulation Station Improvements includes seismic upgrades, piping improvements and other various upgrades to increase the structural reliability of two of the City's turnouts with SFPUC. Work under this project includes Seismic Upgrade of California and Page Mill Turnouts. Structural				

**Water Fund Projects**

**Status as of June 2022**

	evaluation for restraining the Page Mill turnout and piping will be included in the design. The design for both turnouts will be posted for bid in summer 2022, with construction anticipated to begin in fall 2022.				
Water Tank Seismic Water System Upgrades (WS-09000)	<b>Prior Years Actuals</b>	<b>Total Project Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$9,330,686	\$26,311,365	Utilities	Construction	Spring 2023
	<b>Project Status:</b> This project for Seismic Water System Upgrades includes seismic upgrades at the Montebello, Mayfield, Corte Madera, Park, Boronda, and Dahl Reservoirs in compliance with the American Society of Civil Engineers (ASCE 7) seismic codes. Seismic upgrade of Boronda and Montebello Reservoirs was completed in 2016 and 2018. The Mayfield Reservoir was rehabilitated in September 2020. The new concrete Corte Madera Reservoir has been constructed. Staff are working to resolve a few remaining issues to close out the project. Park Reservoir is scheduled next for retrofit or replacement and will have its condition assessed by a tank expert to determine how to proceed. Condition Assessment will be bid in summer 2022. Design for Park Reservoir will also begin in summer 2022, with construction planned for 2023.				

**Recurring Projects**

Water Distribution System Improvements (WS-11003)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$351,430	\$277,553	Utilities	N/A	Recurring
	<b>Project Status:</b> This project enables improvements to water distribution system deliverability and reliability. Typical activities include installing restraining joints at critical pipelines and bridge crossings, increasing the size of inadequate facilities, system leakage surveys, network modeling, and fire flow studies or other system improvements as required. Continuous evaluation of system needs and making required improvements is necessary to maintain adequate quantities of quality water, meeting local, state, and federal safe drinking water standards. The Pump Station Painting project, for painting the five foothill pump stations, will go out to bid in summer 2022, with the work to be performed by fall 2022.				

## Water Fund Projects

Status as of June 2022

Water, Gas, Wastewater Utility GIS Data (WS-02014)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$174,173	\$483,958	Utilities	N/A	Recurring
	<b>Project Status:</b> This project enables contracts related to Utilities GIS (Geographic Information System) needs. AME database is heavily utilized by Utilities Engineering staff to update the utility information in GIS. The updated information is used by various City staff, such as marking/locating underground utilities to comply with USA (Underground Service Alert) requirements; developing design drawings for pipeline replacement projects; verifying existing underground utilities during construction activities; creating customized utility map books for field crews and on-call personnel to meet their specific needs. Annual surveying contracts collect GPS points of existing above-ground utility features within the CIP project areas. The data being collected continues to be used to correct the GIS database. Accurate utility data helps the design to select new pipe alignment to minimize construction conflicts.				
Water General Equipment/Tools (WS-13002)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$38,271	\$100,000	Utilities	N/A	Recurring
	<b>Project Status:</b> This project acquires new equipment and tools, the replacement of existing fusion equipment, and other associated tools. The fusion equipment is used to fuse together pipe joints in the City's water distribution system. Equipment and tools are required to be upgraded on an annual basis to maintain high quality standards for the installation of the City's water distribution mains, along with the associated service standards and worker safety and productivity measures. Staff anticipate purchasing tools for lead detection on water services after the meter as part of Lead and Copper Rule Revisions compliance in FY 2023.				
Water Meters (WS-80015)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$92,385	\$546,364	Utilities	N/A	Recurring
	<b>Project Status:</b> This project enables the purchasing of meters for new customers, upgrading meters for current customers, installing meter bypasses, and replacing obsolete meters that are no longer repairable. This funding also allows for annual testing and calibration of selected meters to maintain meter accuracy and reliability. During				

**Water Fund Projects**

**Status as of June 2022**

	the AMI implementation process approximately 50% of the meters will be replaced. Staff is currently targeting large diameter meter sets to be replaced first in preparation for the upcoming AMI project.				
Water Service Hydrant Replacement (WS-80014)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$84,364	\$400,000	Utilities	N/A	Recurring
	<b>Project Status:</b> This project replaces system control valves, deteriorated galvanized service lines, lead goosenecks, and fire hydrant valves and assemblies per the Fire Department’s flow testing, upgrades fire hydrants in main line replacement project areas, and replaces existing undersized or deteriorated copper water services.				
Water System Customer Connections (WS-80013)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$1,000,327	\$877,250	Utilities	N/A	Recurring
	<b>Project Status:</b> This project allows for improvements that include new main extensions, valves, domestic services, meters on upgraded services, backflow devices, fire services, and fire hydrants. System extensions are required to provide service to new large developments and to serve existing customers requesting expanded service.				
Water System Supply Improvements (WS-11004)	<b>Prior Year Actuals</b>	<b>Current Year Budget</b>	<b>Implementing Department</b>	<b>Project Phase</b>	<b>Project Completion</b>
	\$277,553	\$197,013	Utilities	N/A	Recurring
	<b>Project Status:</b> This project evaluates and improves the City’s water distribution system on an as-needed basis. This project includes piping modifications, equipment replacements associated with water delivery, supervisory control software upgrades, system modifications for water system quality compliance, conditional assessment of the reliability of transmission mains, and security system installations. The water system includes the connection facilities between the City’s and the San Francisco Public Utility Commission’s pipelines, emergency water wells within the City, pumping stations, water reservoirs, and pipelines. Security cameras will be added to various tanks, pump stations, and turnouts as part of the Security Cameras project. Staff are also exploring adding generators to two foothill pump stations and several emergency wells. These projects are still in the planning stage.				

## List of Completed Projects

<u>CIP #</u>	<u>Project Name</u>	<u>Project Description</u>	<u>Project Type</u>	<u>Fund Source</u>	<u>Department</u>	<u>Season Completed</u>	<u>Year Completed</u>	<u>Total Project Budget **</u>	<u>CMR Date</u>
EL-16002	Capacitor Bank Installation	This project installed capacitor banks at electric substations and on distribution lines to ensure Northern California Power Association Power Factor requirements are met. Capacitor banks were installed at Hanover Avenue, Hansen Way, Maybell Avenue, and Park Boulevard Substations. The project was substantially completed in June 2022 and will be commissioned and energized in summer 2022.	Construction	Electric	Utilities	Spring	2022	\$ 1,050,443	June 2022
EL-17007	Facility Relocation for Caltrain Modernization Project	The Utilities Department removed the overhead lines allowing for the installation of the Overhead Catenary System above the rails for the Caltrain Modernization. This project was completed in spring 2022	Construction	Electric	Utilities	Spring	2022	\$ 3,055,472	
PE-08001	Rinconada Park Improvement	This project upgraded safety, site amenities, playground facilities, a new restroom, irrigation, drainage, and ADA accessibility improvements at Rinconada Park. These improvements were identified in the Rinconada Long Range Plan (LRP). Phase 1 of construction started in August 2021 and construction was completed in spring 2022.	Construction	Parks and Open Space	Public Works	Spring	2022	\$ 4,646,247	
EL-14005	Reconfigure Quarry Feeders	This project reconfigured the distribution circuits to the substation transformer at Quarry Substation. Design of QR 27 feeder replacement was completed in spring 2021. Construction was completed in December 2021 .	Construction	Electric	Utilities	Fall	2021	\$ 792,034	December 2021
AC-18001	JMZ Renovation	This project provided for the relocation of the Junior Museum and Zoo to Cubberley for two years while a new JMZ was being built, tenant improvements to the Cubberley Auditorium and then removal of tenant improvements post-construction. Construction of the new Junior Museum and Zoo started in June 2018 and was completed in late 2021. The new Junior Museum and Zoo was opened to the public on November 12, 2021.	Construction	Buildings and Facilities	Community Services	Fall	2021	\$ 2,927,870.00	
PE-18002	High and Bryant Street Garages Waterproofing and Repairs	This project included a systems analysis and repaired the water proofing system in the High Street and Bryant Street parking garages. Water proofing repairs were completed in the High Street parking garage. Additional funding was added and the contractor completed waterproofing repairs in the subterranean stairwells in the Bryant Street garage in fall 2021.	Construction	Buildings and Facilities	Public Works	Fall	2021	\$ 264,235.00	
PE-11011	Highway 101 Pedestrian Bicycle Overpass Project	As part of the 2014 Council Infrastructure Plan, this project designed and constructed a new pedestrian bridge across Highway 101 at Adobe Creek. Council approved a contract with Granite Construction in November 2019. Construction began in January 2020. The project construction completed on November 20, 2021, with a ribbon-cutting ceremony and a community celebration.	Construction	Traffic and Transportation	Public Works	Fall	2021	\$ 22,889,453	

## List of Completed Projects

<u>CIP #</u>	<u>Project Name</u>	<u>Project Description</u>	<u>Project Type</u>	<u>Fund Source</u>	<u>Department</u>	<u>Season Completed</u>	<u>Year Completed</u>	<u>Total Project Budget **</u>	<u>CMR Date</u>
EL-12001	Underground District 46 Charleston	This project undergrounded the existing overhead utility systems in the area along the 400 block of West Charleston and El Camino Real. Staff completed cable, equipment installation and 100% of customer service conversions. The construction for the final phase of the project to install two 60 foot tall steel poles and to reconductor the 60 kV sub-transmission lines was completed in the fall 2021.	Construction	Electric	Utilities	Fall	2021	\$ 3,904,425	
OS-18001	Pearson Arastradero Preserve Parking lot Improvement	This project improved the Pearson Arastradero Preserve parking lot by improving the base rock surfacing, adding drainage, widening the entrance for safety, and new fencing. This new improvement will allow the overflow parking area to be open year round. The work was completed in May 2021.	Construction	Parks and Open Space	Community Services	Spring	2021	\$ 170,300	June 2021
CB-16001	Cubberley Community Center Master Plan	This project developed the master plan for future use of the Cubberley Community Center site by the City and Palo Alto Unified School District.	Study	Buildings and Facilities	Community Services	Spring	2021	\$ 926,792	
CB-19001	Cubberley Building Management Systems	This project replaced the Building management System(BMS) controls for the pavilion, Theater, Wing I, and Gyms A and B boiler rooms at the Cubberley Community Center. The project included the installation of control points for each building along with controllers, valve and damper actuators.	Construction	Buildings and Facilities	Public Works	Spring	2021	\$ 350,000	
FD-14002	Fire Ringdown System Replacement	This project replaced the current ring down system that provides an audible alert of calls in the fire stations. Ongoing installations started in 2018 and were completed with Fire Station #3.	Construction	Buildings and Facilities	Fire Department	Spring	2021	\$ 400,144	
PD-14000	Internal Alarm System Replacement	The project replaced the citywide internal alarm system. The alarms at City Hall migrated to this new system in FY 2019, but was completed in early 2021.	Construction	Buildings and Facilities	Police Department	Winter	2021	\$ 77,569	
FD-20001	Self Contained Breathing Apparatus (SCBA) Air Compressor Replacement	This project replaced the central air compressor that provides air for the self-contained breathing apparatus (SCBA) tanks to ensure firefighter safety when entering environments with hazardous air quality.	Construction	Buildings and Facilities	Fire Department	Spring	2021	\$ 94,500	
AP-20000	Airport Electrical Improvements	This project replaced the outdated electrical panels for the Palo Alto Airport office rental spaces. Construction was completed in January 2021.	Construction	Airport	Public Works	Winter	2021	\$ 146,466	
PE-18000	New California Avenue Area Parking Garage	This project built the California Avenue Area Parking Garage, as part of the 2014 Council Infrastructure Plan. The parking garage has 627 parking spaces with 2 basement levels and 4 above grade floors. The garage features an automated parking space guidance system, EV charging stations, bicycle parking, and motorcycle parking. The garage was opened to the public on December 8, 2020.	Construction	Buildings and Facilities	Public Works	Fall	2020	\$ 50,119,976	

## List of Completed Projects

<u>CIP #</u>	<u>Project Name</u>	<u>Project Description</u>	<u>Project Type</u>	<u>Fund Source</u>	<u>Department</u>	<u>Season Completed</u>	<u>Year Completed</u>	<u>Total Project Budget **</u>	<u>CMR Date</u>
PF-14002	Fire Station 1 Improvements	This project updated the individual sleeping quarters in the firehouse to address gender issues and privacy concerns. Fire Station #1 was the only fire station in the City that did not have separate bedrooms to accommodate male and female firefighters. This project was completed in fall 2020.	Construction	Buildings and Facilities	Public Works	Fall	2020	\$ 187,064	December 2020
GS-18000	Gas ABS/Tenite Replacement Project	This project replaced gas services laterals constructed of Acrylonitrile-butadiene-styrene (ABS) or Tenite material on various streets. Council approved funding in June 2019. The project replaced 104 ABS and Tenite gas services. The WQCP ABS gas service is assigned to Utility Operations for replacement and the remaining five ABS gas services will be scheduled for replacement once the five-year moratorium ends on those streets. As of November 2020, this project is complete.	Construction	Gas	Utilities	Fall	2020	\$ 2,615,100	
SD-19000	Loma Verde Avenue Trunk Line Improvements	This project replaced 1,750 linear feet of storm drain with 48-inch diameter High Density Polyethylene (HDPE) pipe and associated catch basins, laterals and manholes. In addition to underground work, additional street restoration and concrete work was completed. Work includes resurfacing one full lane on Loma Verde from the beginning to the end of the project limits, replacement of driveways, sidewalk, and 718 linear feet of curb and gutter. The contract was awarded in June 2020, construction work began in August 2020, and was completed in December 2020.	Construction	Storm Drain	Utilities	Fall	2020	\$ 2,976,813	
WS-19000	Mayfield Reservoir Subgrade and Venting Repair	This project is part of the City's recent Seismic Upgrade and Emergency Water Supply and Storage Projects. The reservoir was drained in 2012 for approximately two years to allow extensive seismic rehabilitation work to be performed and construction of a new pump station. Subsequently hairline cracks were sealed in the reservoir. A geotechnical consultant was hired to evaluate the tank foundation. This study was completed and there were several options identified. Staff has completed the design and construction of the vent	Construction	Water	Utilities	Fall	2020	\$ 600,000	
EL-11010	Underground District 47 Middlefield, Homer, Webster, Addison	This project undergrounded the existing overhead distribution system in the area bounded by Middlefield Road, Homer Avenue, Webster Street, and Addison Avenue. Installation of substructures and utility electric system is completed. Where possible, the overhead electric lines were removed and poles cut down to the level of the communication lines.	Construction	Electric	Utilities	Fall	2020	\$ 3,649,356	
WC-16001	Wastewater Collection System Rehabilitation Augmentation Project 29	This project replaced of 8,972 linear feet of wastewater mains. The sanitary sewer mains, laterals, and manholes to be rehabilitated or replaced in this project are located in the Charleston Meadows neighborhood. Construction started in February 2020 and was suspended for almost 3 months due to COVID-19 County's Shelter-in-Place Order. The project is complete as of December 2020.	Construction	Wastewater Collection	Utilities	Fall	2020	\$ 4,434,839	

## List of Completed Projects

<u>CIP #</u>	<u>Project Name</u>	<u>Project Description</u>	<u>Project Type</u>	<u>Fund Source</u>	<u>Department</u>	<u>Season Completed</u>	<u>Year Completed</u>	<u>Total Project Budget **</u>	<u>CMR Date</u>
PF-18000	Parking Lot J Elevator Modernization	This project modernized the existing elevators at parking Lot J. The project involves upgrading the interior of the elevators, elevator control interface, call buttons, and meeting current ADA standards. Construction started in April 2019. Project is complete except for the State final inspection on the second car. State is behind because of COVID, but the inspection should be done by the end of July 2020.	Construction	Buildings and Facilities	Public Works	Spring	2020	\$ 781,324	June 2020
PE-15003	Fire Station 3 Replacement	This project replaced the existing Fire Station at Embarcadero Road and Newell Road with a new structure that meets essential services standards and current program needs. Construction completed in March 2020.	Construction	Buildings and Facilities	Public Works	Winter	2020	\$ 10,080,258	
WS-08001	Water Reservoir Coating Improvements	This project included the recoating of four steel tanks. Work under this project was included in the Seismic Upgrade of four Steel Tanks and the three Turnout Projects. Once construction started, it was found that the Montebello Reservoir was in very poor condition. Due to escalating costs associated with roof replacement, staff decided to complete construction of the Montebello Reservoir and re-evaluate the remaining three tanks for replacement.	Construction	Water	Utilities	Spring	2020	\$ 2,141,172	
WS-13001	Water Main Replacement - Project 27	This project replaced approximately 9,600 linear feet of structurally deficient, aging, or corroded water mains and services along the mains on Sand Hill Road, Oak Creek Drive (5%) and Fulton Avenue.	Construction	Water	Utilities	Spring	2020	\$ 7,786,998	
WC-15001	Wastewater Collection System Rehabilitation Augmentation Project 28	This project enabled the design and construction of a high priority wastewater main and lateral replacement work to reduce inflow of rainfall and ground water into the collection system. The project replaced or rehabbed a total of 7,655 linear feet of wastewater mains located in the Leland Manor/Garland, Midtown West, and Lower Page Mill/Los Altos Hills areas of the City.	Construction	Wastewater Collection	Utilities	Spring	2020	\$ 5,665,897	
EL-17003	VA Hospital - Customer Load Requirements	This project met the growing electric needs of the VA Hospital. Staff has had numerous discussions with VA Hospital on electric load growth at the hospital and anticipated needs from the utility. Much of the cost is reimbursed to the City by the VA Hospital. Staff has prepared preliminary designs for interim solutions and is awaiting additional information from VA to develop long range plans to meet their future needs.	Design	Electric	Utilities	Spring	2020	\$ 84,984	

## List of Completed Projects

<u>CIP #</u>	<u>Project Name</u>	<u>Project Description</u>	<u>Project Type</u>	<u>Fund Source</u>	<u>Department</u>	<u>Season Completed</u>	<u>Year Completed</u>	<u>Total Project Budget **</u>	<u>CMR Date</u>
EL-04012	Utility Site Security Improvements	This project added electronic security systems at utility sites to protect equipment at electric substations, water pumping plants, reservoirs, and gas stations from intrusion and vandalism. Cameras and detection systems have been installed at nine electric substations, three water stations, and one natural gas station to monitor facilities.	Construction	Electric	Utilities	Spring	2020	\$ 1,644,681	
EL-11008	Rebuild Underground District 19	This project rebuilt and replaced the underground electric system in Underground District 19, the area bounded by Forest Avenue, Waverley Street, Addison Avenue, and Alma Street.	Construction	Electric	Utilities	Spring	2020	\$ 149,023	
FD-18000	Self Contained Breathing Apparatus Replacement	This project replaced Self Contained Breathing Apparatus equipment (SCBA) used by firefighters when entering hazardous conditions when responding to fire and hazardous materials incidents. The SCBA provides breathable air for firefighters when entering environments where the atmosphere is immediately dangerous to life or health. The expected service life for SCBAs is 15 years.	Purchase	Buildings and Facilities	Fire Department	Spring	2020	\$ 799,999	
FD-20000	Cardiac Monitor Replacement	This project replaced the entire complement of twenty cardiac monitors in the Department. Along with other tools needed for patient assessment and airway verification, cardiac monitors assess cardiac activity in patients and provide defibrillation and pacing.	Purchase	Buildings and Facilities	Fire Department	Spring	2020	\$ 850,000	
PL-16001	Downtown Mobility and Safety Improvements	This project included the construction of curb extensions and the installation of new pedestrian signal heads and traffic signal modifications in 2019 as part of the Upgrade Downtown project.	Construction	Traffic and Transportation	Office of Transportation	Fall	2019	\$ 1,819,847	
FD-20002	Thermal Imaging Cameras Replacement	This project replaced the Thermal Imaging Cameras (TICs) on all fire and response vehicles used to help identify the location of victims; assess the source of fires, smoke, and heat; to assist in creating a plan of action.	Purchase	Buildings and Facilities	Fire Department	Fall	2019	\$ 99,000	December 2019
WC-11000	Wastewater Collection System Rehabilitation Augmentation Project 24	This project addressed areas that were identified in Wastewater Capital Improvement Project 17 (Cleaning and Video Inspection of the Collection System) as needing rehabilitation. This project was combined with Project 25 and 26(WC-12001; WC-13001).	Construction	Wastewater Collection	Utilities	Fall	2019	\$ 3,131,595	
WC-13001	Wastewater Collection System Rehabilitation Augmentation Project 26	This project was combined with Project 24 and 25(WC-11001; WC-12001). All new service laterals were installed from the new sewer main to the new sewer cleanouts located in the City's right-of-way.	Construction	Wastewater Collection	Utilities	Fall	2019	\$ 3,309,998	
CB-19000	Cubberley Track and Field Replacement	This project replaced the synthetic turf field, installed an all-weather track and a fitness area.	Construction	Parks and Open Space	Public Works	Fall	2019	\$ 1,851,708	

## List of Completed Projects

<u>CIP #</u>	<u>Project Name</u>	<u>Project Description</u>	<u>Project Type</u>	<u>Fund Source</u>	<u>Department</u>	<u>Season Completed</u>	<u>Year Completed</u>	<u>Total Project Budget **</u>	<u>CMR Date</u>
PE-14018	Baylands Boardwalk Improvements	This project replaced the existing boardwalk with similar alignment and configuration.	Construction	Buildings and Facilities	Public Works	Winter	2019	\$ 2,123,681	June 2019
PE-17009	City Hall Floor 4 Remodel	This project improved the Administrative Services Department offices on the fourth floor of City Hall.	Construction	Buildings and Facilities	Public Works	Winter	2019	\$ 494,818	
PE-14015	Lucie Stern Buildings Mechanical and Electrical Upgrades	This project replaced and upgraded the mechanical, electrical, and fire/life safety systems at Lucie Stern Children's Theater, Lucie Stern Community Theater, and Lucie Stern Community Center.	Construction	Buildings and Facilities	Public Works	Spring	2019	\$ 6,142,607	
PL-16000	Quarry Road Improvements and Transit Center Access	This project included planning, design and construction of bicycle and pedestrian improvements along Quarry Road.	Construction	Traffic and Transportation	Planning and Community Environment	Spring	2019	\$ 5,148,378	
EL-17008	Utility Control Center Upgrades	This project upgraded the Utility Control Center working environment.	Construction	Electric	Utilities	Winter	2019	\$ 499,997	
GS-12001	Gas Main Replacement Project 22	This project replaced approximately 23,700 linear feet of gas mains and services along University Avenue and other streets in the Downtown North neighborhood.	Construction	Gas	Utilities	Spring	2019	\$ 11,658,997	
WC-12001	Wastewater Collection System Rehabilitation / Augmentation Project 25	This project was combined with Project 24 and 26 (WC-11001; WC-13001) replacing 45,294 linear feet of sanitary sewer mains in university South, Professorville and Old palo Alto neighborhoods.	Construction	Wastewater Collection	Utilities	Spring	2019	\$ 3,211,998	
WQ-14001	Dewatering and Loadout Facility	This project provides funding for the design and construction of the sludge dewatering facility and truck loadout to retire existing dewatering and sewage sludge incinerators.	Construction	Wastewater Treatment	Public Works	Spring	2019	\$ 27,497,551	
WS-12001	Water Main Replacement – Project 26	This project replaced approximately 11,000 linear feet of aging water mains and services which included water main replacement as part of the Upgrade Downtown Project.	Construction	Water	Utilities	Spring	2019	\$ 7,506,161	
PE-17009	City Hall Floor 5 Remodel	This project improved the Planning and Community Environment (PCE) Department offices on the fifth floor of City Hall.	Construction	Buildings and Facilities	Public Works	Summer	2018	\$ 525,000	2018
AC-14001	Baylands Nature Interpretive Center Exhibit Improvements	This project replaced worn out or non-functioning exhibits at the Baylands Nature Interpretive Center.	Construction	Buildings and Facilities	Community Services	Summer	2018	\$ 56,000	
PE-17000	Mitchell Park Adobe Creek Bridge Replacement	This project replaced the existing bridge over Adobe Creek in Mitchell Park.	Construction	Parks and Open Space	Public Works	Summer	2018	\$ 250,000	
PD-14000	Internal Alarm System Replacement	This project replaced the citywide system of panic alarms from various departments and the Council chambers.	Construction	Buildings and Facilities	Police	Summer	2018	\$ 78,000	

## List of Completed Projects

<u>CIP #</u>	<u>Project Name</u>	<u>Project Description</u>	<u>Project Type</u>	<u>Fund Source</u>	<u>Department</u>	<u>Season Completed</u>	<u>Year Completed</u>	<u>Total Project Budget **</u>	<u>CMR Date</u>
EL-14004	Maybell 1&2 4/12kV Conversion	This project converted circuits 1 & 2 at Maybell substation from 4kV to 12kV.	Construction	Electric	Utilities	Fall	2018	\$ 364,796	December
GS-15001	Security at City Gas Receiving Stations	This project equipped the City's four Gas Receiving Stations with video surveillance systems.	Construction	Gas	Utilities	Summer	2018	\$ 150,000	
SD-13003	Matadero Creek Storm Water Pump Station and Trunk Line Improvements	This project upgraded the capacity to the Matadero Creek Storm Water Pump Station, which serves a low-lying 1200-acre area of southeastern Palo Alto.	Construction	Storm Drain	Public Works	Summer	2018	\$ 6,685,317	
AP-16002	Wildlife Hazard Management Plan	The Wildlife hazard Management Plan identified the specific actions the airport will take to mitigate the risk of wildlife strikes on or near the airport.	Study	Airport	Public Works	Summer	2018	\$ 63,415	
WC-14001	Wastewater Collection System Rehabilitation Augmentation Project 27	This project replaced 16,859 linear feet of sanitary sewer mains of various sizes on various streets.	Construction	Wastewater Collection	Utilities	Winter	2018	\$ 4,022,455	June 2018
PG-15000	Buckeye Creek Hydrology Study	This project analyzed flooding conditions and recommended flood control structures and drainage and erosion control solutions for the creek located within Foothills Park.	Study	Parks and Open Space	Public Works	Spring	2018	\$ 167,741	
PE-17004	CalTrain Corridor Video Management System Installation	This project replaced two existing gateway signs in the right-of-way for the California Avenue business district.	Construction	Streets and Sidewalks	Public Works	Spring	2018	\$ 1,550,000	
PF-16003	Parking Lot Q Elevator Modernization	This project modernized the existing elevator at Parking Lot Q.	Construction	Buildings and Facilities	Public Works	Fall	2017	\$ 170,608	December 2017
PE-13003	Parks, Trails, Open Space, and Recreation Master Plan	This master plan provided guidance on the recreation and improvement needs for Palo Alto's parks, trails, open space and recreational programs.	Study	Parks and Open Space	Community Services	Fall	2017	\$ 627,057	
PE-12003	Rinconada Park Master Plan	This project developed a plan for short, medium and long range improvements to the regional park including the consideration of pathways, new restrooms and playgrounds, new landscaping, and revitalization of underutilized areas within the park.	Study	Parks and Open Space	Community Services	Fall	2017	\$ 541,355	
PE-13012	Structural Assessment of City Bridges	The project developed an inventory of all City-owned bridges and culvert structures, condition assessment, cost estimate for rehabilitation, and recommendation for future inspection frequencies, assessment and improvements.	Study	Buildings and Facilities	Public Works	Fall	2017	\$ 198,529	

## List of Completed Projects

<u>CIP #</u>	<u>Project Name</u>	<u>Project Description</u>	<u>Project Type</u>	<u>Fund Source</u>	<u>Department</u>	<u>Season Completed</u>	<u>Year Completed</u>	<u>Total Project Budget **</u>	<u>CMR Date</u>
WC-11000	Wastewater Collection System Rehabilitation / Augmentation Project 24	Combined with Project 25 and 26 (WC-12001; WC-13001), this project replaced and/or rehabilitated approximately 42,398 linear feet of sanitary sewer mains of various sizes, 779 sewer laterals, and 121 sewer manholes.	Construction	Wastewater Collection	Utilities	Fall	2017	\$ 3,119,806	
WC-13001	Wastewater Collection System Rehabilitation / Augmentation Project 26	Combined with Project 25 and 26 (WC-12001; WC-13001), this project replaced and/or rehabilitated approximately 42,398 linear feet of sanitary sewer mains of various sizes, 779 sewer laterals, and 121 sewer manholes.	Construction	Wastewater Collection	Utilities	Fall	2017	\$ 3,361,118	
PG-13003	Golf Reconfiguration and Baylands Athletic Center Improvements	This project completed the rehabilitation of the Palo Alto Municipal Golf Course, including a new layout for the course, new prefabricated restroom, new water-saving turf and irrigation system, and rebranded the course as the Baylands Golf Links.	Construction	Parks and Open Space	Public Works	Fall	2017	\$ 13,675,177	
GS-11000	Gas Main Replacement – Project 21	This project combined with GWR 19B & GMR 20 and replaced ABS gas mains and services.	Construction	Gas	Utilities	Winter	2017	\$ 2,364,937	
WS-11000	Water Main Replacement – Project 25	This project provided installation of approximately 11,869 linear feet of new High Density Polyethylene (HDPE) water mains, 232 new HDPE water services, and 15 new fire hydrants within the City limits.	Construction	Water	Utilities	Winter	2017	\$ 5,445,069	
WS-15004	Water System Master Plan	The 2015 Water System Master Plan identified present capital improvements and replacement rates required to ensure optimal reliability levels of service to the existing distribution and transmission systems.	Study	Water	Utilities	Spring	2017	\$ 500,000	
WC-10002	Wastewater Collection System Rehabilitation / Augmentation Project 23	Combined with Project 22 (WC-09001). This project replaced and/or rehabilitated approximately 33,497 linear feet of sanitary sewer mains of various sizes, 554 sewer laterals, and 102 sewer manholes.	Construction	Wastewater Collection	Utilities	Winter	2017	\$ 1,272,289	
EL-10009	Street Light System Street Light System Conversion Project	This project converted HPS streetlights to LED and the conversion of approximately 4500 cobrahead streetlight fixtures.	Construction	Electric	Utilities	Spring	2017	\$ 696,918	
EL-13006	Sand Hill / Quarry 12kV InterTie	This project installed new wire to connect circuits QR-24 and QR-27 in the Sand Hill/Quarry area.	Construction	Electric	Utilities	Winter	2017	\$ 208,648	
EL-15001	Electric Substation Battery Replacement	This project replaced the batteries in all nine of the City's electric substations.	Construction	Electric	Utilities	Winter	2017	\$ 400,000	
PG-13001	Stanford/Palo Alto Playing Fields Soccer Turf Replacement	This project replaced the synthetic turf at the Stanford/Palo Alto Playing Fields.	Construction	Parks and Open Space	Community Services	Fall	2016	\$ 1,499,979	

## List of Completed Projects

<u>CIP #</u>	<u>Project Name</u>	<u>Project Description</u>	<u>Project Type</u>	<u>Fund Source</u>	<u>Department</u>	<u>Season Completed</u>	<u>Year Completed</u>	<u>Total Project Budget **</u>	<u>CMR Date</u>
PG-09003	Park Maintenance Shop Remodel	This project renovated and remodeled the Parks maintenance shop for safety and efficiency upgrades.	Construction	Parks and Open Space	Community Services	Summer	2016	\$ 94,419	June 2017
PE-12017	City Hall First Floor Renovations	This project installed new elevator control panels and replaced the gray-painted panels inside the elevators.	Construction	Buildings and Facilities	Public Works	Summer	2016	\$ 3,974,963	
PE-11012	Temporary Main Library	This project created a temporary main Library to be used while the new one was being constructed.	Construction	Buildings and Facilities	Public Works			\$ 156,254	
PE-15029	Baylands Nature Interpretive Center Facility Improvement	The project replaced decking, railings, structural framing members, exterior wood flooring, and cabinetry, restroom reconfiguration, and provided Americans with Disabilities Act (ADA) improvements.	Construction	Buildings and Facilities	Public Works	Spring	2017	\$ 889,452	
PE-13008	Bowden Park Improvements	This project improved the children's playground and included park amenity upgrades such as new playground equipment, a new retaining wall, surfacing and pathway upgrades, planting restoration and irrigation renovations, and replaced of damaged wood benches and the playground perimeter fence.	Construction	Parks and Open Space	Community Services	Summer	2016	\$ 421,126	
PE-13020	Byxbee Park Trails	This project provided trail and site amenities over the remaining area of the landfill cap.	Construction	Parks and Open Space	Public Works	Fall	2016	\$ 334,607	
PE-17002	City Hall Floor 3 Remodel	This project improved the Utilities Department administrative offices on the third floor of City Hall. It included new carpet, wall reconfiguration, a kitchenette, cabinets, paint, soundproofing, office furniture, doors, and associated building systems.	Construction	Buildings and Facilities	Public Works	Spring	2017	\$ 440,000	
PE-14015	Lucie Stern Buildings Mechanical and Electrical Upgrades – Phase 1	This project replaced and upgraded the mechanical, electrical, and fire/life safety systems at Lucie Stern Children's Theater, Lucie Stern Community Theater, and Lucie Stern Community Center.	Construction	Buildings and Facilities	Public Works	Summer	2016	\$ 3,247,248	
PG-12004	Sarah Wallis Park Improvements	This project improved site amenities with new concrete pathways, replaced old furnishings, and upgraded landscape with drought tolerant species.	Construction	Parks and Open Space	Community Services	Winter	2017	\$ 65,000	
AP-16003	Airport Perimeter Fence	This project replaced the perimeter fencing and gates surrounding the Palo Alto Airport boundaries to prevent unauthorized access to the airport runway in accordance with Federal and State standards.	Construction	Airport	Public Works	Spring	2017	\$ 2,003,540	

## List of Completed Projects

<u>CIP #</u>	<u>Project Name</u>	<u>Project Description</u>	<u>Project Type</u>	<u>Fund Source</u>	<u>Department</u>	<u>Season Completed</u>	<u>Year Completed</u>	<u>Total Project Budget **</u>	<u>CMR Date</u>
SD-11101	Channing Avenue/Lincoln Avenue Storm Drain Improvements	This project installed of 5,800 linear feet of 36-inch to 60-inch diameter storm drain along Channing and Lincoln Avenues over three project phases to increase drainage system capacity.	Construction	Storm Drain	Public Works	Winter	2016	\$ 7,676,275	
GS-14004	Gas Distribution System Model	This project included the development, model installation, testing, documentation, and staff training of a natural gas distribution system model.	Study	Gas	Utilities	Summer	2016	\$ 149,500	
AC-14000	Art Center Auditorium Audio, Visual and Furnishings	This project replaced outdated audio visual equipment and furnishings following the auditorium's use as a temporary library.	Construction	Buildings and Facilities	Community Services	Winter	2016	\$ 150,000	December 2016
PF-15000	Rinconada Pool Locker Room	This project renovated the Rinconada Pool locker room including the changing area, restrooms, and showers in the women's and men's locker rooms.	Construction	Buildings and Facilities	Public Works	Winter	2016	\$ 464,433	
PE-13016	El Camino Park Restoration	This project installed new athletic fields, synthetic turf, field lighting, fencing, a new restroom, scorekeeper booth and storage buildings, an expanded parking lot, new bike and pedestrian pathways, landscaping, benches, and other amenities.	Construction	Parks and Open Space	Community Services	Fall	2015	\$ 5,611,122	
Notes: ** Final Project Actuals may be different from Total Project Budget amounts					<b>Grand Total</b>			<b>\$ 284,431,923</b>	



# City of Palo Alto

## City Council Staff Report

(ID # 14598)

Meeting Date: 9/12/2022

Report Type: Information Reports

Title: Local Hazard Mitigation Plan Annual Update

From: City Manager

Lead Department: Office of Emergency Services

**Informational Report:  
Local Hazard Mitigation Plan Annual Update for Calendar Year 2021  
(Presented 2022)**

### Background

The Federal Disaster Mitigation Act of 2000 (DMA) requires all cities, counties, and special districts to adopt a Local Hazard Mitigation Plan (LHMP) as a best practice to identify natural hazards and develop mitigation strategies to reduce risk to the community. An adopted LHMP also allows a jurisdiction to receive disaster mitigation funding from the Federal Emergency Management Agency (FEMA). The DMA provides that a local agency may adopt a Local Hazard Mitigation Plan or participate in the preparation of and adopt a Multi-Jurisdictional Hazard Mitigation Plan.

Between 2016 and 2017, the City of Palo Alto participated in the Santa Clara County multi-jurisdictional planning process resulting in a Countywide Local Hazards Mitigation Plan (LHMP). The County contracted with TetraTech, Inc, a provider of emergency management consulting services, to facilitate the development of the County-wide plan. This multi-jurisdictional plan was approved by the State of California and FEMA and the Palo Alto Annex to this plan was adopted by the City Council on October 16, 2017.

The County Plan may be found here –

Volume 1:

<https://emergencymanagement.sccgov.org/sites/g/files/exjcpb261/files/For%20Partners/Local-Hazard-Mitigation-Plan-LHMP-Vol-1.pdf>

Volume 2:

<https://emergencymanagement.sccgov.org/sites/g/files/exjcpb261/files/For%20Partners/Local-Hazard-Mitigation-Plan-LHMP-Vol-2.pdf>

The Palo Alto specific plan and planning process may be found at the following weblink: <https://www.cityofpaloalto.org/Departments/Emergency-Services/Plans-and-Information/Local-Hazard-Mitigation-Plan#:~:text=The%20Palo%20Alto%20Local%20Hazard,further%20amplified%20by%20climate%20change.>

Prior to this, the City of Palo Alto published Local Hazard Mitigation Plans in conjunction with the Santa Clara County's Office of Emergency Management in 2005 and 2012.

The Local Hazard Mitigation Plan is a companion document to the City's Threats and Hazards Identification and Risk Assessment (THIRA) Plan that describes not only natural hazards but also Technological and Intentional hazards that pose a risk to our community.

## Discussion

One component of the plan maintenance cycle is an annual progress review of each mitigation project in the LHMP. OES leads this annual review by soliciting updates from each department that has responsibility for one or more projects and develops the final annual report. OES maintains project status in a mitigation planning database provided by TetraTech as part of their contract with the County.

The Palo Alto portion of the Santa Clara County Operational Area Hazard Mitigation Plan has targeted 38 hazard mitigation actions to be pursued during the 5-year performance period. As of the reporting period, the following overall progress can be reported:

- 10 out of 38 initiatives (26%) were completed.
- 8 out of 38 initiatives (21%) indicated work is conducted as an ongoing capability.
- 14 out of 38 initiatives (37%) reported progress toward completion.
- 6 out of 38 initiatives (16%) reported no progress.
- 0 initiatives were removed due to elimination of a program.

The LHMP five-year cycle will formally end on December 19, 2022, requiring the City of Palo Alto to provide a formal update to this plan. The Santa Clara County Office of Emergency Management has received federal grant funding and approval from the State and FEMA to conduct a county-wide, multi-jurisdictional plan as they did in 2017. Palo Alto will be a part of this planning cycle. County staff is currently soliciting vendors through a request for proposal (RFP) upon which an evaluation team will select the vendor to oversee the compilation of the new LHMP. This new planning process will likely extend into 2023 given the planning effort necessary to meet state and federal guidelines.

OES will lead the City's LHMP planning efforts which will require a "whole of government" approach as required by FEMA. This will involve an interdepartmental team of City staff members, participation by selected community stakeholders, and input from the public at large. As in prior revision cycles, City staff will prepare draft documents, convene stakeholders,

and subsequently submit the LHMP to the City Council for adoption.

# Schedule of Meetings

Published September 1, 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.**

## **THURSDAY, September 1**

Architectural Review Board Meeting, 8:30 a.m.  
Parks and Recreation Commission Meeting, 7:00 p.m.

## **MONDAY, September 5**

Sp. City Council Meeting, **Cancelled**

## **TUESDAY, September 6**

Finance Committee Meeting, 5:30 p.m.

## **THURSDAY, September 8**

Historic Resources Board Meeting, **Cancelled**  
Human Relations Commission Meeting, 6:00 p.m.

## **MONDAY, September 12**

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

## **TUESDAY, September 13**

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

## **WEDNESDAY, September 14**

Utilities Advisory Commission Meeting, 6:00 p.m.  
Planning and Transportation Commission Meeting, 6:00 p.m.

## **THURSDAY, September 15**

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, September 19**

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

## **TUESDAY, September 20**

Finance Committee Meeting, 5:30 p.m.

## **WEDNESDAY, September 21**

Rail Committee Meeting, 1:00 p.m.

## **THURSDAY, September 22**

Historic Resources Board Meeting, 8:30 a.m.