

MEASURE D

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE D

On June 28, 2013, the City Council adopted an ordinance amending the Municipal Code to change the zoning at 567-595 Maybell Avenue to permit the property owner to build 60 affordable senior housing units and 12 market rate single family homes. As the result of a referendum petition, the ordinance has been placed on the ballot. This measure asks the voters to approve or reject the ordinance.

Current Situation

567-595 Maybell is a 2.46-acre parcel of four single-family homes with driveways on Maybell, and an abandoned orchard. The property is bordered by Juana Briones Park, apartment buildings that are 2, 3 and 8 stories tall, and a neighborhood of single-family homes. Approximately 75% of the site is zoned RM-15, which allows multi-family units up to 15 per acre. The remaining 25% is zoned R2, which allows single family homes with a second dwelling on the lot.

Recently, the longtime owners put the parcel up for sale. The Palo Alto Housing Corporation (PAHC), a community non-profit that builds and maintains affordable housing in Palo Alto, bought the property.

Proposed Project

PAHC proposes to remove the existing houses and orchard, and build a 60-unit building for low and very low income seniors and 12 single family market-rate homes.

To allow this project, PAHC requested that the City approve a "Planned Community" Zone, a type of zone that accommodates projects that cannot be built under other zoning, contain substantial public benefits and enhance the policies of Palo Alto's Comprehensive Plan. The City conducted an environmental analysis, including a traffic study. The analysis concluded that if the project incorporated certain mitigation measures, it would not cause any significant environmental impacts. The project components are:

Affordable Senior Housing

- A 4-story, 50-foot high building with units rented only to seniors 62 years or older, earning between 30%-60% of Santa Clara County Area Median Income.
- Community room with computer lab, laundry rooms on each floor, rooftop photovoltaic water heating and electric systems, a resident services office, exercise room, roof terrace, outdoor common areas, 42 parking spaces.

Single Family Homes

- 7 single family homes along Maybell, 5 on Clemo. 2-car garages.
- Maybell homes limited to two stories, with specified lot widths, separation between residences, and front setbacks. Clemo homes to three stories. No driveways on Maybell.

Public Benefits and Conditions Imposed by Council

- Affordable senior housing.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE D - Continued

- Sidewalks and other bicycle and pedestrian safety enhancements on Maybell, perpendicular parking on portion of Clemo, shared service personnel and van services with adjacent apartments, two electric vehicle charging stations.

If a majority of the qualified electors voting on this measure vote for the ordinance, the ordinance shall become a valid and binding ordinance of the City. If a majority of the qualified electors voting on this measure vote against the ordinance, the ordinance shall not be adopted and the current RM-15 and R2 zoning shall remain.

Dated: August 28, 2013

/s/ Molly S. Stump
City Attorney

COMPLETE TEXT OF MEASURE D

Exhibit "A"

Ordinance No. 5200

Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 of the Palo Alto Municipal Code (The Zoning Map) to Change the Classification of Property Located at 567-595 Maybell Avenue from R-2 Low Density Residential and RM-15 Multiple Family Residential to PC Planned Community Zone No. 5200 for a 12 single family units and a 60 unit multifamily affordable rental development for seniors overlay

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

SECTION 1.

(a) Palo Alto Housing Corporation, ("the Applicant") applied on November 6, 2012 to the City for approval of a rezoning application (the "Project") for a new Planned Community (PC) district for a property located at 567-595 Maybell Avenue (the "Subject Property") and depicted on Exhibit A to accommodate the uses set forth below.

(b) The Planning and Transportation Commission, at its meeting of February 13, 2013, advanced the Project with an initiation to consider a Planned Community Zone process for the establishment of Planned Community Zone District No. 5200.

(c) The Architectural Review Board, at its meeting of April 4, 2013, reviewed the Project design and recommended the City Council approve the project with associated draft conditions of approval 'Exhibit B.'

(d) The Planning and Transportation Commission, after a duly noticed public hearing held May 1, 2013, reviewed, considered, and recommended approval of the draft Mitigated Negative Declaration and this ordinance, and recommended that Section 18.08.040 (the Zoning Map) of the Palo Alto Municipal Code be amended to rezone the Subject Property to a new Planned Community zone to permit construction of the Project, consistent with conditions included in the Planned Community zone related to allowable land uses and required development standards, and subject to provision of the public benefits outlined in this ordinance.

(e) The Palo Alto City Council, after two duly noticed public hearings held on June 10 and June 17, 2013, after due consideration of the proposed Project, the analysis of the City Staff, the public testimony and the conditions recommended by the Planning and Transportation Commission, adopts the Mitigated Negative Declaration and Mitigation Monitoring Program, and the recommendations from the PTC and the ARB, and finds that the proposed Ordinance is in the public interest and will promote the public health, safety and welfare, as hereinafter set forth.

(f) The Council finds that:

(1) The Subject Property is so situated, and the use or uses proposed for the site are of such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow for the Project. The proposed Planned Community zone district at 567 Maybell is necessary to insure the feasibility and long term

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preservation of the affordable housing land use. The underlying zoning provides the ability to develop specific land uses for the property, but does not assure availability to seniors and/or at affordable rates. In this instance, the PC requirements can be written to specify the affordability of the land use and the occupants. If at a subsequent date, the multifamily land use is proposed to be changed from affordable to market rate, the proposed change would need to be considered by the Council. In general or combining districts, the Council would not have the ability to consider the affordability level of the multifamily land use. The higher density allowed under the PC also makes the project financially feasible. Also, the PC designation is necessary based on the applicant's site plan. To be competitive for affordable housing financing purposes, PAHC proposes to site the 60 units of affordable senior housing on an approximately 1.1 acre parcel. Using the RM-40 zoning designation, even with the maximum allowed 35% density bonus provision, the approximately 1.1 acre site could yield a density of less than 60 units.

(2) Development of the Subject Property under the provisions of the PC Planned Community District will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts, as set forth in Section (4)(f) hereof. The proposed main public benefit is 60 units of much needed affordable housing for seniors. It has been documented that a large percentage of seniors live at or below the poverty line. During the recent economic decline, a number of seniors have lost their retirement savings, creating even a greater number of seniors on a limited income. Based on the proposed project of 12 single family homes and 60 multifamily affordable senior units, the applicant is proposing a number of additional public benefits to enhance the safety of Maybell and Clemo Avenues, including Maybell Avenue and Clemo Avenue street improvements.

(3) The use or uses permitted, and the site development regulations applicable within the proposed district are consistent with the Palo Alto Comprehensive Plan (Goals, Policies, and proposed designation of residential use for the Subject Property) and are compatible with existing and potential uses on adjoining sites or within the general vicinity. The proposed single and multifamily use is compatible with the surrounding uses. The multifamily affordable senior development is adjacent to the Arastradero Park Apartments and Tan Plaza multifamily buildings. The proposed single family units are adjacent to the existing single family dwellings across Maybell Avenue. The reduced number of housing units on Maybell and Clemo Avenues and additional design review will further insure compatibility with the single family homes on Maybell. The Project is consistent with a number of Comprehensive Plan Policies. The list of policies is included as Attachment H to the June 10, 2013 staff report. The Project allows the City to provide for needed housing, consistent with Housing Element goals, to meet demographic trends, while minimizing traffic and school impacts.

SECTION 2. Section 18.08.040 of the Palo Alto Municipal Code, the "Zoning Map," is hereby amended by changing the zoning of Subject Property from R-2 and RM-15 to "PC Planned Community 5200".

SECTION 3. The City Council hereby finds with respect to the Subject Property that the project (the "Project") comprises the following

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uses included in this ordinance and a residential development, depicted on the Development Plans dated June 4, 2013, incorporated by reference, and amended by Council motion, including the following components:

(a) Twelve (12) units of detached single family homes, with seven (7) homes on Maybell Avenue and five (5) homes on Clemo Avenue.

(b) A four story multifamily affordable rental development for seniors (Senior Building) earning 30-60% area median income (AMI). The development will contain 59 one bedroom units of approximately 600 square feet and 1 two bedroom property manager's unit of approximately 726 square feet. The total square footage of the building is approximately 56,320 square feet. The height to the top of the fourth floor will be 50'.

(c) Multiple Common Open Space areas for the Senior Building including: 1) a residential roof terrace of approximately 1,152 square feet located on the fourth floor, and 2) a 468 square foot covered terrace as part of an approximately .35 acre courtyard, and 3) a second floor deck of approximately 125 square feet.

(d) Surface level parking with a minimum of 42 parking stalls with a reserve of 5 spaces, with an entrance from the surface parking area of the Subject Property.

(e) The applicant shall be required to incorporate the following elements into the Project:

(1) The homes on Maybell Avenue shall be limited to two stories.

(2) Improve the street facing elevations of all single family units by varying setbacks and architectural styles of units along Maybell and Clemo;

(3) Strengthen and refine the design features, roof lines and landscaping of all housing units on the entire site;

(4) Provide shuttle services for senior housing residents;

(5) Provide an accelerated payment schedule of \$200,000 for Maybell Avenue improvements to ensure expediting of these improvements prior to the issuance of grading permits and building permits;

(6) Increase the setbacks on Maybell Avenue to a 20 feet average front yard setback with a minimum of 18 feet and an average 10 feet separation between homes, subject to site and design review by the Architectural Review Board (ARB);

(7) The height of the homes on Clemo Avenue may be increased to 32 ½ feet to accommodate a third story.

(8) Share maintenance and landscaping staff and service coordinators between the Maybell Orchard senior complex and the Arastradero Park Apartment Complex (APAC). Coordinate and share usage of van for residents of senior complex and APAC.

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(9) Eliminate the two electric vehicle charging stations from the site and with equivalent funding from applicant, direct Staff to work with the community to find a suitable alternative location in the neighborhood.

SECTION 4. The Development Plan for the Subject Property dated June 4, 2013, as modified in section 3 of this ordinance and any approved supplemental materials for the Subject Property, as submitted by the applicant pursuant to Palo Alto Municipal Code Section (PAMC) 18.38.090, shall be subject to the following permitted and conditional land uses and special limitations on land uses, development standards, parking and loading requirements, modifications to the development plans and provisions of public benefits outlined below, and conditions of project approval, attached and incorporated as "Exhibit B".

(a) Permitted, Conditionally Permitted land uses shall be allowed and limited as follows:

Permitted Uses (subject to the limitations below under Section 4(b)):

(1) Single Family Residential

(2) Multifamily Residential

Conditionally Permitted Uses:

(1) Personal or Retail Services (consistent with RM-40)

(2) Commercial Recreation

(3) Convalescent Facilities

(4) Private Clubs, Lodges, and Fraternal Organizations

(b) Special limitations on land uses include the following:

(1) The Residential Building for Seniors shall only be for affordable rental housing to seniors earning 30-60% of AMI;

(c) Development Standards:

Development Standards for the site shall comply with the standards prescribed for the Planned Community (PC) zone district (PAMC Chapter 18.38) and as described in Section Three and Section Four herein and in the Approved Development Plans. This Ordinance shall supersede inconsistent provisions in Chapters 18 and 21.

(d) Parking and Loading Requirements:

Parking and Loading requirements for the site shall comply with PAMC 18.52 and 18.54 and as described in Section Three and Section Four herein and in the Approved Development Plans.

(e) Modifications to the Development Plan and Site Development Regulations:

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Once the project has been constructed consistent with the approved Development Plan, any modifications to the exterior design of the Development Plan or any new construction not specifically permitted by the Development Plan or the site development regulations contained in Section 4 (a) - (c) above shall require an amendment to this Planned Community zone, unless the modification is a minor change as described in PAMC 18.76.050 (b) (3) (e), in which case the modification may be approved through the Minor Architectural Review process. Any use not specifically permitted by this ordinance shall require an amendment to the PC ordinance.

(f) Public Benefits:

Development of the site under the provisions of the PC Planned Community District will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts. The Project includes the following public benefits that are inherent to the Project and in excess of those required by City zoning districts.

- (1) Below Market Rate (BMR) Housing. The project shall provide 60 units of rental housing for seniors at below market (low and very low income) rates;
- (2) Based on the proposed project of 12 single family homes and 60 multifamily affordable senior units, the applicant is proposing a number of additional public benefits to enhance the safety of Maybell and Clemo Avenues. The applicant, in an amount not to exceed \$200,000, shall perform all of the following improvements:
 1. Install sidewalks on all no-paved segments of the southern side of Maybell Avenue between Coulombe and el Camino, as feasible, to improve pedestrian safety and walkability of the street.
 2. Provide Maybell Avenue safety design enhancements from recommendations developed through the Bicycle Boulevard and Safe Routes to School implementation process.
 3. Reconfigure the western side of Clemo Avenue, as feasible, to accommodate perpendicular parking to account for the reduced parking on Maybell Avenue from 7 AM to 7 PM.

(g) Development Schedule:

The project is required to include a Development Schedule pursuant to PAMC 18.38.100. The approved Development Schedule is set forth below:

Construction of the Project shall commence on or before October 2013, unless a change in the development schedule is approved by the Director of Planning and Community Environment, not to exceed a one year extension in time and only one such extension without a hearing, pursuant to PAMC

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18.38.130. The total time for the project construction and occupancy of tenant spaces is expected to be 12 months, or by October 2014, unless extended by the Director for up to one additional year.

(h) Fees

The Senior Building will be exempt from Development Impact Fees as provided under the City Municipal code as an affordable housing development.

The 12 unit single family subdivision (Market Rate parcel) will be subject to the following requirements as provided under the City Municipal Code:

1. All applicable Development Impact Fees;
2. Quimby Act;
3. In-Lieu Below Market Rate housing fee.

California Government Code Section 66020 provides that a project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the Project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. IF YOU FAIL TO INITIATE A PROTEST WITHIN THE 90-DAY PERIOD OR FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS.

This matter is subject to the California Code of Civil Procedures (CCP) Section 1094.5; the time by which judicial review must be sought is governed by CCP Section 1094.6.

(i) Vehicular Access

Vehicular ingress and egress will be from the proposed main entryway on Clemo Avenue and the applicant shall obtain an access easement through the adjacent Arastradero Park Apartment Complex to connect the site access aisle to the existing driveway for APAC on Maybell Avenue. If an access easement cannot be obtained and access is from a single driveway on Clemo Avenue, the access barriers on Clemo Avenue shall be relocated from the intersection of Maybell Avenue to east of the project driveway on Clemo Avenue.

SECTION 5. Indemnification. 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 this ordinance or any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City its actual attorney's 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 choice

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SECTION 6. Monitoring of Conditions and Public Benefits. Not later than three (3) years following the approval of building occupancy by the City and every three (3) years thereafter, the applicant shall request that the City review the project to assure that conditions of approval and public benefits remain in effect as provided in the original approval. The applicant shall provide adequate funding to reimburse the City for these costs. If conditions or benefits are found deficient by staff, the applicant shall correct such conditions in not more than 90 days from notice by the City. If correction is not made within the prescribed timeframe, the Director of Planning and Community Environment will schedule review of the project before the Planning and Transportation Commission and Council to determine appropriate remedies, fines or other actions.

SECTION 7. A mitigated negative declaration (MND) for this project was prepared in accordance with the California Environmental Quality Act and circulated for public review for a 20-day period that was extended to May 30, 2013. The City Council approved the June 4, 2013 amended MND and Mitigation Monitoring Program at its meeting of June 17, 2013 subject to the following amendments: In the hazardous materials section of the MND, "no impact" was changed to "less than significant impact" in H(a) (b) and (c) and the following mitigation measure was added: "Sweep surrounding streets daily while contaminated soil is hauled offsite." The Mitigation Measures contained in the MND shall apply to the project and are incorporated.

SECTION 8. Conditions of Approval. The Project Conditions of Approval attached as Exhibit B shall apply to the Project and are incorporated.

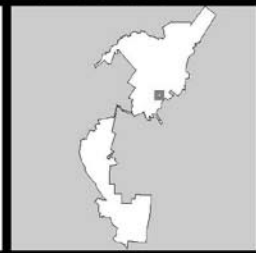
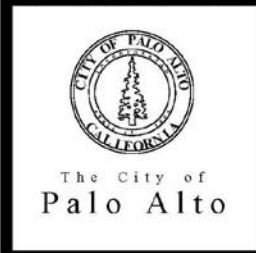
SECTION 9. This PC Zone shall be approved as an overlay to the existing zoning. The property owner has the option of either developing under the PC development standards or the underlying zoning standards. If the property owner elects to proceed with the senior housing project, the PC zoning regulations shall supersede the underlying zoning.

SECTION 10. This ordinance shall be effective on the thirty-first day after the date of its adoption (second reading).



Legend

- Existing Zone Districts
- Existing Zone District Labels
- Zone Change from R2 & RM 15 to Planned Community (PC) Zone



Attachment A
567 - 595 Maybell Avenue
Zone Change
from
R-2 & RM-15
to
Planned Community (PC) Zone

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

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ATTACHMENT B

CONDITIONS OF APPROVAL
567 -595 Maybell Avenue
12PLN-00453

Planning Division

1. The plans submitted for Building Permit shall be in substantial compliance with plans dated June 4, 2013 except as modified to incorporate the adopted PC ordinance and these conditions of approval.
2. These conditions of approval shall be printed on the plans submitted for building permits.
3. The existing city street trees shall be maintained and protected during construction per City of Palo Alto requirements.
4. Upon submittal of the application for a building permit, the project is required to comply with the City's Green Building Program (PAMC 16.14). The project required to complete a green building application, and implement the programs requirements in building plans and throughout construction. More information and the application can be found at <http://www.cityofpaloalto.org/depts/pln/sustainability/green/building/application/default.asp>.
5. All Mitigation Measures as stated in the Mitigated Negative Declaration amended June 4, 2013 shall be incorporated into these conditions of approval. The following mitigation measure is also incorporated: Sweep surrounding streets daily while contaminated soil is hauled offsite.
6. Vehicular ingress and egress will be from the main entryway on Clemo Avenue and the applicant shall obtain an access easement through the adjacent Arastradero Park Apartment Complex to connect the site access aisle to the existing driveway for APAC on Maybell Avenue.
 - a. If an access easement cannot be obtained and access is from a single driveway on Clemo Avenue, the access barriers on Clemo Avenue shall be relocated from the intersection of Maybell Avenue to east of the project driveway on Clemo Avenue.
7. A "No Parking" sign shall be installed on the Maybell Avenue frontage of the project site. The no parking hours will be between 7AM and 7 PM.
8. Shared Roadways Markings ("Sharrows") will be installed in both directions on Maybell Avenue.
9. The Senior Building will be exempt from Development Impact Fees as provided under the City Municipal code as an affordable housing development. The 12 unit single family subdivision (Market Rate parcel) will be subject to the following requirements as provided under the City Municipal Code:
 1. All applicable Development Impact Fees;
 2. Quimby Act;

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3. Below Market Rate In-Lieu housing fee in the amount of \$1.5 million. The City will commit the fee towards the development of the senior affordable housing development on terms similar to the pre-development loan.
10. The homes on Maybell Avenue shall be limited to two stories.
11. Improve the street facing elevations of all single family units by varying setbacks and architectural styles of units along Maybell and Clemo.
12. Strengthen and refine the design features, roof lines and landscaping of all housing units on the entire site.
13. Provide shuttle services for senior housing residents.
14. Provide an accelerated payment schedule of \$200,000 for Maybell Avenue improvements to ensure expediting of these improvements prior to the issuance of grading permits and building permits.
15. Increase the setbacks on Maybell Avenue to a 20 feet average front yard setback with a minimum of 18 feet and an average 10 feet separation between homes, subject to site and design review by the Architectural Review Board (ARB).
16. The height of the homes on Clemo Avenue may be increased to 32 ½ feet to accommodate a third story.
17. Share maintenance and landscaping staff and service coordinators between the Maybell Orchard senior complex and the Arastradero Park Apartment Complex (APAC). Coordinate and share usage of van for residents of senior complex and APAC.
18. Eliminate the two electric vehicle charging stations from the site and with equivalent funding from applicant, direct Staff to work with the community to find a suitable alternative location in the neighborhood.

Public Works

19. SUBDIVISION APPLICATION: The applicant needs to file for a Major Subdivision Application with the Planning Department for creating five (5) or more parcels. A Major Subdivision typically requires the approval of tentative and final maps. A building permit cannot be issued until the final map is recorded at the County Recorder's Office.
20. OFFSITE IMPROVEMENTS: As part of this project, the applicant, at minimum, will be required to repave (2-inch grind and pave) the full width of Maybell Avenue and Clemo Avenue and install all new sidewalk, curb, gutter, and driveway approach in the public right-of-way along the property frontage per Public Works' latest standards and/or as instructed by the Public Works Inspector. The plan must note that any work in the right-of-way must be done per Public Works' standards by a licensed contractor who must first obtain a *Permit for Construction in the Public Right-of-Way ("Street Work Permit")* from Public Works at the Development Center.

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21. **STREET TREES:** The applicant may be required to replace existing and/or add new street trees in the public right-of-way along the property's frontage. Call City Public Works' arborist at 650-496-5953 to arrange a site visit so he can determine what street tree work will be required for this project. The site or tree plan must show street tree work that the arborist has determined including the tree species, size, location, staking and irrigation requirements. Any removal, relocation or planting of street trees; or excavation, trenching or pavement within 10 feet of street trees must be approved by the Public Works' arborist. The plan must note that in order to do street tree work, the applicant must first obtain a *Permit for Street Tree Work in the Public Right-of-Way* ("Street Tree Permit") from Public Works' Urban Forestry.
22. **STORM WATER RUNOFF SYNOPSIS:** Provide a synopsis of pre and post-development storm water runoff flows and drainage systems. Summarize existing storm water drainage patterns such as where the existing site runoff drains to. Explain the increase in the site storm water runoff flow for post-development. Show justification that the existing City storm water drainage system has the capacity to handle the increase in the flow.
23. **STORM WATER TREATMENT:** This project must meet the latest State Regional Water Quality Control Board's (SRWQCB) C.3 provisions. The applicant is required to satisfy all current storm water discharge regulations and shall provide calculations and documents to verify compliance. All projects that are required to treat storm water will need to treat the permit-specified amount of storm water runoff with the following low impact development (LID) methods: rainwater harvesting and reuse, infiltration, evapotranspiration, or biotreatment. However, biotreatment (filtering storm water through vegetation and soils before discharging to the storm drain system) will be allowed only where harvesting and reuse, infiltration and evapotranspiration are infeasible at the project site. Complete the Infiltration/Harvesting and Use Feasibility Screening Worksheet (Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Stormwater Handbook - Appendix I). ***Vault-based treatment will not be allowed as a stand-alone treatment measure.*** Where storm water harvesting and reuse, infiltration, or evapotranspiration are infeasible, vault-based treatment measures may be used in series with biotreatment, for example, to remove trash or other large solids.

Reference: Palo Alto Municipal Code Section 16.11.030(c)

http://www.scvurppp-w2k.com/permit_c3_docs/c3_handbook_2012/Appendix I-Feasibility 2012.pdf

In order to qualify the project as a **Special Project** for LID treatment reduction credit, complete and submit the Special Projects Worksheet (Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Stormwater Handbook - Appendix J: Special Projects). Any Regulated Project that meets all the criteria for more than one Special Project Category may only use the LID treatment reduction credit allowed under one of the categories.

http://www.scvurppp-w2k.com/permit_c3_docs/c3_handbook_2012/Appendix J-Special Projects 2012.pdf.

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The applicant must incorporate permanent storm water pollution prevention measures that treat storm water runoff prior to discharge. The prevention measures shall be reviewed by a qualified **third-party reviewer** who needs to certify that it complies with the Palo Alto Municipal Code requirements. This is required prior to the issuance of a building permit. The third-party reviewer shall be acquired by the applicant and needs to be on the Santa Clara Valley Urban Runoff Pollution Prevention Program's (Program) list of qualified consultants. Any consultant or contractor hired to design and/or construct a storm water treatment system for the project cannot certify the project as a third-party reviewer.

http://www.scvurppp-w2k.com/consultants2012.htm?zoom_highlight=consultants

Within 45 days of the installation of the required storm water treatment measures and prior to the issuance of an occupancy permit for the building, **third-party reviewer** shall also submit to the City a certification for approval that the project's permanent measures were constructed and installed in accordance to the approved permit drawings. The project must also enter into a maintenance agreement with the City to guarantee the ongoing maintenance of the permanent C.3 storm water discharge compliance measures. The maintenance agreement shall be executed prior to the first building occupancy sign-off.

24. **SWPPP:** The proposed development will disturb more than one acre of land. Accordingly, the applicant will be required to comply with the State of California's General Permit for Storm Water Discharges Associated with Construction Activity. This entails filing a Notice of Intent to Comply (NOI), paying a filing fee, and preparing and implementing a site specific storm water pollution prevention plan (SWPPP) that addresses both construction-stage and post-construction BMP's for storm water quality protection. The applicant is required to submit two copies of the NOI and the draft SWPPP to the Public Works Department for review and approval prior to issuance of the building permit.
25. **LOADING DOCK:** If there is a loading dock, storm runoff from loading docks where chemicals or hazardous materials may be handled shall not drain to a street, gutter, or storm drain. See 16.09.032(b)(4)(D). It is recommended that the loading dock(s) be covered to preclude the need for a drain.
26. **GREASE/OIL REMOVAL DEVICE:** If there will be a kitchen and food serving area in the new Senior Building, any drains in the food service facilities shall be connected to a grease removal device.
27. **PEDESTRIAN CIRCULATION:** The pedestrian circulation shown for Senior Building on Sheet C2 indicates pedestrian route through neighboring property to access the public sidewalk at the north end of the property. Such encroachment through a private property is not recommended by the City.
28. The following comments are provided to assist the applicant at the building permit phase. You can obtain various plan set details, forms and guidelines from Public Works at the City's Development Center (285 Hamilton Avenue) or on Public Works' website: http://www.cityofpaloalto.org/depts/pwd/forms_permits.asp

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Include in plans submitted for a building permit:

29. **GRADING & EXCAVATION PERMIT:** For disturbing greater than 10,000 SF of land area, a *Grading and Excavation Permit* needs to be obtained from PWE at the Development Center before the building permit can be issued. Refer to the Public Works' website for "Excavation and Grading Permit Instructions." For the *Grading and Excavation Permit* application, various documents are required including a grading and drainage plan, soils report, Interim and Final erosion and sediment control, and storm water pollution prevention plan (SWPPP). Refer to our website for "Grading and Excavation Permit Application" and guidelines. Indicate the amount of soil to be cut and filled for the project.

<http://www.cityofpaloalto.org/civicax/filebank/documents/11695>

30. **GRADING AND DRAINAGE PLAN:** The plan set must include a grading and drainage plan prepared by a licensed professional that includes existing and proposed spot elevations and showing drainage flows to demonstrate proper drainage of the site. Other site utilities may be shown on the grading plan for reference only, and should be so noted. No utility infrastructure should be shown inside the building footprint. Installation of these other utilities will be approved as part of a subsequent Building Permit application.

Site grading, excavation, and other site improvements that disturb large soil areas may only be performed during the regular construction season (from April 16 through October 15th) of each year the permit is active. The site must be stabilized to prevent soil erosion during the wet season. The wet season is defined as the period from October 15 to April 15. Methods of stabilization are to be identified within the Civil sheets of the improvement plans for approval.

31. **BEST MANAGEMENT PRACTICES (BMP's):** In order to address potential storm water quality impacts, the plan shall identify BMP's to be incorporated into the Storm Water Pollution Prevention Plan (SWPPP) that will be required for the project. The SWPPP shall include permanent BMP's to be incorporated into the project to protect storm water quality. (Resources and handouts are available from PWE. Specific reference is made to Palo Alto's companion document to "Start at the Source", entitled "Planning Your Land Development Project").

The developer shall require its contractor to incorporate BMP's for storm water pollution prevention in all construction operations, in conformance with the SWPPP prepared for the project. It is unlawful to discharge any construction debris (soil, asphalt, sawcut slurry, paint, chemicals, etc.) or other waste materials into gutters or storm drains. (PAMC Chapter 16.09).

The applicant is required to paint the "No Dumping/Flows to Barron Creek" logo in blue color on a white background, adjacent to all storm drain inlets. Stencils of the logo are available from the Public Works Environmental Compliance Division, which may be contacted at (650) 329-2598. A deposit may be required to secure the return of the stencil. Include the instruction to paint the logos on the construction grading and drainage plan. Include maintenance of these logos in the Hazardous Materials Management Plan, if such a plan is part of this project.

COMPLETE TEXT OF MEASURE D - Continued

32. **STORM WATER POLLUTION PREVENTION:** The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. Copies are available from Development Center or on our website. Also, the applicant must provide a site-specific storm water pollution control plan sheet in the plan set.

<http://www.cityofpaloalto.org/civicax/filebank/documents/2732>

33. **IMPERVIOUS SURFACE AREA:** Since the project will be creating or replacing 500 square feet or more of impervious surface, the applicant shall provide calculations of the existing and proposed impervious surface areas. The calculations need to be filled out in the *Impervious Area Worksheet for Land Developments* form which is available at the Development Center or on our website, then submitted with the building permit application.

<http://www.cityofpaloalto.org/civicax/filebank/documents/2718>

34. **WORK IN THE RIGHT-OF-WAY** - If any work is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, curb inlet, storm water connections or utility laterals, the following note shall be included on the *Site Plan* next to the proposed work:

"Any construction within the city right-of-way must have an approved *Permit for Construction in the Public Street* prior to commencement of this work. THE PERFORMANCE OF THIS WORK IS NOT AUTHORIZED BY THE BUILDING PERMIT ISSUANCE BUT SHOWN ON THE BUILDING PERMIT FOR INFORMATION ONLY."

35. **LOGISTICS PLAN:** The contractor must submit a logistics plan to PWE prior to commencing work that addresses all impacts to the City's right-of-way, including, but not limited to: pedestrian control, traffic control, truck routes, material deliveries, contractor's parking, concrete pours, crane lifts, work hours, noise control, dust control, storm water pollution prevention, contractor's contact, noticing of affected businesses, and schedule of work. The plan will be part of the building permit submittal.

<http://www.cityofpaloalto.org/civicax/filebank/documents/2719>

36. **FINALIZATION OF BUILDING PERMIT:** The Public Works Inspector shall sign off the building permit prior to the finalization of this permit. All off-site improvements shall be finished prior to this sign-off. Similarly, all as-builts, on-site grading, drainage and post-developments BMP's shall be completed prior to sign-off.

Public Works Water Quality

37. **PAMC 16.09.170, 16.09.040 Discharge of Groundwater:** The project is located in an area of suspected or known groundwater contamination with Volatile Organic Compounds (VOCs). If groundwater is encountered then the plans must include the following procedure for construction dewatering:

Prior to discharge of any water from construction dewatering, the water shall be tested for volatile organic compounds (VOCs) using EPA Method 601/602 or Method 624. The analytical results of the VOC testing shall be transmitted to the Regional Water Quality Control Plant (RWQCP) 650-329-2598. Contaminated ground water that exceeds state or federal requirements for discharge to

COMPLETE TEXT OF MEASURE D - Continued

navigable waters may not be discharged to the storm drain system or creeks. If the concentrations of pollutants exceed the applicable limits for discharge to the storm drain system then an Exceptional Discharge Permit must be obtained from the RWQCP prior to discharge to the sanitary sewer system. If the VOC concentrations exceed the toxic organics discharge limits contained in the Palo Alto Municipal Code (16.09.040(m)) a treatment system for removal of VOCs will also be required prior to discharge to the sanitary sewer. Additionally, any water discharged to the sanitary sewer system or storm drain system must be free of sediment.

38. **PAMC 16.09.180(b)(11) Carwash Required** New Multi-family residential units and residential development projects with 25 or more units shall provide a covered area for occupants to wash their vehicles. A drain shall be installed to capture all vehicle wash waters and shall be connected to an oil/water separator prior to discharge to the sanitary sewer system. The oil/water separator shall be cleaned at a frequency of at least once every six months or more frequently if recommended by the manufacturer or the Superintendent. Oil/water separators shall have a minimum capacity of 100 gallons. The area shall be graded or bermed in such a manner as to prevent the discharge of storm water to the sanitary sewer system; (Note: the Senior Housing component of this development may apply for an exemption to this requirements, in which case any hose bibs must be fitted with lock-outs or other connections controls and signage indicating that car washing is not allowed.)
39. **PAMC 16.09.180(b)(10) Dumpsters for New and Remodeled Facilities** New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a dumpster. The area shall be adequately sized for all waste streams and designed with grading or a berm system to prevent water runoff and runoff from the area.
40. **PAMC 16.09.180(b)(14) Architectural Copper** On and after January 1, 2003, copper metal roofing, copper metal gutters, copper metal down spouts, and copper granule containing asphalt shingles shall not be permitted for use on any residential, commercial or industrial building for which a building permit is required. Copper flashing for use under tiles or slates and small copper ornaments are exempt from this prohibition. Replacement roofing, gutters and downspouts on historic structures are exempt, provided that the roofing material used shall be prepatinated at the factory. For the purposes of this exemption, the definition of "historic" shall be limited to structures designated as Category 1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory.
41. **PAMC 16.09.175(k)(2) Loading Docks**
- (i) Loading dock drains to the storm drain system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation.
 - (ii) Where chemicals, hazardous materials, grease, oil, or waste products are handled or used within the loading dock area, a drain to the storm drain system shall not be allowed. A drain

COMPLETE TEXT OF MEASURE D - Continued

to the sanitary sewer system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation. The area in which the drain is located shall be covered or protected from rainwater run-on by berms and/or grading. Appropriate wastewater treatment approved by the Superintendent shall be provided for all rainwater contacting the loading dock site.

42. **PAMC 16.09.180(b)(5) Condensate from HVAC** Condensate lines shall not be connected or allowed to drain to the storm drain system.
43. **PAMC 16.09.180(b)(b) Copper Piping** Copper, copper alloys, lead and lead alloys, including brass, shall not be used in sewer lines, connectors, or seals coming in contact with sewage except for domestic waste sink traps and short lengths of associated connecting pipes where alternate materials are not practical. The plans must specify that copper piping will not be used for wastewater plumbing.
44. **PAMC 16.09.205(a) Cooling Systems, Pools, Spas, Fountains, Boilers and Heat Exchangers** It shall be unlawful to discharge water from cooling systems, pools, spas, fountains boilers and heat exchangers to the storm drain system.
45. **PAMC 16.09.165(h) Storm Drain Labeling** Storm drain inlets shall be clearly marked with the words "No dumping - Flows to Bay," or equivalent.

Fire Department

46. Fire sprinkler, standpipe, fire alarm and underground fire supply installations require separate submittal to the Fire Prevention Bureau.
47. Roof access shall be provided from both stairways. A hatch with ladder access is acceptable where access via stair is not otherwise required. Hatch must be a minimum 36 x 48 inches in size. Where alternating tread access is approvable under the code, a ship's ladder shall be provided instead.

Utilities

GENERAL

48. The applicant shall comply with all the Electric Utility Engineering Department service requirements noted during plan review.
49. The applicant shall be responsible for identification and location of all utilities, both public and private, within the work area. Prior to any excavation work at the site, the applicant shall contact Underground Service Alert (USA) at 1-800-227-2600, at least 48 hours prior to beginning work.
50. The applicant shall submit a request to disconnect all existing utility services and/or meters including a signed affidavit of vacancy, on the form provided by the Building Inspection Division. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued after all utility services and/or meters have been disconnected and removed.

COMPLETE TEXT OF MEASURE D - Continued

THE FOLLOWING SHALL BE INCORPORATED IN SUBMITTALS FOR ELECTRIC SERVICE

51. A completed Utility Service Application and a full set of plans must be included with all applications involving electrical work. The load sheet must be included with the preliminary submittal.
52. Only one electric service lateral is permitted per parcel. Utilities Rule & Regulation #18.
53. If this project requires padmount transformers, the location of the transformers shall be shown on the site plan and approved by the Utilities Department and the Architectural Review Board. Utilities Rule & Regulations #3 & #16.
54. The developer/owner shall provide space for installing padmount equipment (i.e. transformers, switches, and interrupters) and associated substructure as required by the City.
55. The customer shall install all electrical substructures (conduits, boxes and pads) required from the service point to the customer's switchgear. The design and installation shall be according to the City standards and shown on plans. Utilities Rule & Regulations #16 & #18.
56. Location of the electric panel/switchboard shall be shown on the site plan and approved by the Architectural Review Board and Utilities Department.
57. All utility meters, lines, transformers, backflow preventers, and any other required equipment shall be shown on the landscape and irrigation plans and shall show that no conflict will occur between the utilities and landscape materials. In addition, all aboveground equipment shall be screened in a manner that is consistent with the building design and setback requirements.
58. For services larger than 1600 amps, the customer will be required to provide a transition cabinet as the interconnection point between the utility's padmount transformer and the customer's main switchgear. The cabinet design drawings must be submitted to the Electric Utility Engineering Department for review and approval.
59. For underground services, no more than four (4) 750 MCM conductors per phase can be connected to the transformer secondary terminals; otherwise, bus duct must be used for connections to padmount transformers. If customer installs a bus duct directly between the transformer secondary terminals and the main switchgear, the installation of a transition cabinet will not be required.
60. The customer is responsible for sizing equipment according to the National Electric Code requirements. The service conductors shall be sized per City standards. Utilities Rule & Regulation #18.
61. Any additional facilities and services requested by the Applicant that are beyond what the utility deems standard facilities will be subject to Special Facilities charges. The Special Facilities charges include the cost of installing the additional facilities as well as the cost of ownership. Utilities Rule & Regulation #20.

COMPLETE TEXT OF MEASURE D - Continued

62. Projects that require the extension of high voltage primary distribution lines or reinforcement of offsite electric facilities will be at the customer's expense and must be coordinated with the Electric Utility.

DURING CONSTRUCTION

63. Contractors and developers shall obtain permit from the Department of Public Works before digging in the street right-of-way. This includes sidewalks, driveways and planter strips.
64. At least 48 hours prior to starting any excavation, the customer must call Underground Service Alert (USA) at 1-800-227-2600 to have existing underground utilities located and marked. The areas to be check by USA shall be delineated with white paint. All USA markings shall be removed by the customer or contractor when construction is complete.
65. The customer is responsible for installing all on-site substructures (conduits, boxes and pads) required for the electric service. No more than 270 degrees of bends are allowed in a secondary conduit run. All conduits must be sized according to National Electric Code requirements and no 1/2 - inch size conduits are permitted. All off-site substructure work will be constructed by the City at the customer's expense. Where mutually agreed upon by the City and the Applicant, all or part of the off-site substructure work may be constructed by the Applicant.
66. All primary electric conduits shall be concrete encased with the top of the encasement at the depth of 30 inches. No more than 180 degrees of bends are allowed in a primary conduit run. Conduit runs over 500 feet in length require additional pull boxes.
67. All new underground conduits and substructures shall be installed per City standards and shall be inspected by the Electrical Underground Inspector before backfilling.
68. The customer is responsible for installing all underground electric service conductors, bus duct, transition cabinets, and other required equipment. The installation shall meet the National Electric Code and the City Standards.
69. Meter and switchboard requirements shall be in accordance with Electric Utility Service Equipment Requirements Committee (EUSERC) drawings accepted by Utility and CPA standards for meter installations. Shop/factory drawings for switchboards (400A and greater) and associated hardware must be submitted for review and approval prior to installing the switchgear to:

Gopal Jagannath, P.E.
Supervising Electric Project Engineer
Utilities Engineering (Electrical)
1007 Elwell Court
Palo Alto, CA 94303

Catalog cut sheets may not be substituted for factory drawing submittal.

COMPLETE TEXT OF MEASURE D - Continued

70. All new underground electric services shall be inspected and approved by both the Building Inspection Division and the Electrical Underground Inspector before energizing.

AFTER CONSTRUCTION & PRIOR TO FINALIZATION

71. The customer shall provide as-built drawings showing the location of all switchboards, conduits (number and size), conductors (number and size), splice boxes, vaults and switch/transformer pads.

PRIOR TO ISSUANCE OF BUILDING OCCUPANCY PERMIT

72. The applicant shall secure a Public Utilities Easement for facilities installed on private property for City use.
73. All required inspections have been completed and approved by both the Building Inspection Division and the Electrical Underground Inspector.
74. All fees must be paid.
75. All Special Facilities contracts or other agreements need to be signed by the City and applicant.

SUBDIVISION PROJECTS

76. There may be other conditions applicable to your project that can be found in previous sections of this document.
77. Only one electric service lateral is permitted per parcel.
78. The developer/owner shall provide space for installing padmount equipment (i.e. transformers, switches, and interrupters) and associated substructure as required by the City. In addition, the owner shall grant a Public Utilities Easement for facilities installed within the subdivision as required by the City.
79. The civil drawings must show all existing and proposed electric facilities (i.e. conduits, boxes, pads, services, and streetlights) as well as other utilities. The developer/owner is responsible for all substructure installations (conduits, boxes, pads, streetlights system, etc.) on the subdivision parcel map. The design and installation shall be according to the City standards and all work must be inspected and approved by the Electrical Underground Inspector.
80. The developer/owner is responsible for all underground services (conduits and conductors) to single-family homes within the subdivision. All work requires inspection and approval from both the Building Department and the Electrical Underground Inspector.
81. The tentative parcel map shall show all required easements as requested by the City.

Utilities Water, Gas Wastewater

PRIOR TO ISSUANCE OF DEMOLITION PERMIT

COMPLETE TEXT OF MEASURE D - Continued

82. Prior to demolition, the applicant shall submit the existing water/wastewater fixture unit loads (and building as-built plans to verify the existing loads) to determine the capacity fee credit for the existing load. If the applicant does not submit loads and plans they may not receive credit for the existing water/wastewater fixtures.

83. The applicant shall submit a request to disconnect all utility services and/or meters including a signed affidavit of vacancy. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued by the building inspection division after all utility services and/or meters have been disconnected and removed.

FOR BUILDING PERMIT

84. The applicant shall submit a completed water-gas-wastewater service connection application - load sheet for City of Palo Alto Utilities for each residential or commercial unit. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., gas in b.t.u.p.h, and sewer in fixture units/g.p.d.). The applicant shall provide the existing (prior) loads, the new loads, and the combined/total loads (the new loads plus any existing loads to remain).
85. The applicant shall submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations and any other required utilities.
86. There is no sewer main in Clemo Ave and the sewer main in Maybell Ave is constricted to 6" in the last block approaching El Camino Real. As part of this project the applicant is required to pipe burst the 6" section of main sewer main to 8".
87. Water and gas services for each single family home will be served directly off Maybell Ave or Clemo Ave.
88. The applicant must show on the site plan the existence of any auxiliary water supply, (i.e. water well, gray water, recycled water, rain catchment, water storage tank, etc).
89. The applicant shall be responsible for installing and upgrading the existing utility mains and/or services as necessary to handle anticipated peak loads. This responsibility includes all costs associated with the design and construction for the installation/upgrade of the utility mains and/or services.
90. The applicant's engineer shall submit flow calculations and system capacity study showing that the on-site and off-site water and sanitary sewer mains and services will provide the domestic, irrigation, fire flows, and wastewater capacity needed to service the development and adjacent properties during anticipated peak flow demands. Field testing may be required to determine current flows and water pressures on existing water main. Calculations must be signed and stamped by a registered civil engineer. The applicant is required to perform, at his/her expense, a flow monitoring study of the existing sewer main to determine the

COMPLETE TEXT OF MEASURE D - Continued

remaining capacity. The report must include existing peak flows or depth of flow based on a minimum monitoring period of seven continuous days or as determined by the senior wastewater engineer. The study shall meet the requirements and the approval of the WGW engineering section. No downstream overloading of existing sewer main will be permitted.

91. For contractor installed water and wastewater mains or services, the applicant shall submit to the WGW engineering section of the Utilities Department **four** copies of the installation of water and wastewater utilities off-site improvement plans in accordance with the utilities department design criteria. All utility work within the public right-of-way shall be clearly shown on the plans that are prepared, signed and stamped by a registered civil engineer. The contractor shall also submit a complete schedule of work, method of construction and the manufacturer's literature on the materials to be used for approval by the utilities engineering section. The applicant's contractor will not be allowed to begin work until the improvement plan and other submittals have been approved by the water, gas and wastewater engineering section. After the work is complete but prior to sign off, the applicant shall provide record drawings (as-builts) of the contractor installed water and wastewater mains and services per City of Palo Alto Utilities record drawing procedures. For contractor installed services the contractor shall install 3M marker balls at each water or wastewater service tap to the main and at the City clean out for wastewater laterals.
92. An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter within 5 feet of the property line. RPPA's for domestic service shall be lead free. **Show the location of the RPPA on the plans.** Residential single family homes with no special cross connection hazards will be allowed to use double check assemblies.
93. An approved reduced pressure detector assembly is required for the existing or new water connection for the fire system (non single family home buildings only) to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive (a double detector assembly may be allowed for existing fire sprinkler systems upon the CPAU's approval). reduced pressure detector assemblies shall be installed on the owner's property adjacent to the property line, within 5' of the property line. **Show the location of the reduced pressure detector assembly on the plans.**
94. All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the utilities cross connection inspector is required for the supply pipe between the meter and the assembly.
95. Existing wastewater laterals that are not plastic (ABS, PVC, or PE) shall be abandoned per the WGW Utilities Standards.

COMPLETE TEXT OF MEASURE D - Continued

96. The applicant shall pay the capacity fees and connection fees associated with new utility service/s or added demand on existing services. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.
97. Each unit or place of business shall have its own water and gas meter shown on the plans. Each parcel shall have its own water service, gas service and sewer lateral connection shown on the plans.
98. A separate water meter and backflow preventer is required to irrigate the approved landscape plan. Show the location of the irrigation meter on the plans. This meter shall be designated as an irrigation account and no other water service will be billed on the account. The irrigation and landscape plans submitted with the application for a grading or building permit shall conform to the City of Palo Alto water efficiency standards. New gas service installations are required. Show the new gas meter locations on the plans. The gas meter locations must conform with utility's standard details.
99. The applicant shall secure a public utilities easement for facilities installed in private property. The applicant's engineer shall obtain, prepare, record with the county of Santa Clara, and provide the utilities engineering section with copies of the public utilities easement across the adjacent parcels as is necessary to serve the development.
100. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW Utilities procedures.
101. Utility vaults, transformers, utility cabinets, concrete bases, or other structures can not be placed over existing water, gas or wastewater mains/services. Maintain 1' horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water, gas or wastewater mains/services or meters. New water, gas or wastewater services/meters may not be installed within 10' of existing trees. Maintain 10' between new trees and new water, gas and wastewater services/mains/meters.
102. To install new gas service by directional boring, the applicant is required to have a sewer cleanout at the front of the building. This cleanout is required so the sewer lateral can be videoed for verification of no damage after the gas service is installed by directional boring.
103. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas & wastewater.
104. The applicant shall obtain an encroachment permit from Caltrans for all utility work in the El Camino Real right-of-way. The applicant must provide a copy of the permit to the WGW engineering section.

PRIOR TO DEMOLITION, BUILDING OR GRADING PERMIT
ISSUANCE

COMPLETE TEXT OF MEASURE D - Continued

105. BUILDING PERMIT SUBMITTAL REVIEW-CERTIFICATION LETTER. Prior to submittal for staff review, the plans submitted for building permit shall be reviewed by the project site arborist to verify that all the arborist's recommendations have been incorporated into the final plan set. The submittal set shall be accompanied by the project site arborist's certification letter that the plans have incorporated the following information:

- a. Final Tree Protection Report (TPR) design changes and preservation measures.
- b. Palo Alto Tree Technical Manual Standards, Section 2.00 and PAMC 8.10.080.
- c. Outstanding items. Itemized list and which plan sheet the measures are to be located.
- d. Landscape and irrigation plans are consistent with CPA Tree Technical Manual, Section 5.45 and Appendix L, Landscaping under Native Oaks and PAMC 18.40.130.

106. PROTECTED TREE REMOVAL REQUIREMENTS (Reference: CPA Tree Technical Manual, Section 3.05). Provide an evaluation and summary for any Protected Tree proposed to be removed with findings recognized by the tree ordinance; include replacement tree Mitigation Measures using the Replacement Standards (Tree Canopy/Value Method) in the Palo Alto Tree Technical Manual, Section 3.00. If the total Mitigation canopy cannot be entirely planted on site, the remainder shall be paid to the City of Palo Alto Forestry Fund (Acct#60662). A Protected Tree removal permit shall be issued by the Urban Forestry section.

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

- a. Sheet T-1 Tree Protection-it's Part of the Plan (<http://www.cityofpaloalto.org/environment/urbancanopy.asp>), Applicant shall complete the Tree Disclosure Statement. Inspections and monthly reporting by the project arborist are mandatory. (All projects: check #1; with tree preservation report: check #2-6; with landscape plan: check #7.)
- b. The Tree Preservation Report (TPR). All sheets of the TPR approved by the City, Arborist Report for 567-595 Maybell Avenue, dated November 26, 2012, prepared by McClenahan Consulting, LLC shall be printed on numbered Sheet T-1 (T-2, T-3, etc.) and added to the sheet index.
- c. Protective Tree Fencing Type. Delineate on grading plans, irrigation plans, site plans and utility plans, Type II fencing around Street Trees and Type I fencing around Protected/Designated trees as a bold dashed line enclosing the Tree Protection Zone (per the approved Tree Preservation Report) per instructions on Detail #605, Sheet T-1, and the City Tree Technical Manual, Section 6.35-Site Plans.
- d. Site Plan Notes. Note #1. Apply to the site plan stating, "All tree protection and inspection schedule measures, design recommendations, watering and construction scheduling shall be implemented in full by owner and contractor, as stated in the Tree Protection Report on Sheet T-1 and the approved plans". Note #2. All civil plans, grading plans, irrigation plans,

COMPLETE TEXT OF MEASURE D - Continued

site plans and utility plans and relevant sheets shall include a note applying to the trees to be protected, including neighboring trees stating: "Regulated Tree--before working in this area contact the Project Site Arborist at (650) 326-8781 Note #3. "Basement foundation plan. Soils Report and Excavation for basement construction within the TPZ of a protected tree shall specify a vertical cut (stitch piers may be necessary) in order to avoid over-excavating into the tree root zone. Any variance from this procedure requires City Arborist approval, please call (650) 496-5953." Note #4. Utility plan sheets shall include the following note: "Utility trenching shall not occur within the TPZ of the protected tree. Contractor shall be responsible for ensuring that no trenching occurs within the TPZ of the protected tree by contractors, City crews or final landscape workers. See sheet T-1 for instructions."

108. LANDSCAPE PLANS.

- a. Make the following changes in plant material for the following species, and planting specifications (*if any*)
- b. Provide a detailed landscape and irrigation plan encompassing on-and off-site plantable areas out to the curb shall be approved by the Architectural Review Board. A Landscape Water Use statement, water use calculations and a statement of design intent shall be submitted for the project. A licensed landscape architect and qualified irrigation consultant will prepare these plans, to include:
 - i. All existing trees identified both to be retained and removed including street trees.
 - ii. Complete plant list indicating tree and plant species, quantity, size, and locations.
 - iii. Irrigation schedule and plan.
 - iv. Fence locations.
 - v. Lighting plan with photometric data.
 - vi. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.
 - vii. Reduce heat islands--Parking lot shade tree plan. Provide a landscape sheet showing tree planting designed to achieve 50% shading of paving surfaces pursuant to PAMC 18.40. 130(e) (Parking Lot Shading Guidelines, Tree Technical Manual, Addendum 9).
 - viii. All new trees planted within the public right-of-way (public land) shall be installed per Public Works (PW) Standard Planting Diagram #603 or 604 (include on plans), and shall have a tree pit dug at least twice the diameter of the root ball.
 - ix. Landscape plan shall include planting preparation details for trees specifying digging the soil to at least 30-inches deep, backfilled with a quality topsoil and dressing with 2-inches of wood or bark mulch on top of the root ball keeping clear of the trunk by 1-inch.
 - x. Automatic irrigation shall be provided to all trees. For trees, PW Detail #513 shall be included on the irrigation plans and show two bubbler heads mounted on flexible tubing placed at the edge of the root ball. Bubblers shall

COMPLETE TEXT OF MEASURE D - Continued

not be mounted inside an aeration tube. The tree irrigation system shall be connected to a separate valve from other shrubbery and ground cover, pursuant to the City's Landscape Water Efficiency Standards. Irrigation in the right-of-way requires a street work permit per CPA Public Works standards.

- xi. Landscape Plan shall ensure the backflow device is adequately obscured with the appropriate screening to minimize visibility (planted shrubbery is preferred, painted dark green, decorative boulder covering acceptable; wire cages are discouraged).

d. Planting notes to include the following mandatory criteria:

- i. Prior to any planting, all plantable areas shall be tilled to 12" depth, and all construction rubble and stones over 1" or larger shall be removed from the site.
- ii. Note a turf-free zone around trees 36" diameter (18" radius) for best tree performance.

e. Mandatory Landscape Architect (LA) Inspection Verification to the City. The LA of record shall verify the performance measurements are achieved with a separate letter of verification to City Planning staff, in addition to owner's representative for each of the following:

- i. Percolation & drainage checks have been performed and is acceptable.
- ii. Fine grading inspection of all plantable areas has been personally inspected for tilling depth, rubble removal, soil test amendments are mixed and irrigation trenching will not cut through any tree roots.
- iii. Tree and Shrub Planting Specifications, including delivered stock, meets Standards in the CPA Tree Technical Manual, Section 3.30-3.50. Girdling roots and previously topped trees are subject to rejection.

109. TREE PROTECTION VERIFICATION. Prior to demolition, grading or building permit issuance, a written verification from the contractor that the required protective fencing is in place shall be submitted to the Building Inspections Division. The fencing shall contain required warning sign and remain in place until final inspection of the project.

DURING CONSTRUCTION

110. EXCAVATION RESTRICTIONS APPLY (TTM, Sec. 2.20 C & D).

Any approved grading, digging or trenching beneath a tree canopy shall be performed using 'air-spade' method as a preference, with manual hand shovel as a backup. For utility trenching, including sewer line, roots exposed with diameter of 1.5 inches and greater shall remain intact and not be damaged. If directional boring method is used to tunnel beneath roots, then Table 2-1, Trenching and Tunneling Distance, shall be printed on the final plans.

111. PLAN CHANGES. Revisions and/or changes to plans before or during construction shall be reviewed and responded to by the project site arborist, John H. McClenahan, WE-1476B, (650) 326-8781, with written letter of acceptance before submitting the revision to the city for review.

COMPLETE TEXT OF MEASURE D - Continued

112. CONDITIONS. All Planning Department conditions of approval for the project shall be printed on the plans submitted for building permit.

113. TREE PROTECTION COMPLIANCE. The owner and contractor shall implement all protection and Contractor and Arborist Inspection Schedule measures, design recommendations and construction scheduling as stated in the TPR, and is subject to code compliance action pursuant to PAMC 8.10.080. The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in the monthly activity report sent to the City. A mandatory Monthly Tree Activity Report shall be sent monthly to the City beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.

114. TREE DAMAGE. Tree Damage, Injury Mitigation and Inspections apply to Contractor. Reporting, injury mitigation measures and arborist inspection schedule (1-5) apply pursuant to TTM, Section 2.20-2.30. Contractor shall be responsible for the repair or replacement of any publicly owned or protected trees that are damaged during the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code, and city Tree Technical Manual, Section 2.25.

115. GENERAL. The following general tree preservation measures apply to all trees to be retained: No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground under and around the tree canopy area shall not be altered. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.

PRIOR TO OCCUPANCY

116. LANDSCAPE INSPECTION. The Planning Department shall be in receipt of written verification that the Landscape Architect has inspected all trees, shrubs, planting and irrigation and that they are installed and functioning as specified in the approved plans.

117. TREE INSPECTION. The contractor shall call for an inspection by the Project Arborist. A final inspection and report by the project arborist shall evaluate all trees to be retained and protected, as indicated in the approved plans, the activity, health, welfare, mitigation remedies for injury, if any, and for the long term care of the trees for the new owner. The report shall provide written verification to the Planning Department that all trees, shrubs, planting and irrigation are installed and functioning as specified in the approved plans. The final arborist report shall be provided to the Planning Department prior to written request for temporary or final occupancy. The final report may be used to navigate the security guarantee return process, when applicable.

118. PLANNING INSPECTION. Prior to final sign off, contractor or owner shall contact the city planner (650-329-2441) to inspect and verify Special Conditions relating to the conditions for structures, fixtures, colors and site plan accessories.

POST CONSTRUCTION

COMPLETE TEXT OF MEASURE D - Continued

119. MAINTENANCE. All landscape and trees shall be maintained, watered, fertilized, and pruned according to Best Management Practices-Pruning (ANSI A300-2001 or current version). Any vegetation that dies shall be replaced or failed automatic irrigation repaired by the current property owner within 30 days of discovery.

The above statement is an impartial summary of the ordinance. If you desire a copy of the ordinance, please call the Palo Alto City Clerk's Office at 650-329-2571 and a copy will be mailed at no cost to you.

ARGUMENT IN FAVOR OF MEASURE D

Palo Alto's seniors deserve a high quality, safe and affordable place to live. But over the last 10 years, housing costs have doubled, making it increasingly difficult for Palo Alto residents on fixed incomes to remain in our community and live close to their children and grandchildren after they retire.

That is why, following nine months of public hearings, discussions and negotiations, the Palo Alto City Council voted unanimously to approve the 60 units of affordable senior housing and 12 single family homes at Maybell and Clemo.

Please join us in supporting this unanimous decision and affordable senior housing by voting Yes on Measure D.

There are hundreds of seniors in Palo Alto on waiting lists for existing low-income senior housing properties and hundreds more who are looking for affordable, independent living. Measure D will ensure 60 affordable senior apartments are created for local seniors who earn between 30-60% of the area median income.

This carefully designed plan has minimal impact on the surrounding neighborhood, traffic, and schools. The senior housing is well set back from the street, adjacent to an existing 8-story apartment building and 66-unit family apartment complex.

The current site was zoned for up to 46 residences. If this affordable housing project is stopped, the property would likely be sold to a private developer, who could build the maximum number of units — resulting in a much greater impact on the surrounding neighborhood.

Our local seniors need Measure D to ensure they are able to remain in the community they call home and keep local families together. According to the Council on Aging Silicon Valley, nearly 20% of Palo Alto seniors are living near or below the poverty line.

We urge you to vote YES on Measure D to provide high quality, safe, affordable housing for Palo Alto's seniors.

/s/ Mary Alice Thornton
President, League of Women Voters of Palo Alto

/s/ Ray Bacchetti
Board of Trustees Member, Channing House Senior Residence

/s/ Lynn Melena
Past President, Barron Park Neighborhood Association

/s/ Robert Neff
Chair, Palo Alto Bicycle Advisory Committee (PABAC)

/s/ Liz Kniss
Member, Palo Alto City Council

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE D

Proponents of rezoning claim Measure D is about senior housing. It is not. Measure D is about Palo Alto's out-of-control development eroding Palo Alto as a great place to live and raise families.

Affordable senior housing can be built within existing zoning. Current zoning allows 41 affordable units with ample parking on 2 acres next to 4 existing homes. Rezoning squeezes 60 senior units on 1 acre without adequate parking, no senior services nearby, and 12 for-profit homes on substandard lots on a majority of the property.

This PC rezoning is about the almost 60% of the land targeted for market-rate homes. It has nothing to do with seniors or affordability. It is about money. This is one more in a huge wave of oversized high-density projects engulfing Palo Alto.

Claims that existing zoning would result in greater density are hypothetical. Applying current land use regulations, those claims just don't hold up. The City, having invested \$7.3 million, can ensure a reasonable development that also addresses the traffic and safety of children traveling to 4 neighborhood schools.

If high-density, gridlocked traffic, office canyons, inadequate parking, and upzoning-for-sale are the future you want in Palo Alto, then vote "for" rezoning. If you want to keep Palo Alto a great, safe place to live for everyone, including seniors, tell City Council to protect neighborhoods and follow its comprehensive plan. Tell them to build senior housing within existing zoning.

Let's preserve our quality of life and future in Palo Alto. **Vote AGAINST Measure D.**

/s/ Enid Pearson
Council Member 1965-1975

/s/ Arthur D. Liberman
President, Barron Park Association

/s/ Stephanie Grossman
Community Center Resident

/s/ Warren Kirsch
Green Acres 2 Resident

/s/ Eric Filseth
Downtown North Neighborhood

ARGUMENT AGAINST MEASURE D

Vote AGAINST the Measure D Ordinance:

Vote AGAINST high density development in a residential neighborhood in the congested Arastradero/Maybell corridor.

City Council has approved development after development with inadequate regard for the impact on existing infrastructure and residents - even after hearing residents concerns.

Send City Council a message — Palo Altans want the City to stop approving high density developments throughout Palo Alto that irreversibly change our quality of life.

WE SUPPORT BUILDING AFFORDABLE SENIOR HOUSING ON THE MAYBELL PARCEL WITHIN CURRENT ZONING.

WE OPPOSE Planned Community zoning that removes site regulations protecting residential neighborhoods -- resulting in projects with inadequate parking, reduced safety, excessive height, loss of setbacks, and increased traffic congestion throughout town.

See what is happening to Palo Alto: Miki's on Alma, the Gateway building at Lytton/Alma, Arbor Real on the former Rickey's Hyatt site, and the current construction on the former Palo Alto Bowl site. It's unending, as more high density PC development applications are undergoing City review.

The Measure D Ordinance is about much more than senior housing. More than half of the parcel will be sold to a for-profit developer to build 12 market-rate single-family homes. Five will be 3-story, completely out of scale with nearby residences. Less than 1.1 acres (out of 2.4 acres) will remain for 60 units of senior housing, creating the densest housing development in a residential neighborhood in decades.

The City's traffic study failed to adequately address pedestrian/cyclist traffic on Maybell. This project increases congestion on the Maybell "Safe Route to Schools" intended to protect many, many hundreds of children who attend FOUR neighborhood schools. The City should give highest priority to child safety all over Palo Alto!

Vote AGAINST the Measure D ORDINANCE! Tell City Council to protect residential neighborhoods with existing zoning.

For Information: www.paloaltoville.com

/s/ Emily M. Renzel
Councilmember 1979-1991

/s/ Tim Gray
Palo Alto Resident of Palo Altans to Preserve Neighborhood Zoning

/s/ Cheryl Lilienstein
Physical Therapist

/s/ C. Neilson S. Buchanan
Downtown North Neighborhood Activist

/s/ Joseph I. Hirsch
Palo Alto Planning Commissioner 1983-1991

REBUTTAL TO ARGUMENT AGAINST MEASURE D

Please don't be misled by the opposition's claims. Measure D has nothing to do with other approved or proposed "planned community zonings" across Palo Alto.

Measure D is about one thing - 60 units of desperately needed affordable senior housing and 12 single family residences at the corner of Maybell and Clemo.

FACT: If Measure D fails, the desperately needed affordable senior housing that was unanimously approved by the City Council will not be built. It's likely that the land would be sold to a private developer who could build 46 residences. These 46 multi-bedroom residences would have a much more significant impact on local traffic and schools than the current proposal which includes mostly one-bedroom senior units.

FACT: Measure D only affects the approved affordable senior housing project at Maybell and Clemo.

FACT: The City's traffic study carefully analyzed the potential impacts of this project and found most trips by these low-income, retired seniors will not be during peak traffic hours. Studies show that many of the seniors will not even own a car. Do the opponents of Measure D really expect us to believe that the City Council would unanimously approve a project that puts local school children at risk?

FACT: No one has questioned the need for affordable senior housing in Palo Alto - not even our opponents. It's critical that we support Measure D to ensure local seniors are able to stay close to their children and grandchildren.

Read the facts at www.YesonDPaloAlto.com - Yes on D.

/s/ Karen Holman
Member, Palo Alto City Council

/s/ Bill Reller
Founder, Palo Alto Commons Senior Residence

/s/ Judith Steiner
Former Executive Director, Hidden Villa Environmental Non-Profit Educational Organization

/s/ Barbara Gross
Past President, Palo Alto Chamber of Commerce

/s/ Sidney Abel Espinosa
Former Mayor, City of Palo Alto