Petition for Submission to Voters of the City of Palo Alto

The proposed ordinance reads as follows:

**PALO ALTO GREEN ENERGY AND COMPOST INITIATIVE**

The people of the City of Palo Alto do ORDAIN as follows:

SECTION 1. Findings. The people find and declare that:

(a) The 126-acre Palo Alto Landfill is scheduled to close in 2012, and is currently dedicated as Byxbee Park.

(b) The closing will terminate the current composting operation at the landfill. Ceasing local composting will cause significant environmental impacts, as Palo Alto (“the City” herein) will have to haul yard trimmings and food waste to locations outside the City for disposal or composting, thereby generating greenhouse gases and depriving Palo Altans of both yard trimming drop-off and local compost.

(c) The incineration of sewage sludge residues at Palo Alto’s regional wastewater treatment plant also generates significant greenhouse gases and creates a hazardous ash residue now disposed of in the Central Valley.

(d) These adverse environmental impacts can be substantially reduced by a facility converting organic wastes by biological or other equally environmentally protective means.

(e) Such technologies would also generate renewable energy and high-quality compost, as well as achieve substantial savings by avoiding the cost of natural gas to operate the incinerator.

(f) Revenue for the City could be generated through the sale of renewable energy and compost, fees for receipt of organic materials, and savings in fuel purchases. Funding for construction could come from sources other than the General Fund.

(g) Locating the facility next to the wastewater treatment plant, as recommended by Palo Alto’s Compost Blue Ribbon Task Force, would avoid transport of sewage sludge and allow other savings. There is no other suitable location in the City.

(h) The facility would require that a small portion of the former landfill not yet developed as usable parkland, approximately ten acres, be removed from park dedication.

(i) Other areas of equal or greater acreage are available to be converted to parkland at the Council’s discretion.

(j) No funding currently exists for development of Byxbee Park. The Council could use the revenue generated as described in Finding (f) for that purpose.

SECTION 2. Amendment of Comprehensive Plan.
The land-use designation of the property described below (the “Property” herein) in the Comprehensive Plan shall be changed from Public Parks to Major Institutions/Public facilities:

“All that certain real property situated in the City of Palo Alto, County of Santa Clara, State of California and more particularly described as follows; commencing at a four by four fence post as shown on that Record of Survey filed with the Santa Clara County Recorder in book 258 page 4 and 5 on August 15th 1969; thence from said four by four fence post, South 88° 58’ 50” East 415.54 feet; to a point on the southerly line of the Sewage Treatment Plant Parkland exclusion as said exclusion is shown on Exhibit A-2 of Section 22.08.020 of the Palo Alto Municipal Code, said point also being the True Point of Beginning for this description; thence from said True Point of Beginning the following four (4) courses and distances; south 36° 42’ 20” East 209.06 feet; south 41° 31’ 45” East 276.48 feet; south 53° 12’ 33” East 180.61 feet; north 50° 22’ 18” East 652.20 feet; thence
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North 41° 35' 41" West 633.72 feet to a point on said southerly line of the Sewage Treatment Plant Parkland exclusion; thence along said Sewage Treatment Plant Parkland exclusion, South 52° 42' 10" West 671.94 feet, to the True Point of Beginning.

SECTION 3. Amendment of Baylands Master Plan.
The current language in the Section on page 78 of the Baylands Master Plan entitled “Composting Operation” is amended as follows:
(a) The second and third paragraphs under “Background and Function” are deleted.
(b) The section entitled “Future of the Composting Operation” is amended to read as follows:

“Like the Recycling Center, the original composting operation was located in the Landfill Area and must vacate its current site to accommodate the landfill’s final grading and conversion to (1) a 10-acre site for conversion of organic wastes by biological and/or other equally environmentally protective technology; and (2) pastoral park in the remaining area.”

(c) Page 71 of the Plan is amended to add the following immediately above ‘Mayfield Slough Remnant Marsh’: ‘Revision of the final grading plan may be required to accommodate the new facility referenced on page 78.’
(d) Any language elsewhere in the Plan inconsistent with this ordinance shall be inoperative.

SECTION 4. Amendment of Zoning Ordinance.
The last line of the first box under PUBLIC/QUASI-PUBLIC FACILITY USES in Table 1 of Section 18.28.040 of the Zoning Ordinance is amended to read as follows:

“...other government agency, or leased by any such agency to another party.”

SECTION 5. Removal from Parkland.
The Property shall be removed from dedication as parkland, for the exclusive purpose of building a facility (“Facility” herein) for converting yard trimmings, food waste, other municipal organics and/or sewage sludge from the regional wastewater treatment plant by biological and/or other environmentally equally protective technology. An illustration of the Property in relation to Byxbee Park is attached as Exhibit “A.”

SECTION 6. Mitigation.
(a) The Facility shall include all feasible methods for mitigating any significant environmental impacts identified during environmental review, including visual, sound and odor.
(b) To avoid impacts on Byxbee Park, access to the Facility shall be by Embarcadero Way.

SECTION 7. Reversion.
Ten years from the passage of this Initiative, the City Council may rededicate any portion of the Property not utilized for the purposes of this Initiative to parkland.

If the required signatures are obtained, petitioners request that this Initiative be submitted to the voters in 2011.

If any section of this initiative ordinance or part hereof is held by a court of competent jurisdiction in a final judicial action to be void, voidable, or unenforceable, such section or part hereof shall be deemed severable from the remaining sections and shall in no way affect the validity of the remaining sections.