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)  
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](https://www.youtube.com/c/cityofpaloalto), and streamed to Midpen Media Center at [https://midpenmedia.org](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.

**PUBLIC COMMENTS**

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

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

**CALL TO ORDER**

**AGENDA CHANGES, ADDITIONS AND DELETIONS**
PUBLIC COMMENT (5:30 - 5:50 PM)
Members of the public may speak to any item NOT on the agenda. Council reserves the right to limit the duration of Oral Communications period to 30 minutes.

CONSENT CALENDAR (5:50 - 6:00 PM)
Items will be voted on in one motion unless removed from the calendar by three Council Members.

1. Approve Minutes from the May 09, 2022 City Council Meeting

2. Approval of Contract Number C21179569 with Brown Reynolds Watford Architects for an Amount Not-to-Exceed $797,178 to Provide Architectural Design Services for the Fire Station No. 4 Replacement - Capital Improvement Program Project PE-18004

3. Approval of 1) Increase of Construction Contingency for Contract No. C20174550 with Granite Construction in the Amount of $185,302; and 2) Budget Amendments in the Electric Fund for the Electric Customer Connection project (EL-89028), the Fiber Optics Fund for the Fiber Optics Network-System Improvements project (FO-10001), and the Capital Improvement Fund for the Highway 101 Pedestrian/Bicycle Overpass project (PE-11011)

4. Approval of Contract No. C22183901 with Genuine Parts Company dba Napa Auto Parts for an Amount Not-to-Exceed $2,306,433 for an On-Site Fleet Parts and Inventory Program for a Three-Year Term from January 24, 2022 through January 23, 2025, with Pricing Set by Cooperative Sourcewell Contract No. 110520 with Genuine Auto Parts Company dba Napa Integrated Business Solutions; and Approve and Authorize the City Manager or Their Designee to Execute an Amendment to Contract No. C22183901 to Extend the Term for up to One Additional Year through January 24, 2026 (Provided that the Cooperative Sourcewell Contract is Extended for an Additional Year) for an Additional Amount Not to Exceed $831,227 (Annual Amount Is Subject to Adjustment Provided the Total Contract Amount Is Not Exceeded), for a Total Not to Exceed Amount of the Contract, if Extended, of $3,137,660

5. Adoption of a Resolution of Intent to Not Levy Assessments for the Business Improvement District (BID) in FY2023, and Setting Public Hearing for June 6, 2022

6. Approval of the Acceptance of State of California Citizens Options for Public Safety (COPS) Funds of $103,648 and a Budget Amendment in the Supplemental Law Enforcement Services Fund
7. Adoption of a Resolution Certifying Compliance with the California Surplus Land Act as Required by MTC’s One Bay Area Grant (OBAG) Grant Programs

8. Authorize the City Manager to Commit Two Million Dollars ($2,000,000) from the City’s Affordable Housing Funds for the Affordable Housing Project at 525 E. Charleston Avenue.

9. Adoption of a Resolution Authorizing a City Grant Application for the State Local Housing Trust Fund Program, Designation of Affordable Housing Funds as Local Matching Funds, Commitment to Targeting the Grant and Local Matching Funds, Approval of Grant Specific Underwriting and Other Financial Standards, and Authorization of City Manager or Designee to Manage the Grant

10. Approval of Amendment Number 2 to Contract Number C17164727 with Professional Account Management, LLC. for Parking Citation Processing and Collections to Extend the Term and Increase the Amount by $70,000, for a new Not-To-Exceed Total of $720,000

11. Approval of Amendment #4 to Contract C18171057 with AECOM and Extend the Term to April 2024 and Increase the Not-to-Exceed Compensation by $722,170 for Additional Studies of Railroad Grade Separation Alternatives for a Total Not-to-Exceed of $3,596,828

12. SECOND READING: Review and provide feedback on the proposed permanent parklet standards and program policies; and Adopt an interim ordinance and resolution to continue the pilot parklet program until December 31, 2022 (FIRST READING: May 9, 2022: PASSED 7-0)

ACTION ITEMS (6:00 PM)

13. 1310 Bryant Street (Castilleja School Project) PUBLIC HEARING/QUASI JUDICIAL/LEGISLATIVE: Certification of an Environmental Impact Report (EIR) and Approval of Applications for (1) a Conditional Use Permit (CUP) Amendment to Increase Student Enrollment Initially to 450 Students Followed by Phased Conditional Increases to 540 Students; (2) a Parking Adjustment to Enable On-Site Parking Reduction; (3) a Variance to Replace Campus Gross Floor Area; (4) Architectural Review of Campus Redevelopment. Additionally, (5) Adoption of a Zoning Text Amendment Exempting Some Below-Grade Parking Facilities from Gross Floor Area. Zone District: R-1(10,000). Environmental Review: Final Environmental Impact Report (EIR) Published July 30, 2020; Draft EIR Published July 15, 2019
COUNCIL MEMBER QUESTIONS, COMMENTS, ANNOUNCEMENTS
Members of the public may not speak to the item(s)

ADJOURNMENT

OTHER INFORMATION
Standing Committee Meetings

Finance Committee Meeting May 24, 2022

Schedule of Meetings

Public Letters to Council
PUBLIC COMMENT INSTRUCTIONS

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

1. Written public comments may be submitted by email to city.council@cityofpaloalto.org.

2. Spoken public comments using a computer will be accepted through the teleconference meeting. To address the Council, click on the link below to access a Zoom-based meeting. Please read the following instructions carefully.
   A. You may download the Zoom client or connect to the meeting in-browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
   B. You may be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
   C. When you wish to speak on an Agenda Item, click on “raise hand.” The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak.
   D. When called, please limit your remarks to the time limit allotted.
   E. A timer will be shown on the computer to help keep track of your comments.

3. Spoken public comments using a smart phone will be accepted through the teleconference meeting. To address the Council, download the Zoom application onto your phone from the Apple App Store or Google Play Store and enter the Meeting ID below. Please follow the instructions B-E above.

4. Spoken public comments using a phone use the telephone number listed below. When you wish to speak on an agenda item hit *9 on your phone so we know that you wish to speak. You will be asked to provide your first and last name before addressing the Council. You will be advised how long you have to speak. When called please limit your remarks to the agenda item and time limit allotted.

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

CLICK HERE TO JOIN Meeting ID: 362 027 238 Phone:1(669)900-6833
Meeting Date: 5/23/2022

Report Type: Consent Calendar

Title: Approve Minutes from the May 09, 2022 City Council Meeting

From: Lesley Milton, City Clerk

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

ATTACHMENTS:

- Attachment1.a: Attachment A: 20220509amCCsm (PDF)
Special Meeting
May 9, 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

Absent: None

Closed Session

1. CONFERENCE WITH CITY ATTORNEY- EXISTING LITIGATION
   Subject: Julio Arevalo v. City of Palo Alto U.S. District Court, Northern District, Case # 3:20-cv-04157-CRB Authority: Government Code Section 54956.9(d)(1)

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

   MOTION PASSED: 7-0

   Council went into Closed Session at 5:05 P.M.

   Council returned from Closed Session at 5:45 P.M.

   There were no announcements for the Public.

Special Orders of the Day

2. Affordable Housing Month Proclamation 2022

   NO ACTION TAKEN

Agenda Changes, Additions and Deletions

None

Public Comment

Consent Calendar

Council Member Tanaka registered a no vote on Agenda Item Number 8.
DRAFT ACTION MINUTES

Council Member Kou registered a no vote on Agenda Item Number 9.

MOTION: Council Member DuBois moved, seconded by Council Member Cormack to approve Agenda Item Numbers 3-10.

3. Approve Minutes from the April 18, 2022 and City Council Meeting, April 25, 2022 City Council Meeting

4. Adoption of a Resolution 10034 Designating Redwood Tree at 1019 Forest Court as a New Heritage Tree #5 and Removing Previously Designated Silver Maple at 1872 Edgewood Drive From the List of Heritage Trees

5. Resolution 10035 of the Council of the City of Palo Alto Approving the Execution of Two Assignment Agreements to Assign Palo Alto's Base Resource Percentage Received Under the 2025-2054 Contract With the Western Area Power Administration to the Northern California Power Agency

6. Approval of Construction Contract Number C22182558 with Enterprise Roofing Service, Inc. in an Amount Not-to-Exceed $497,233 to Replace the Existing H Wing Roof at Cubberley Community Center, Capital Improvement Program Project CB-16002; and Authorization of Contract Contingency in an Amount Not-to-Exceed $49,723 for Related, Additional but Unforeseen Work Which May Develop During the Project.

7. Approval of Contract Amendment No. 1 to Contract Number C21179340 with Baker Tilly US, LLP. to Increase the Not-to-Exceed Compensation by $2,126,250 and Extend the Term for Three Additional Years for Continued Audit Services

8. Approval of $900,000 Budget Amendment in the Refuse Fund for Fiscal Year 2022 for Collection, Hauling, and Disposal of Refuse for an Administrative Correction

9. Second Reading of an Ordinance 5548 Clarifying Ambiguities in Height Transitions, Adding RMD to the list of Residential Districts and Amending the Setback for the RM-40 Zone District

MOTION SPLIT FOR THE PURPOSE OF VOTING:

MOTION PASSED FOR ITEMS 3-7: 7-0
DRAFT ACTION MINUTES

MOTION PASSED FOR ITEM 8 PASSED: 6-1, Tanaka no

MOTION PASSED FOR ITEM 9 PASSED: 6-1, Kou no

City Manager Comments

Action Items

10. Review and provide feedback on the proposed permanent parklet standards and program policies; and Adopt an interim ordinance and Resolution 10036 to continue the pilot parklet program until December 31, 2022

MOTION: Council Member DuBois moved, seconded by Vice Mayor Kou to direct staff to:

A. Adopt the interim ordinance and resolution;

B. Update the guidelines for new temporary parklets and incorporate into the permanent ordinance the following:

   I. Prohibit use of vinyl, tents or canopies;

   II. Prohibit parklets from blocking handicapped or curb ramps

   III. State a preference for plants as barriers;

   IV. Shift to a maximum of 36” in enclosure height;

C. Consider pre-approved designs as part of the permanent ordinance;

D. Until adoption of a permanent ordinance, property owners do not have the right to determine the use of the public space in front of their properties; and

E. Research and return with more information on electric heating options for the permanent ordinance

MOTION PASSED: 7-0

11. Approve and Authorize City Manager to Execute Non-Binding Letter of Intent with First Tee Silicon Valley Towards Establishing a Public Private Partnership for Practice Facility Infrastructure Improvements at the Baylands Golf Links and Long-Term Facility Use Access for the First Tee Silicon Valley’s Youth Development Teaching Program
MOTION: Council Member Stone moved, seconded by Mayor Burt to approve the letter of intent for establishing a partnership with First Tee Silicon Valley Youth Development Teaching Program.

MOTION PASSED: 7-0

12. Report on Palo Alto's Response to Hate Crimes and Hate Incidents, and Discussion of the Policy and Services Committee Recommendation that the City Council Consider the Idea of Developing a Misdemeanor Ordinance to Deter Hateful Speech and Support the Human Relations Commission (HRC) to Bring the FBI and Community Resources to Palo Alto to do Community Education on Hate Crimes

MOTION: Vice Mayor Kou moved, seconded by Council Member Stone to receive the report, support the Human Relations Commission to bring the FBI and/or other community resources to Palo Alto to further community education on hate crimes and support hate crimes legislation (Assembly Bill 1947).

MOTION PASSED: 7-0

Council Member Questions, Comments and Announcements

Adjournment: The meeting was adjourned at 11:14 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.
Title: Approval of Contract Number C21179569 with Brown Reynolds Watford Architects for an Amount Not-to-Exceed $797,178 to Provide Architectural Design Services for the Fire Station No. 4 Replacement - Capital Improvement Program Project PE-18004

From: City Manager

Lead Department: Public Works

Recommendation
Staff recommends that Council approve and authorize the City Manager or their designee to execute Contract No. C21179569 (Attachment A) with Brown Reynolds Watford Architects, Inc. (“BRW Architects”) for a total not-to-exceed amount of $797,178 for design services, including $725,162 for basic services and $72,016 for Additional Services (as defined in the contract), for the Fire Station 4 Replacement capital improvement program project (CIP PE-18004).

Background
Fire Station 4, located at 3600 Middlefield Road, is an approximately 4,100 square foot (SF) structure built in 1954. The existing fire station building does not serve the current needs of the Fire Department and does not effectively use the current 0.6-acre portion of the property.

In 2002, the City contracted with Biggs Cardosa Associates, Inc. to perform a seismic evaluation for six fire stations (Stations 1, 2, 3, 4, 5 and 8). In the case of Fire Stations 3 and 4, Biggs Cardosa reported significant seismic deficiencies and potential for instability of soils due to liquefaction and concluded that replacement of these two stations may be necessary to meet essential service standards for fire station buildings. In 2005, the City contracted with RRM Design Group (RRM) to perform a Replacement Needs Assessment Study for Fire Stations 3 and 4, including:

- Existing and future operational needs of the Fire Department
- Geotechnical investigation and geohazards evaluation
- Hazardous materials testing
- Site analysis and massing studies
- Environmental assessment
- Building system description
• Cost estimate
• Project schedule

The RRM Study provides program and other feasibility level information that will be used as the basis to begin design of the new Fire Station 4 following confirmation with the Fire Department. The new Fire Station 4 design will also accommodate the Fire Department’s operational needs to provide updated spaces that will support existing and future fire apparatus and personnel, and fit contextually within Mitchell Park and the surrounding neighborhoods. Features included in the feasibility study that will be included in the new design include drive through apparatus bays and a training room.

The Fire Station 3 (PE-15003) and Fire Station 4 (PE-18004) Replacement projects are part of the 2014 Council Infrastructure Plan. The Fire Station 3 project was completed in March 2020, and fire personnel have been using the station since then.

Discussion
The contract with BRW Architects consists of basic services including preparation of schematic designs, design development, construction documents, and LEED certification, as well as Additional Services, defined in the contract as any work that is determined by CITY to be necessary for the proper completion of the Project, but which is not included within the contract’s Scope of Services. Additional Services must be approved via written Task Order by the City’s Project Manager, as detailed in the contract.

Summary of Solicitation Process
1,244 vendors were notified by PlanetBids, the City’s online e-Procurement system, regarding the Request for Proposals (RFP) by the City on July 23, 2020. Vendors had 26 days to respond to the RFP. A mandatory pre-proposal meeting was held on August 3, 2020, and 25 vendors attended the meeting. The solicitation closed on August 18, 2020. The City received eight proposals, but two proposals were disqualified as nonresponsive.

Table #1: Summary of Request for Proposal

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Location</th>
<th>Selected for Oral Interview?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brown Reynolds Watford Architects, Inc.</td>
<td>San Francisco, CA</td>
<td>Yes</td>
</tr>
<tr>
<td>CJW Architecture</td>
<td>Portola Valley, CA</td>
<td>No</td>
</tr>
<tr>
<td>Loving and Campos Associates, Architects</td>
<td>Walnut Creek, CA</td>
<td>No</td>
</tr>
<tr>
<td>RossDrulisCusenbery Architecture</td>
<td>Sonoma, CA</td>
<td>Yes</td>
</tr>
<tr>
<td>Shah Kawasaki Architects</td>
<td>Oakland, CA</td>
<td>Yes</td>
</tr>
<tr>
<td>WLC Architects</td>
<td>Folsom, CA</td>
<td>No</td>
</tr>
</tbody>
</table>
An evaluation committee, consisting of representatives from the Public Works Engineering Services Division and the Fire Department, reviewed the proposals. The committee carefully reviewed each firm's qualifications and submittal in response to the criteria identified in the RFP. The committee reviewed each firm's qualifications relative to its experience in fire station design and in working with the City’s Architectural Review Board process. Consideration was also given to the quality of the proposers’ project approach, performance on past fire station and other essential services projects, qualifications of the specific staff to be assigned to the project and understanding of the project goals. Three firms were invited to participate in oral interviews on October 5, 2020. Brown Reynolds Watford Architects, Inc. (BRW Architects) was selected because of the depth and quality of their design experience, particularly with respect to working with challenging sites, and creating a design that considers the context of their site. One of BRW Architects' references noted how their fire station design fit well into the neighborhood by complementing the surrounding areas and their understanding of the market when estimating the construction cost. Another reference shared their positive experience in value engineering with BRW Architects that was necessary to fit the project within the agency’s budget.

Due to budget constraints caused by the COVID-19 pandemic and per Council’s direction in June 2020, Fire Station 4 construction funding was deferred to Fiscal Year 2024. City Staff deferred the contract award for design in order to ensure design would comply with the most current building codes and sustainability standards prior to construction. Deferral of the design also allowed for the design of building systems and specifications of special equipment to incorporate or consider the newest technology available.

**Summary of Contract**

The contract is divided into three phases.

- **Phase 1** includes schematic design, design development, public outreach, programming, and initial design. This phase will include exploration of the feasibility of incorporating a microgrid into the design which would offset power for daily operations and possibly provide backup power during emergencies. The microgrid assessment will include calculation of anticipated energy demand for the new station design and recommendation for the best fit microgrid system to capture savings and offset peak loads. This will also include a cost estimate of the proposed system.

- **Phase 2** includes construction documents, where BRW Architects will finalize the construction set of documents and obtain permit approvals.

- **Phase 3** is during construction and includes construction administration and LEED Certification. During this last phase, BRW Architects will assist in providing clarifications or design details during construction as well as submit required documentation on
behalf of the City for LEED Certification.

This contract is on the City’s professional services contract template, which permits the City to terminate without cause/for convenience by providing written notice to BRW Architects. In the event the City finds itself facing a challenging budget situation, and it is determined that City resources need to be refocused elsewhere, the City can terminate for convenience. The contract’s Phases are divided to ensure comfortable stopping points, should final design or construction of Fire Station 4 be put on hold. Other options include termination due to non-appropriation of funds or amending the contract to reduce the cost, for example, by reducing the scope of work. The contract may also be temporarily suspended by written notice of the City Manager.

**Timeline**
The design of Fire Station 4 will be completed within 20 months following the issuance of the Notice to Proceed. The longer design duration was given to ensure sufficient time is allocated for public outreach, planning entitlements, Architectural Review Board (ARB) review, and permitting. Subsequently, construction of the improvements is expected to begin in Spring 2024.

**Resource Impact**
A total of $10,167,779, including salary and benefit costs for City staff, has been planned for the Fire Station 4 Replacement project (PE-18004), with $674,588 appropriated in FY 2022, $4.75 million planned for FY 2024, and $4.63 million planned for 2025 as part of the 2022-2026 Capital Improvement Plan. The City has also requested federal earmark funding for the project. Staff plans to encumber $379,828 of the contract in FY 2022. The remaining $415,088 of the contract will be encumbered in FY 2024 to complete the work, subject to the FY 2024 budget process and Council’s appropriation of funds for FY 2024, in alignment with the planned timing of the project and phases of the contract.

**Policy Implications**
The approval of the contract for the design of Fire Station 4 is consistent with City policies and furthers the goals of Policy C-3.2 of Community Services & Facilities of reinvesting in aging facilities to improve their usefulness and appearance.

**Stakeholder Engagement**
The scope of the project includes three community workshops for public input during the schematic design phase of Fire Station 4. Community workshops will include representatives from BRW Architects, Public Works Engineering, and the Fire Department. Staff plans to promote these workshops through a news release, social media, Nextdoor, and on the City’s project website.

**Environmental Review**
This project is categorically exempt from the provisions of the California Environmental Quality
Act (CEQA) under Section 15302 of the CEQA Guidelines as “Replacement or Reconstruction of Existing Structures” and no further Environmental review is expected to be necessary. A notice of CEQA exemption will be filed in conjunction with the planning entitlement process.

**Attachments:**
- **Attachment2.a:** Attachment A: Brown Reynolds Watford Architects Contract, C21179569
CITY OF PALO ALTO CONTRACT NO. C21179569

AGREEMENT BETWEEN THE CITY OF PALO ALTO
AND
BROWN REYNOLDS WATFORD ARCHITECTS, INC.

FOR PROFESSIONAL SERVICES

This Agreement for Professional Services (this “Agreement”) is entered into as of this 23rd day of May 2022, by and between the CITY OF PALO ALTO, a California chartered municipal corporation (“CITY”), and BROWN REYNOLDS WATFORD ARCHITECTS, INC., a Texas Corporation, located at 1620 Montgomery Street, Suite 320, San Francisco, CA 94111 (“CONSULTANT”).

RECITALS

The following recitals are a substantive portion of this Agreement and are incorporated herein.

A. CITY intends to replace Fire Station No. 4 located on Middlefield Road and E. Meadow Road with a new fire station (the “Project”) and desires to engage a consultant to provide design services in connection with the Project (the “Services,” as further detailed herein).

B. CONSULTANT has represented that it, its employees and subconsultants, 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”, attached to and made a part of this Agreement.

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

AGREEMENT

SECTION 1. SCOPE OF SERVICES. CONSULTANT shall perform the Services described at 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 12/31/2025 unless terminated earlier pursuant to Section 19 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”, attached to and made
a part of this Agreement. 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 described in Exhibit “A” (also referred to herein as the “Basic Services”) shall be based on the compensation structure described in Exhibit C, entitled “COMPENSATION,” including any reimbursable expenses specified therein, and the maximum total compensation shall not exceed Seven Hundred Twenty-Five Thousand One Hundred Sixty-Two Dollars ($725,162.00). CONSULTANT agrees to complete all Basic Services, within this amount. The hourly rate schedule, if applicable, is set out in Exhibit “C-1”, entitled “HOURLY RATE SCHEDULE,” which is attached to and made a part of this Agreement. Any work performed or expenses incurred for which payment would result in a total exceeding the maximum amount of compensation set forth herein 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 Seventy-Two Thousand Sixteen Dollars ($72,016.00) for the performance of Additional Services (as defined below). The total compensation for performance of Services, Additional Services and any reimbursable expenses specified in Exhibit “C” shall not exceed Seven Hundred Ninety-Seven Thousand One Hundred Seventy-Eight Dollars ($797,178.00).

“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 countersignature 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 the City’s Project Manager at the address specified in Section 13 (Project Management) below. The City will generally process and pay invoices within thirty (30) days of receipt of an acceptable invoice.

SECTION 6. QUALIFICATIONS/STANDARD OF CARE. All of the Services shall be performed by CONSULTANT or under CONSULTANT’s supervision. CONSULTANT represents that it, its employees and subconsultants, 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 subconsultants, 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 of the 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. 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. Notwithstanding Section 11 above, CITY agrees that subconsultants may be used to complete the Services. The subconsultants authorized by CITY to perform work on this Project are:

1. SANDIS
2. Biggs Cardosa Associates
3. YEI Engineers
4. The HLA Group
5. RGD Acoustics
6. Cumming
7. MacNair & Associates

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

SECTION 13. PROJECT MANAGEMENT. CONSULTANT will assign Christopher Ford, AIA, 1620 Montgomery Street, Suite 320, San Francisco, CA 94111, Telephone: 415-749-2670, Email: cford@brwarch.com as the Project Manager to have supervisory responsibility for the performance, progress, and execution of the Services and to represent CONSULTANT during the day-to-day work on the Project. If circumstances cause the substitution of the CONSULTANT’s Project Manager or any other key personnel of CONSULTANT for any reason, the appointment of a substitute Project Manager and 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 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 Project or a threat to the safety of persons or property.

CITY’s Project Manager is Matt Raschke, Public Works Department, Engineering Division, 250 Hamilton Ave., Palo Alto, CA 94301, Telephone: 650-496-5937, Email: matt.raschke@cityofpaloalto.org. The 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. Upon delivery, all work product, including without limitation, all writings, drawings, plans, reports, specifications, calculations, documents, other materials and copyright interests developed under this Agreement 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 pursuant to this Agreement shall be vested in CITY, and CONSULTANT waives and relinquishes all claims to copyright or other intellectual property rights in favor of the CITY. Neither CONSULTANT nor its contractors, if any, shall make any of such materials 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 work.

SECTION 15. AUDITS. CONSULTANT will permit CITY to audit, at any reasonable time during the term of this Agreement and for three (3) years thereafter, CONSULTANT’s records pertaining to matters covered by this Agreement. CONSULTANT further agrees to maintain and retain such records for at least three (3) years after the expiration or earlier termination of this Agreement.

SECTION 16. INDEMNITY.

[Option A applies to the following design professionals pursuant to Civil Code Section 2782.8: architects; landscape architects; registered professional engineers and licensed professional land surveyors.] 16.1. To the fullest extent permitted by law, CONSULTANT shall protect, 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 attorneys fees, experts fees, court costs and disbursements (“Claims”) that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of CONSULTANT, its officers, employees, agents or contractors under this Agreement, regardless of whether or not it is caused in part by an Indemnified Party.

[Option B applies to any consultant who does not qualify as a design professional as defined in Civil Code Section 2782.8.] 16.1. To the fullest extent permitted by law, CONSULTANT shall protect, 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 attorneys 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 Claims arising from the active negligence, sole negligence or willful misconduct of an Indemnified Party.

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 17. WAIVERs. The waiver by either party of any breach or violation of any covenant, term, condition or provision of this Agreement, or of the provisions of any ordinance or law, will not be deemed to be a waiver of any other term, covenant, condition, provisions, ordinance or law, or of any subsequent breach or violation of the same or of any other term, covenant, condition, provision, ordinance or law.

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". 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. Upon receipt of such notice, CONSULTANT will immediately discontinue its performance of the Services.

19.2. CONSULTANT may terminate this Agreement or suspend its performance of the Services by giving thirty (30) days prior written notice thereof to CITY, but only in the event of a substantial failure of performance by CITY.

19.3. Upon such suspension or termination, CONSULTANT shall deliver to the City Manager immediately any and all copies of studies, sketches, drawings, computations, and other data, whether or not completed, prepared by CONSULTANT or its contractors, if any, or given to CONSULTANT or its contractors, if any, in connection with this Agreement. Such materials will become the property of CITY.

19.4. Upon such suspension or termination by CITY, CONSULTANT will be paid for the Services rendered or materials delivered to CITY in accordance with the scope of services on or before the effective date (i.e., 10 days after giving 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 which are of direct and immediate benefit to CITY as such determination may be 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, 19.3, 19.4, 19.5, 20, 25, 27 and 28.
19.5. 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.

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 above

SECTION 21. CONFLICT OF INTEREST.

21.1. In accepting 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 subconsultants, contractors or persons 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.

21.3. If the Project Manager determines that CONSULTANT is a “Consultant” as that term is defined by the Regulations of the Fair Political Practices Commission, CONSULTANT shall be required and agrees to file the appropriate financial disclosure documents required by the Palo Alto Municipal Code and the Political Reform Act.

SECTION 22. NONDISCRIMINATION. As set forth in Palo Alto Municipal Code section 2.30.510, 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.
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, incorporated by reference and may be 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 Division’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 it may be 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

25.1. This Agreement is subject to the fiscal provisions of the Charter of the City of Palo Alto and the Palo Alto Municipal Code. 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. CONSULTANT is not required to pay prevailing wages in the performance and implementation of the Project in accordance with SB 7 if the contract is not a public works contract, if the contract does not include a public works construction project of more than $25,000, or the contract does not include a public works alteration, demolition, repair, or maintenance (collectively, ‘improvement’) project of more than $15,000.

OR

☒ 26.1. This Project is subject to prevailing wages and related requirements as a “public works” under California Labor Code Sections 1720 et seq. and related regulations. CONSULTANT is required to pay general prevailing wages as defined in California Labor Code Section 1773.1 and Subchapter 3, Title 8 of the California Code of Regulations Section 16000 et seq., as amended from time to time. Pursuant to Labor Code Section 1773, the CITY has obtained the general prevailing rate of per diem wages and the general rate for holiday and overtime work in this locality for each craft, classification, or type of worker needed to execute the contract for this Project from the State of California Department of Industrial Relations (“DIR”). Copies of these rates may be obtained at the CITY’s Purchasing Department office. The general prevailing wage rates are also available at the DIR, Division of Labor Statistics and Research, web site (see e.g. http://www.dir.ca.gov/DLSR/PWD/index.htm) as amended from time to time. CONSULTANT shall post a copy of the general prevailing wage rates at all Project job sites and shall pay the adopted prevailing wage rates as a minimum. CONSULTANT shall comply with all applicable provisions of Division 2, Part 7, Chapter 1 of the California Labor Code (Labor Code Section 1720 et seq.), including but not limited to Sections 1725.5, 1771, 1771.1, 1771.4, 1773.2, 1774, 1775, 1776, 1777.5, 1782, 1810, 1813 and 1815, and all applicable implementing regulations, including but not limited to Subchapter 3, Title 8 of the California Code of Regulations Section 16000 et seq. (8 CCR Section 16000 et seq.), as amended from time to time. CONSULTANT shall comply with the requirements of Exhibit E, entitled “DIR REGISTRATION FOR PUBLIC WORKS CONTRACTS”, for any contract for public works construction, alteration, demolition, repair or maintenance, including but not limited to the obligations to register with, and furnish certified payroll records directly to, DIR.

SECTION 27. MISCELLANEOUS PROVISIONS.

27.1. This Agreement will be governed by the laws of the State of California without regard to conflict of law provisions.

27.2. 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.

27.3. 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.

27.4. This Agreement represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations, and contracts, either written or oral. This Agreement may only be amended only by a written instrument, which is signed by authorized representatives of the parties and approved as required under Palo Alto Municipal Code.

27.5. The covenants, terms, conditions and provisions of this Agreement will apply to, and will bind, the heirs, successors, executors, administrators, assignees, and consultants of the parties.

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

27.7. All addenda, appendices, attachments, exhibits and schedules (collectively, “exhibits”) referred to in this Agreement are, by such reference, incorporated into this Agreement and deemed to be a part of this Agreement.

27.8. In the event of a conflict between the terms of this Agreement and the exhibits hereto or CONSULTANT’s proposal (if any), the Agreement shall control. In the case of any conflict between the exhibits hereto and CONSULTANT’s proposal (if any), the exhibits shall control.

27.9. All unchecked boxes do not apply to this Agreement.

27.10. The individuals executing this Agreement represent and warrant that they have the legal capacity and authority to do so on behalf of their respective legal entities.

27.11. This Agreement may be signed in multiple counterparts, which, when executed by all the parties, shall together constitute a single binding agreement.

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

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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.
CONTRACT NO. C21179569 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

____________________________
City Manager

BROWN REYNOLDS WATFORD
ARCHITECTS, INC.

Officer 1

By: __________________________________________________________________________
Name: Craig Reynolds, FAIA
Title: Principal

Officer 2

By: __________________________________________________________________________
Name: Mark Watford
Title: Principal

APPROVED AS TO FORM:

____________________________
City Attorney or Designee

Attachments:

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
EXHIBIT “E”: DIR REGISTRATION FOR PUBLIC WORKS CONTRACTS
EXHIBIT “A”
SCOPE OF SERVICES

Fire Station No. 4 is located at 3600 Middlefield Road in Palo Alto. The City proposes to construct a new 2-story replacement fire station. In addition to the spaces required to support the fire operations, this fire station will include an alternate Emergency Operations Center (EOC)/Training Room to serve the Fire Department and neighborhood. The number of fire personnel and equipment will remain the same as the existing. The proposed fire station shall be a building code compliant “essential services” facility for emergency response and consists of the following components:

- Demolition of existing fire station buildings and removal of drying rack
- Existing fuel station on site (see Task 1 requirements)
- Office and public restroom
- Emergency Operations Center (EOC)/Training room
- Two drive through apparatus bays and a stand-by apparatus bay
- Firefighter living quarters
- Lobby with computer stations

Additional information can be found in City-provided reports, and Consultant shall review the programming with the City.

The Consultant shall provide professional design and construction administration services to replace the existing Fire Station 4 with a new, LEED Silver certified, Fire Station. The new Fire Station 4 shall be designed to meet the City’s 2019 Energy Reach Code by having an all-electric design for new construction. The project delivery method is a traditional design-bid-build. These design and construction administration services are to be provided by qualified, licensed professionals, including, but not limited to the following professions: civil engineer, structural engineer, mechanical engineer, electrical engineer/lighting design, landscape architect, architect, cost consultant, energy analysis engineer, signage designer, surveyor, arborist, other specialty consultants as needed. The Consultant shall present the design to the City of Palo Alto’s Architectural Review Board (ARB), City Council, community interest groups and various City Departments. The Consultant shall provide construction administration support during the bid period and construction.

The Consultant’s basic Services for the Fire Station No. 4 Replacement Project consists of six (6) Tasks: Task 1, Schematic Design; Task 2, Design Development; Task 3, Construction Documents; Task 4, Construction Administration; and Task 5, LEED Certification. The City’s Project Manager will provide the Consultant a separate written authorization to proceed with each task. Additional Services shall comply with Section 4 and as outlined in the Scope of Services.

PHASE 1 – DESIGN

Task 1 – Schematic Design

1.1 Project Start-up and Programming
   a. Consultant and Design Team shall meet with City, Public Art Commission Liaison,
a. Consultant and Design Team shall create Project Management Plan and review with City.

b. Consultant shall review record drawings, reports and studies provided by City. Consultant shall verify information provided by City to ensure it is updated with current codes.

c. Consultant shall coordinate with City and Fire Department representatives to perform operations review and gather information and comments for the schematic design of a new Fire Station No. 4.

d. Consultant shall perform a space and equipment needs assessment.

e. Consultant shall coordinate with US Digital Designs (USDD) on the building layout and other necessary components of the existing ringdown system to be salvaged and installed in the new station. The system was just installed in 2019.

f. Consultant shall meet with City and community members interested in the project to obtain community input (3 meetings at 2 hours each).

g. Consultant shall conduct workshops to gather input and respond directly to interested community members.

1.2 Prepare schematic design for Fire Station No. 4.

a. Consultant shall conduct code analysis and ADA assessment. City of Palo Alto Municipal Code is available online for review at: https://cityofpaloalto.org/gov/city_information/municode/default.asp.

b. Consultant shall coordinate design with City and Fire Department representatives.

c. Consultant shall coordinate design with the existing third-party cell tower lease holder (Crown Castle) on the relocation/redesign of the telecommunication facility as necessary.

d. Consultant shall coordinate the design and explore options to remove, upgrade, or relocate the existing on-site fuel station, underground fuel tank system, and associated piping and equipment.

e. Consultant shall prepare site survey for the Project including aerial survey, field survey and record boundary.

f. Consultant shall prepare arborist report for the Project, including a tree survey, detailing the species, size, health and other pertinent information of existing trees at the site. Consultant shall meet with City and Fire Department representatives (3 meetings at 2 hours each).

g. Consultant shall prepare outline specifications and schedule for Project.

h. Consultant shall submit 10 full-size sets of the schematic design package to City for review which shall be compromised of the site (plan), architectural (architectural plans, elevations, and sections), structural (basic structural systems), and any relevant supporting material, including material boards.

1.3 Upon completion of schematic design for Fire Station No. 4, Consultant shall provide a schematic-level construction cost estimate for the Project. Consultant shall meet with City to review cost estimate and compare it to the construction budget to identify opportunities for enhancement or necessity for value engineering.
1.4 Begin Planning Entitlement process and present schematic designs to City.
   a. Consultant shall prepare a complete submittal and presentation materials (architectural
      plans, elevations, and sections as appropriate for the presentation outlined in 1.4.b
      below) for a Preliminary Architectural Review Board study session. (see submittal
   b. Consultant shall present the schematic design to the Architectural Review Board

1.5 Consultant shall coordinate and meet with project team, as needed, including Public
   Works Engineering, Public Works Facilities, Fire, Planning, Building, and Utilities
   Engineering.

Task 1 Meetings and Review:
   1. Kick-off meeting with the City project management team to develop the Project
      Management Plan
   2. Three operations and space need assessment meetings with the Fire Department
   3. Due diligence review with the Utilities USDD
   4. Introduction and process review meeting with the Public Art Commission Liaison
   5. Three workshops with city and community members
   6. One meeting for internal review for Staff Design Review Committee (DRC)
   7. One study session with the ARB

Task 1 Deliverables:
   1. Research and Reports
      a. Operations Report
      b. Space Needs Assessment
      c. Site analysis
      d. Arborist review
      e. Equipment needs and evaluation including existing ring-down system, cell tower,
         and fuel station
   2. Topo and boundary survey
   3. LEED goals and priorities statement
   4. Cost estimate and value engineering analysis ARB submittal package
   5. Outline specifications

Task 1 Decisions and Approvals:
   1. Confirmation of the Operation Report
   3. Selection of site and space arrangement alternatives
   4. Approval of schematic design, budget, and schedule

Task 2 – Design Development
2.1 Prepare design development packages for new Fire Station No. 4.
   a. Consultant shall refine and update schematic design drawings in response to comments
      from Commissions, Fire Department, ARB, and City representatives.
b. Consultant shall coordinate with the Public Art Commission Liaison to integrate any chosen public art with the Project. Consultant shall attend Public Art Commission (PAC) meetings (2 meetings at 3 hours each) and shall refine and update the design in response to comments from the PAC. Information about Public Art in Capital Improvement Projects is available at this link:

c. Consultant shall develop building and site details.

d. Consultant shall prepare in-progress specifications for projects.

e. Consultant shall develop interior/exterior design.

f. Consultant shall prepare interior/exterior product/finish boards.

2.2 Consultant shall coordinate and meet with project team, as needed, including Public Works Engineering, Fire, Planning, Building, and Utilities Engineering (fiber optic network, electric, water, and wastewater). Palo Alto also owns and operates the natural gas utility, but current municipal code prohibits natural gas services on new construction. Consultant shall also coordinate with private telecom providers for the new station (AT&T and Comcast).

2.3 Upon completion of design development, Consultant shall a provide design development-level construction cost estimate and a project schedule including time for permits required.

2.4 Apply for Major ARB Approval and present design development packages to City.

a. Consultant shall prepare presentation materials and apply for Major ARB review (see Major ARB submittal checklist here:

b. Consultant shall submit a PDF version, 10 full-size sets, and 10 half-size sets of the design development packages to City for ARB review which shall include the architectural, structural, and building systems drawings, and any relevant drawings and materials.

c. Consultant shall present design and obtain approval from City Boards and Commissions. Consultant shall expect 3 meetings at 4 hours each with the staff Design Review Committee (DRC), and the ARB.

2.5 After ARB recommends approval, present the design to City Council when they approve the Record of Land Use Action for the new station (i.e. approval of the entitlements and conditions of approval).

Task 2 Meetings and Review:
1. Design progress review with the Fire Department representatives
2. Budget and schedule progress with the City management team
3. Coordination meetings with Utilities Engineering, AT&T, Comcast, and cell tower
4. Pre-submittal meeting with the Building Department to review geotechnical recommendations, local seismicity findings, and load factors
5. Three meetings with the staff Design Review Committee (DRC)
6. Three meetings with the Architectural Review Board (ARB)
7. Design progress review with the Public Art Commission Liaison
8. Two Public Art Commission (PAC) meetings
9. City Council presentation after ARB approval

Task 2 Deliverables:
1. Design Development package with revisions for each ARB and DRC meeting
   a. Plans, schedules, and details to develop the design
   b. Equipment and furnishings plan
   c. Finishes and materials board
2. Evaluations and Engineering Reports
   a. Initial energy model and compliance report
   b. LEED Checklist
   c. Fixture and equipment cutsheets
3. Cost Estimate
   a. Construction
   b. Project budget
4. Schedule
   a. Allocation for permitting for project
   b. Construction timeline
   c. Projected completion/commissioning date
5. Entitlement Submittal for Major ARB Approval

Task 2 Decisions and Approvals:
1. ARB approval of the project design.
2. City council approval of the Record of Land Use Action for the new station.
3. City Manager approval of the project design, budget, and schedule with authorization to proceed to final construction documents.

PHASE 2 – FINAL DESIGN AND CONSTRUCTION DOCUMENTS

Task 3 – Construction Documents

3.1 Consultant shall prepare construction documents for a new Fire Station No. 4 following a recommendation of approval by the ARB and formal approval of the Record of Land Use Action by City Council.
   a. Consultant shall refine and update design development drawings.
   b. Consultant shall prepare technical specifications for project in CSI format.
   c. Consultant shall prepare any documents necessary for removal of underground fuel tank system.
   d. Consultant shall coordinate the technical specifications with City’s General Conditions and Construction Contract template.
   e. Consultant shall refine interior design.
   f. Consultant shall develop final interior product/finish/furnishing boards.
   g. Consultant shall coordinate with City’s design team.

3.2 Consultant shall electronically submit the 65% and 95% construction documents package in PDF format to City for review which shall include the architectural, structural, building
systems drawings, and any relevant drawings, materials, and specifications. Anticipated plan sheets for submittal to the City shall include but are not limited to the following:

1. Title Sheet.
2. Stage Construction plan and notes.
3. LEED and Green Building Check List.
5. Structural plans and details.
6. MEP plans.
7. Typical cross sections.
8. Cabinetry, doors, and miscellaneous details.
9. Site plan including Landscaping and Irrigation plans and details.
10. Storm drain and stormwater runoff plans and green stormwater infrastructure details.
11. Fuel station and underground gas tank system details for planned removal, upgrade, or relocation.

3.3 Consultant shall provide respective cost estimates and updated project schedules with the submittal of the 65% and 95% construction documents package. Cost estimates shall be delivered to the City in Excel and PDF formats. Project Schedules shall be delivered to the City in PDF format, MS Project format, or any other format as approved by the City.

3.4 Upon completion of construction documents, Consultant shall provide a final construction cost estimate and a final estimated construction timeline for the Project.

3.5 Consultant shall electronically deliver final 100% construction documents, estimated timeline, and cost estimate to City. All drawings shall be delivered to the City in AutoCAD 2019 and PDF formats.

3.6 Consultant shall work on the City’s behalf for obtaining necessary permits and inspections for the removal and replacement of the emergency generator.

3.7 Consultant shall work on the City’s behalf for obtaining necessary permits and inspections for the removal, relocation, or upgrade of the fuel station and underground gas tank.

3.8 Consultant to coordinate with a separate, City-hired third-party entity for C.3 storm water treatment design review as required by the Building Department. Consultant shall incorporate any design changes resulting from this C.3 storm water treatment design review.

Task 3 Meetings and Review:
1. Design progress review with City and Fire Department representatives
2. Budget and schedule progress with the City management team
3. Pre-submittal ADA compliance review meeting with the City representatives
4. Interior design review with City and Fire Department representatives
5. Three meetings with the staff DRC
6. Design progress review with the PAC Liaison
7. C.3 storm water treatment design review by third-party

Task 3 Deliverables:
1. 65% and 95% Construction Documents (PDF format)
   a. Plans, schedules, and details to full document the construction
   b. Interior design and material selections
   c. Technical Specifications
2. Evaluations and Engineering Reports
   a. Energy compliance report
   b. Structural Calculations
   c. LEED worksheet update
3. Cost Estimate
   a. 65% and 95% cost updates
   b. Final cost estimate
4. Schedule Update
   a. 65% and 95% schedules updates
   b. Final schedule
5. Building Permit Submittals
   a. Fire Station No. 4 Demolition
   b. Emergency Generator Replacement
   c. Fuel Station Replacement or Upgrade
   d. Fire Station No. 4 Replacement

Task 3 Decisions and Approvals:
1. C.3 Design Approval
2. Building Permit
3. City Council authorization to go to bid

**PHASE 3 – CONSTRUCTION ADMINISTRATION**

Task 4 – Construction Administration

4.1 Assist City during bid period.
   a. Consultant shall assist the City in preparation of construction bid package/s (IFBs)
   b. Consultant shall review and respond to questions, within 48 hours, during bid period.
   c. Consultant shall prepare addenda and revisions as required within 48 hours during bid period.
   d. Consultant shall attend and assist the City at the pre-bid conferences and the job walk.

4.2 Provide construction support and construction administration services. The not-to-exceed amount identified in Exhibit C assumes a construction contract duration of 18 months.
   a. Consultant shall assist City in reviewing and responding to submittals within ten (10) working days upon receiving the submittals.
   b. Consultant shall respond to construction contractor requests for information within ten (10) working days upon receiving the request.
c. Consultant shall assist City in clarifying any questions that may arise during the project in a timely manner.
d. Consultant shall assist City in preparing, reviewing and provide comments/solutions to change orders within ten (10) working days upon receiving the change orders.
e. Consultant shall attend weekly Project Progress site meetings and as requested or require.
f. Consultant shall issue Architect’s Supplemental Instructions (ASI’s) within five (5) working days upon determination that an ASI is needed.

4.3 Consultant shall coordinate construction administration services with City’s construction manager.

4.4 Consultant shall participate in the final project review and prepare the final review punch list. Consultant shall field verify, perform back checks, and sign off on punch list completion.

4.5 Consultant shall prepare as-built plans for the project within thirty (30) calendar days from the day Notice of Completion is sent to the construction contractor. As-built plans shall be delivered to the City in both AutoCAD 2013 or later version and PDF formats.

Task 4 Meetings and Review:
1. Pre-bid conference and job walk
2. Job kick-off meeting
3. LEED coordination and commissioning meeting.
4. Weekly Progress meetings
5. City Departments
6. Utilities
7. Public Art Commission Liaison
8. City and Community Members
9. Architectural Review Board
10. City Council

Task 4 Deliverables
1. Review and respond to ASIs, RFIs, COs, and other construction documentation
2. Reports
3. Change documents
4. Close-out documents
5. As-built Plans
6. Deferred submittals
7. LEED Silver certification

Task 4 Decisions and Approvals:
1. Construction contract award
2. Progress payment approvals
3. Change order approvals
4. Substantial completion and occupancy approval
5. Warranty and as-built approval
6. One-year warranty review

**Task 5 – LEED Certification**

The City intends that the Fire Station No. 4 Replacement Project shall be designed to meet the standards for LEED Silver or higher certification by USGBC.

5.1 Consultant shall design the Fire Station No. 4 Replacement Project to meet the requirements for LEED V4.1 certification at the Silver or higher level.

5.2 Consultant shall provide LEED project management services needed for the City to obtain LEED certification of the Fire Station No. 4 Replacement Project, develop specifications consistent with LEED and the City’s policies, and provide the templates, documentation, calculations, and energy modeling studies necessary to obtain LEED certification.

5.3 Consultant and relevant sub-consultants shall include at least one LEED accredited professional to support Project Sustainable Building/Green Building design criteria as required to achieve LEED certification.

5.4 Consultant shall include in the construction documents appropriate provisions requiring the construction contractor to meet the requirements and provide documentation for City’s submittal to USGBC for LEED certification.

**Task 5 Meetings and Review:**
1. LEED coordination and commissioning meeting
2. Coordination meetings as needed (may be listed under Tasks 1-4)

**Task 5 Deliverables**
1. Design to meet LEED Silver or higher certification
2. Documentation for project submittal to USGBC for LEED certification
3. LEED AP professional to support Project
4. LEED Silver or higher certification

**Task 5 Decisions and Approvals:**
1. Construction contract award
2. Progress payment approvals
3. Change order approvals
4. Substantial completion and occupancy approval
5. Warranty and as-built approval
6. One-year warranty review

**MICROGRID ASSESSMENT**

The City is considering the addition of a microgrid energy capture/storage system for the new Fire Station No. 4. Consultant shall research various microgrid systems and solutions including the
space need, initial cost, maintenance cost, and pay-back/energy saving options and select an alternative that has the scalability to achieve the energy capture and storage goals within the budget allocation. Consultant shall calculate and assess the anticipated energy demand for the new Fire Station No. 4 and review potential LEED credits. Consultant shall produce a separate initial cost estimate to install and incorporate the selected microgrid system. Microgrid assessment is to be performed alongside Task 1.

Deliverables
1. Research and report on recommended best fit microgrid system for the project
2. Initial cost estimate for the selected microgrid system

ADDITIONAL SERVICES

Authorization of Consultant’s use of Additional Services shall comply with Section 4, and compensation shall not exceed the amount set forth in Section 4. Work that is substantially beyond the Tasks in the Scope of Services may qualify (if approved by City per Section 4 of this Agreement) for Additional Services.
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.

APPROVED:
CITY OF PALO ALTO

BY: ____________________________
Name: __________________________
Title: __________________________
Date: __________________________

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

APPROVED:
COMPANY NAME: ______________________

BY: ____________________________
Name: __________________________
Title: __________________________
Date: __________________________

Professional Services
Rev. April 27, 2018

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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).

<table>
<thead>
<tr>
<th>Milestones</th>
<th>Completion No. of Weeks From NTP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Task 1 – Schematic Design</td>
<td>18 weeks</td>
</tr>
<tr>
<td>2. Task 2 – Design Development</td>
<td>52 weeks</td>
</tr>
<tr>
<td>3. Task 3 - Construction Documents</td>
<td>87 weeks</td>
</tr>
<tr>
<td>4. Task 4 – Construction Administration</td>
<td>165 weeks</td>
</tr>
<tr>
<td>5. Task 5 – LEED Certification</td>
<td>245 weeks</td>
</tr>
</tbody>
</table>

Additional Services (if any, per Section 4 of this Agreement) As needed during the term of this Agreement per the schedule approved by City in the applicable Task Order.
EXHIBIT “C”
COMPENSATION

The CITY agrees to compensate the 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 hourly rate schedule attached as exhibit C-1 up to the not to exceed budget amount for each task set forth below.

CONSULTANT shall perform the tasks and categories of work as outlined and budgeted below. The 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 Basic Services, including reimbursable expenses, and the total compensation for Additional Services, do not exceed the amounts set forth in Section 4 (Not to Exceed Compensation) of this Agreement.

BUDGET SCHEDULE

<table>
<thead>
<tr>
<th>SERVICES</th>
<th>Phase 1</th>
<th>Phase 2</th>
<th>Phase 3</th>
<th>ROW TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task 1 - Schematic Design</td>
<td>$117,800</td>
<td></td>
<td></td>
<td>$117,800</td>
</tr>
<tr>
<td>Task 2 - Design Development</td>
<td>$152,700</td>
<td></td>
<td></td>
<td>$152,700</td>
</tr>
<tr>
<td>Task 3 - Construction Documents</td>
<td></td>
<td>$229,400</td>
<td></td>
<td>$229,400</td>
</tr>
<tr>
<td>Task 4 - Construction Administration (FY2023 Funds will be used on an as-needed basis for FY2023-2025)</td>
<td></td>
<td>$157,800</td>
<td>$157,800</td>
<td></td>
</tr>
<tr>
<td>Task 5 - LEED Certification</td>
<td>$11,952</td>
<td>$19,522</td>
<td>$8,366</td>
<td>$39,840</td>
</tr>
<tr>
<td>Task 6 – Microgrid Design Allowance</td>
<td>$22,622</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL BASIC SERVICES</td>
<td>$305,074</td>
<td>$248,922</td>
<td>$166,166</td>
<td>$720,162</td>
</tr>
<tr>
<td>REIMBURSABLE EXPENSES* (as specified in this exhibit)</td>
<td>$5,000*</td>
<td></td>
<td></td>
<td>$5,000*</td>
</tr>
<tr>
<td>SUBTOTAL (Basic Services &amp; Reimbursable Expenses)</td>
<td>$310,074</td>
<td>$248,922</td>
<td>$166,166</td>
<td>$725,162</td>
</tr>
<tr>
<td>ADDITIONAL SERVICES* (if any, per Section 4)</td>
<td>$72,016</td>
<td></td>
<td></td>
<td>$72,016*</td>
</tr>
<tr>
<td>TOTAL NOT-TO-EXCEED AMOUNT</td>
<td>$382,090</td>
<td>$248,922</td>
<td>$166,166</td>
<td>$797,178</td>
</tr>
</tbody>
</table>

* The not-to-exceed amounts for Reimbursable Expenses and Additional Services may each, respectively, be utilized across all Phases of the Agreement, even though these respective not-to-exceed amounts may not show in all Phases in the table above. These specified not-to-exceed

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amounts are cumulative across all Phases; they are not necessarily per-Phase amounts.

REIMBURSABLE EXPENSES

The administrative, overhead, secretarial time or secretarial overtime, word processing, photocopying, in-house printing, insurance and other ordinary business expenses are included within the scope of payment for services and are not reimbursable expenses. CITY shall reimburse CONSULTANT for the following reimbursable expenses at cost. Expenses for which CONSULTANT shall be reimbursed are:

1. Shipping of submittal items for staff Design Review Committee and Architectural Review Board including, but not limited to, materials boards, plans, and other supporting documentation
2. Printing for documents as requested by the City during design and construction

All requests for payment of expenses shall be accompanied by appropriate backup information. Any expense anticipated to be more than $500 shall be approved in advance by the CITY’s Project Manager.
EXHIBIT “C-1”
SCHEDULE OF RATES

CONSULTANT’s not-to-exceed hourly rate schedule under this Agreement is as provided below in this Exhibit C-1, covering CONSULTANT and its subconsultants, if applicable. Overtime may only be charged if specific approval was granted in writing by the City’s Project Manager in advance. Any overtime incurred without such approval shall be at the CONSULTANT’s own expense to the extent it is above the hourly rates provided in this Exhibit C-1.

### CONSULTANT (BRW Architects)

<table>
<thead>
<tr>
<th>Position</th>
<th>2020-21</th>
<th>2021-22</th>
<th>2022-23</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>$210</td>
<td>$214</td>
<td>$218</td>
</tr>
<tr>
<td>Project Architect / Project Manager</td>
<td>$180</td>
<td>$183</td>
<td>$186</td>
</tr>
<tr>
<td>Project Coordinator</td>
<td>$150</td>
<td>$153</td>
<td>$156</td>
</tr>
<tr>
<td>Project Designer</td>
<td>$120</td>
<td>$122</td>
<td>$124</td>
</tr>
<tr>
<td>Drafter / BIM Modeling / Animations</td>
<td>$80</td>
<td>$81</td>
<td>$82</td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td>$40</td>
<td>$41</td>
<td>$42</td>
</tr>
</tbody>
</table>

### Sub-consultants

<table>
<thead>
<tr>
<th>Position</th>
<th>2020-21</th>
<th>2021-22</th>
<th>2022-23</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Engineer/ Principal Landscape</td>
<td>$210</td>
<td>$214</td>
<td>$218</td>
</tr>
<tr>
<td>Project Engineer / Landscape Architect</td>
<td>$180</td>
<td>$183</td>
<td>$186</td>
</tr>
<tr>
<td>Engineer I</td>
<td>$150</td>
<td>$153</td>
<td>$156</td>
</tr>
<tr>
<td>Engineer II / Designer</td>
<td>$120</td>
<td>$122</td>
<td>$124</td>
</tr>
<tr>
<td>Drafter / BIM Modeling</td>
<td>$80</td>
<td>$81</td>
<td>$82</td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td>$40</td>
<td>$41</td>
<td>$42</td>
</tr>
</tbody>
</table>

Mark-up % on sub-consultants: 10%
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.

<table>
<thead>
<tr>
<th>REQUIRED</th>
<th>TYPE OF COVERAGE</th>
<th>REQUIREMENT</th>
<th>MINIMUM LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>WORKER’S COMPENSATION EMPLOYER’S LIABILITY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
</tr>
<tr>
<td>YES</td>
<td>GENERAL LIABILITY, INCLUDING PERSONAL INJURY, BROAD FORM PROPERTY DAMAGE BLANKET CONTRACTUAL, AND FIRE LEGAL LIABILITY</td>
<td>BODILY INJURY</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PROPERTY DAMAGE</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>BODILY INJURY &amp; PROPERTY DAMAGE COMBINED</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>YES</td>
<td>AUTOMOBILE LIABILITY, INCLUDING ALL OWNED, HIRED, NON-OWNED</td>
<td>BODILY INJURY - EACH PERSON</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- EACH OCCURRENCE</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PROPERTY DAMAGE</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>BODILY INJURY AND PROPERTY DAMAGE, COMBINED</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>YES</td>
<td>PROFESSIONAL LIABILITY, INCLUDING, ERRORS AND OMISSIONS, MALPRACTICE (WHEN APPLICABLE), AND NEGLIGENT PERFORMANCE</td>
<td>ALL DAMAGES</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

THE CITY OF PALO ALTO IS TO BE NAMED AS AN ADDITIONAL INSURED: 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, NAMING AS ADDITIONAL INSUREDS CITY, ITS COUNCIL MEMBERS, OFFICERS, AGENTS, AND EMPLOYEES.

I. INSURANCE COVERAGE MUST INCLUDE:
   A. A CONTRACTUAL LIABILITY ENDORSEMENT PROVIDING INSURANCE COVERAGE FOR CONSULTANT’S AGREEMENT TO INDEMNIFY CITY.

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

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

OR

HTTP://WWW.CITYOFPALOALTO.ORG/GOV/DEPTS/ASD/PLANET_BIDS_HOW_TO.ASP
EXHIBIT “E”
DIR REGISTRATION FOR PUBLIC WORKS CONTRACTS

This Exhibit shall apply only to a contract for public works construction, alteration, demolition, repair or maintenance work, CITY will not accept a bid proposal from or enter into this Agreement with CONSULTANT without proof that CONSULTANT and its listed subcontractors are registered with the California Department of Industrial Relations (“DIR”) to perform public work, subject to limited exceptions. City requires CONSULTANT and its listed subcontractors, if any, to comply with all applicable requirements of the California Labor Code including but not limited to Labor Code Sections 1720 through 1861, and all applicable related regulations, including but not limited to Subchapter 3, Title 8 of the California Code of Regulations Section 16000 et seq., as amended from time to time. This Exhibit E applies in addition to the provisions of Section 26 (Prevailing Wages and DIR Registration for Public Works Contracts) of the Agreement.

CITY provides notice to CONSULTANT of the requirements of California Labor Code Section 1771.1(a), which reads:

“A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.”

This Project is subject to compliance monitoring and enforcement by DIR. All contractors must be registered with DIR per Labor Code Section 1725.5 in order to submit a bid. All subcontractors must also be registered with DIR. No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with DIR. Additional information regarding public works and prevailing wage requirements is available on the DIR website (see e.g. http://www.dir.ca.gov) as amended from time to time.

CITY gives notice to CONSULTANT and its listed subcontractors that CONSULTANT is required to post all job site notices prescribed by law or regulation.

CONSULTANT shall furnish certified payroll records directly to the Labor Commissioner (DIR) in accordance with Subchapter 3, Title 8 of the California Code of Regulations Section 16461 (8 CCR Section 16461).

CITY requires CONSULTANT and its listed subcontractors to comply with the requirements of Labor Code Section 1776, including but not limited to:

Keep accurate payroll records, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by, respectively,
CONSULTANT and its listed subcontractors, in connection with the Project.

The payroll records shall be verified as true and correct and shall be certified and made available for inspection at all reasonable hours at the principal office of CONSULTANT and its listed subcontractors, respectively.

At the request of CITY, acting by its Project Manager, CONSULTANT and its listed subcontractors shall make the certified payroll records available for inspection or furnished upon request to the CITY Project Manager within ten (10) days of receipt of CITY’s request.

☐ CITY requests CONSULTANT and its listed subcontractors to submit the certified payroll records to CITY’s Project Manager at the end of each week during the Project.

If the certified payroll records are not provided as required within the 10-day period, then CONSULTANT and its listed subcontractors shall be subject to a penalty of one hundred dollars ($100.00) per calendar day, or portion thereof, for each worker, and CITY shall withhold the sum total of penalties from the progress payment(s) then due and payable to CONSULTANT.

Inform CITY’s Project Manager of the location of CONSULTANT’s and its listed subcontractors’ payroll records (street address, city and county) at the commencement of the Project, and also provide notice to CITY’s Project Manager within five (5) business days of any change of location of those payroll records.

Eight (8) hours labor constitutes a legal day’s work. CONSULTANT shall forfeit as a penalty to CITY, $25.00 for each worker employed in the execution of the Agreement by CONSULTANT or any subcontractor for each calendar day during which such worker is required or permitted to work more than eight (8) hours in any one calendar day or forty (40) hours in any one calendar week in violation of the provisions of the Labor Code, and in particular, Sections 1810 through 1815 thereof, except that work performed by employees of CONSULTANT or any subcontractor in excess of eight (8) hours per day, or forty (40) hours during any one week, shall be permitted upon compensation for all hours worked in excess of eight (8) hours per day, or forty (40) hours per week, at not less than one and one-half (1 1/2) times the basic rate of pay, as provided in Section 1815.

CONSULTANT shall secure the payment of workers’ compensation to its employees as provided in Labor Code Sections 1860 and 3700 (Labor Code 1861). CONSULTANT shall sign and file with the CITY a statutorily prescribed statement acknowledging its obligation to secure the payment of workers’ compensation to its employees before beginning work (Labor Code 1861). CONSULTANT shall post job site notices per regulation (Labor Code 1771.4(a)(2)).

CONSULTANT shall comply with the statutory requirements regarding employment of apprentices including without limitation Labor Code Section 1777.5. The statutory provisions will be enforced for penalties for failure to pay prevailing wages and for failure to comply with wage and hour laws.
Title: Approval of 1) Increase of Construction Contingency for Contract No. C20174550 with Granite Construction in the Amount of $185,302; and 2) Budget Amendments in the Electric Fund for the Electric Customer Connection project (EL-89028), the Fiber Optics Fund for the Fiber Optics Network–System Improvements project (FO-10001), and the Capital Improvement Fund for the Highway 101 Pedestrian/Bicycle Overpass project (PE-11011)

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends that Council:

1. Approve an additional construction contingency for Contract No. C20174550 with Granite Construction Company in an amount not to exceed $185,302, and for a total contract contingency amount not to exceed $1,569,794 for the Highway 101 Pedestrian/Bicycle Overpass Project (PE-11011); and

2. Amend the Fiscal Year 2022 Budget Appropriation (requires a 2/3 majority vote) for the following funds:
   a. Electric Fund:
      i. Decreasing the appropriation for Electric Customer Connection project (EL-89028) in the amount of $10,255;
      ii. Increasing the Transfer to the Capital Improvement Fund appropriation in the amount of $10,255;
   b. Fiber Optics Fund:
      i. Decreasing the appropriation for Fiber Optics Network–System Improvements project (FO-10001) in the amount of $54,290;
      ii. Increasing the Transfer to the Capital Improvement Fund appropriation in the amount of $54,290;
   c. Capital Improvement Fund:
      i. Increasing the Transfer from the Electric Fund estimate in the amount of $10,255;
      ii. Increasing the Transfer from the Fiber Optics Fund estimate in the amount of $54,290;
iii. Increasing the Highway 101 Pedestrian/Bicycle Overpass project (PE-11011) appropriation in the amount of $64,545.

Executive Summary
The Highway 101 Pedestrian/Bicycle Overpass Project construction began in January 2020 and was completed in November 2021. This project was one of the ten 2014 Council Infrastructure Plan projects. The project improves connectivity to the Palo Alto Baylands Nature Preserve, East and West Bayshore Road businesses, and the regional San Francisco Bay Trail network. The project construction was significantly impacted by the global supply and material shortages, procurement delays, and personnel and trucking shortages caused by the Covid-19 pandemic. Additionally, there were unforeseen underground utilities conflicts and design changes to the railing system to address constructability issues. Such issues resulted in about four months of delay in construction completion, additional change orders, and increased construction management services cost. Although the construction cost is slightly higher than originally anticipated, the overall design and construction cost is within the original $20.4 million budget established for the project at the time of contract award (Staff Report ID# 10646).

Background
The Highway 101 Pedestrian/Bicycle Overpass Project (PE-11011), a new year-round, grade-separated, shared bicycle and pedestrian crossing over Highway 101 was completed in November 2021. The project consists of prefabricated steel trusses over Highway 101 and East and West Bayshore Roads, concrete approach structures, Adobe Creek Reach Trail, landscaping, lighting, amenities, and signage. The project had several environmental, construction, and jurisdictional requirements as it falls within multiple jurisdictions including the City, California Department of Transportation (Caltrans), Santa Clara Valley Water District, a private property located at 3600 West Bayshore Road, and the Baylands Nature Preserve.

On May 23, 2016, Council approved a contract with Biggs Cardosa Associates, Inc. to provide design and engineering services for the bridge (Staff Report ID# 6578). The design contract was amended for final design and right-of-way services in December 2017 (Amendment No. 1, Staff Report ID# 8659), bidding and construction support services in June 2019 (Amendment No. 2, Staff Report ID# 10339), and a contract term extension in May 2021 to continue construction support services (Amendment No. 3: Staff Report ID# 11798). Project design was completed in early 2019. Caltrans approved the right-of-way certification and encroachment permit in May/June 2019 and granted the Authorization to Proceed (E-76) with construction in August 2019. An invitation for bids was issued on August 14, 2019.

On November 18, 2019, Council approved a construction contract with Granite Construction Company and a construction management services contract with Zoon Engineering, Inc. (Staff Report ID# 10646). After contract execution, a Notice to Proceed was issued to the contractor in January 2020 with an anticipated construction completion in July 2021.
Construction and Construction Management Contracts
The project construction began in January 2020 with submittals, shop drawings and request for information reviews, stakeholder coordination, site reconnaissance, and vegetation removal. The field construction operation was suspended soon after due to the Covid-19 shutdown in April 2020 per the Santa Clara County Health Orders and construction work resumed in late May/early June 2020. The delayed start of construction made it very challenging to complete the new 140-foot-long bridge over Adobe Creek between June 15 and October 15 (as environmental restrictions require). Prior to beginning any work on the bridge footings, the utilities along West Bayshore Road were to be relocated into a new joint trench. To mitigate potential delays, the construction activities were re-sequenced with simultaneous utilities/Adobe Creek Bridge work on the west side and pile drilling on the east side by working longer shifts and on Saturdays until the Adobe Creek Bridge was installed on October 7, 2020.

Although the project team implemented mitigation measures to minimize the schedule and budget impacts during construction, the project was significantly impacted by the global material supply chain disruption (e.g., fabrication shops work suspension, personnel shortages, procurement delays, and trucking shortages) due to the Covid-19 pandemic. The bridge architectural railing fabrication, galvanization, and staining process was hindered the most by these impacts. Additionally, there were numerous unanticipated underground utilities conflicts and some design changes to the architectural railing which used approximately 80% of the contingency funds for change orders. Some of the underground utilities conflicts included an abandoned PG&E gas line located at 3600 West Bayshore Road (Google parking lot) approximately 14 feet below grade obstructing drilling of three bridge piles, a need for a robust shoring system to drill piles in close vicinity of the PG&E high pressure gas line on the east side, and utilities conflicts with relocation of electric and fiber utilities along West Bayshore Road. The architectural railing with integrated lighting is a unique design that required many changes to address fabrication, constructability, and operational issues. These issues resulted in about four months delay in the project completion and budget overruns on the construction and construction management contracts. Although there were delays in the delivery of the three steel trusses, additional cost incurred because of the delays were at the contractor’s expense and did not contribute to the construction contract overruns.

With construction complete, the total change order amount for the Granite Construction Company contract (C20174550) is $1,569,794, or 11% of the base contract value of $13,844,920—i.e., $185,302 above the 10% contingency budget ($1,384,492 contingency) of the construction contract. In addition to the recommended increase of $185,302 to the authorized contingency for the construction contract with Granite Construction Company (C20174550), the project delays required an additional $40,000 in the construction management services by Zoon Engineering, Inc. The design contract with Biggs Cardosa Associates (C16162262) has adequate funds to complete the construction support services including as-built drawings preparation. However, the contracts with Biggs Cardosa Associates (C16162262) and Zoon Engineering, Inc. (C20175214) both ended on December 31, 2021. Therefore, a new design contract with Biggs Cardosa Associates in the amount of $20,000 and a
new construction management services contract with Zoon Engineering, Inc. in the amount of $40,000, effective January 1, 2022 are in process to continue and complete construction support services. Staff is not seeking Council approval of these new contracts as they are within the City Manager’s approval authority. The total project design and construction costs presented in this report account for these new contracts.

A majority of the additional costs are recommended to be offset by available project budget and the following:

1) Utility Funding for Improvements: The project included betterments to the utilities including spare electrical and fiber conduits. Additional work was performed to address conflicts with utilities betterment (expansion couplers, pull boxes, risers, routing changes, etc.) at an additional cost of $64,545 which is recommended to be reimbursed by the Utilities Electric and Fiber Optics Funds. Lower than budgeted expenses offset these actions in the Electric Customer Connection (CIP EL-89028) and Fiber Optics Network–System Improvements (CIP FO-10001) projects.

2) Design Expense Savings: The overall design costs for the project were $80,000 below expected levels leaving some capacity for the cost of project delay.

With above budget transfers, the additional project cost is $80,757. Despite this increase the total design and construction cost of the project of $20.39 million remains within the $20.4 million budget established for the project in Fiscal Year 2022 (excluding the utilities betterment costs).

Resource Impact
Based on the recommendations in this report, the total required additional appropriation to the project is estimated to be $65,545, to be funded by transfers from the Utilities Electric and Fiber Optics Funds to reimburse the Capital Improvement Fund for utilities related work that was done as part of the construction of PE-11011. The total design and construction costs are within the $20.4 million budget established for the project for Fiscal Year 2022, therefore no change in the project budget beyond the cost associated with the investment in utility infrastructure is needed. Any technical accounting clean-up that may be necessary will occur during the Fiscal Year 2022 year-end process.

Policy Implications
The project is consistent with the City’s Comprehensive Plan goals, policies, and programs.

Stakeholder Engagement
Stakeholder engagement is not required for approval of the additional contingency and budget appropriation.

Timeline
The project construction was completed in November 2021. Upon Council approval of the additional contingency and budget appropriation, staff will complete project closeout.

**Environmental Review**
No environmental review is necessary for approval of the additional contingency and budget appropriation.
Title: Approval of Contract No. C22183901 with Genuine Parts Company dba Napa Auto Parts for an Amount Not-to-Exceed $2,306,433 for an On-Site Fleet Parts and Inventory Program for a Three-Year Term from January 24, 2022 through January 23, 2025, with Pricing Set by Cooperative Sourcewell Contract No. 110520 with Genuine Auto Parts Company dba Napa Integrated Business Solutions; and Approve and Authorize the City Manager or Their Designee to Execute an Amendment to Contract No. C22183901 to Extend the Term for up to One Additional Year through January 24, 2026 (Provided that the Cooperative Sourcewell Contract is Extended for an Additional Year) for an Additional Amount Not to Exceed $831,227 (Annual Amount Is Subject to Adjustment Provided the Total Contract Amount Is Not Exceeded), for a Total Not to Exceed Amount of the Contract, if Extended, of $3,137,660

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends that the City Council:

1. Approve and authorize the City Manager or their designee to execute Contract No. C22183901 with Genuine Parts Company dba Napa Auto Parts (“NAPA”) for an amount not-to-exceed $2,306,433 for an on-site fleet parts and inventory program over a three (3)-year contract term (January 24, 2022 through January 23, 2025), with pricing set by cooperative Sourcewell Contract No. 110520 with Genuine Auto Parts Company dba Napa Integrated Business Solutions; and

2. Approve and authorize the City Manager or their designee to execute an amendment to Contract No. C22183901 to extend the term for up to one (1) additional year through January 23, 2026, constituting contract year 4 in alignment with the underlying NAPA/Sourcewell cooperative contract, for an annual contract year 4 amount not to exceed $831,227 (subject to the provisions of Exhibit C) and a total not-to-exceed amount of the contract, if extended, of $3,137,660.

Note: Exhibit C allows adjustment between contract year amounts, provided that the total not-to-exceed amount of the contract over the life of the contract term is not exceeded.
Background
In August 2016, the City contracted parts operations to NAPA as a three-year pilot after approval from the Fleet Review Committee (FRC), approval from the Finance Committee on May 12, 2016 (CMR #6887), and final approval from Council on August 15, 2016 (CMR #7027). Analysis conducted by staff indicated that the pilot with NAPA was successful and benefited the City in overall cost savings. At the conclusion of the City’s pilot with NAPA, the following is a history of contractual relationships with NAPA:

- The pilot ended on July 21, 2019 and was renewed for one additional year via Amendment No. 1 on August 12, 2019, which aligned with the term of NAPA’s cooperative contract with Sourcewell (CMR #10512).
- Amendment No. 2 was executed on June 15, 2020 for a second one-year extension through July 21, 2021 and to add funding accordingly (CMR #11263).
- Amendment No. 3 was entered into on July 7, 2021 (Amendment No. 3), to extend the term through January 20, 2022 at no added cost to the City, and an exemption to competitive solicitation was approved under municipal code section 2.30.290 (b)(1) to give staff time to bring forward this request.

Discussion
On December 23, 2020, NAPA entered into a new competitively-solicited cooperative contract with Sourcewell (a cooperative purchasing group for government, education, and nonprofit agencies), for a four-year term (Sourcewell Contract) with an expiration date of December 29, 2024. This cooperative contract may be extended up to one additional one-year period upon request of Sourcewell and with written agreement by NAPA to further the term until December 29, 2025. Since NAPA’s current cooperative contract with Sourcewell is valid for the next three years, with an optional (but not yet exercised) one-year extension, staff recommends keeping alignment with the Sourcewell contract. Staff recommends Council approve the contract between the City and NAPA for on-site parts management services for three-years (ending January 23, 2025), with the option for the City Manager to renew for a fourth year through January 23, 2026, provided that the underlying NAPA/Sourcewell cooperative contract is renewed. (The Sourcewell agreement requires public agencies using its cooperative agreement to enter into or extend a contract based on that agreement while the agreement’s term is active, however, the contract or extension entered into may have a term longer than that of the cooperative agreement.)

The recommended contract between the City and NAPA will allow for continued on-site fleet parts and inventory services, including NAPA-assigned personnel to procure and manage the auto parts/supplies inventory. Overall, there is a projected annual cost decrease of $58,242 for the first year of this new contract, adjusted for salary and miscellaneous expenses. This reflects the last year of the previous contract’s amount of $781,013 plus a three percent (3%) annual increase, less one full-time, on-site, NAPA staff, resulting in the following annual pricing:

- a new contract year 1 amount of $746,201,
- a contract year 2 amount of $768,587 and
- contract year 3 amount of $791,645.
Notwithstanding the foregoing, Exhibit C of the contract permits the parties to adjust the annual contract year amounts, and/or the amount of Services used by City, if any contract year amount exceeds or appears that it may be on track to exceed the aforementioned annual amounts, provided that the total not-to-exceed amount of the contract is not exceeded. The total not-to-exceed amount of the recommended three-year contract is $2,306,433.

Amendment to Extend for Fourth Contract Year
If Council authorizes the City Manager to execute an option to extend the contract for a fourth contract year, as recommended above, and if the underlying Sourcewell cooperative contract is extended and the City exercises this option to extend, the annual not-to-exceed amount of contract year 4 will be subject to a five percent (5%) increase over the preceding contract year’s not-to-exceed amount, for a contract year 4 annual amount not to exceed $831,227, and the total not-to-exceed amount of the contract shall not exceed $3,137,660. As above, adjustments to the annual contract amounts are permitted provided that the total not-to-exceed amount of the contract is not exceeded.

The Sourcewell Member Pricing identified in the contract provides the same pricing terms as the previous contract. Goods will be billed to the City at a 10% gross margin over NAPA’s acquisition cost, operating expenses will be billed at actual cost with no markup, and NAPA’s return is built into the price of parts, so that no separate fee is billed.

This contract is on the City’s general services agreement template, which permits the City to terminate without cause/for convenience by providing written notice to the contractor. In the event the City finds itself facing a challenging budget situation, and it is determined that City resources need to be refocused elsewhere, the City can terminate for convenience. Other options include termination due to non-appropriation of funds or amending the contract to reduce the cost, for example, by reducing the scope of work.

Procurement Process
The City’s Municipal code, PAMC section 2.30.360 (j) identifies the process that allows the use of cooperative purchasing agreements. Quotes for this contract were obtained through the approved cooperative group, Sourcewell, and a proposal was received December 2, 2021 from NAPA (Attachment A).

If this request is not approved, Fleet staff would have to reassume all parts management services. By discontinuing services with NAPA, Fleet and Purchasing staff would have to take on a substantial workload increase to keep up with all the contracts that would be required to conduct business. This would require bringing back one full-time employee and one hourly employee. The City would also be required to purchase back all non-NAPA parts inventory, and would opt to purchase back any NAPA parts inventory necessary to keep on-hand. This buy-back is estimated to cost between $250,000 and $300,000.

Resource Impact
Funding for this contract is available in the Fiscal Year 2022 Vehicle Replacement and Maintenance Fund Operating Budget. As an internal service fund, these costs are funded by
revenue collected from vehicle operation and maintenance allocations charged to other City departments and funds. Funding for subsequent years of the contract is subject to appropriation of funds through the annual budget process.

**Stakeholder Engagement**
Stakeholder engagement is not required for execution of this contract.

**Policy Implications**
This recommendation does not present any changes to existing City policies.

**Environmental Review**
Approval of this contract does not constitute a project and is exempt from the requirements of California Environmental Protection Act (CEQA) pursuant to Section 15061(b)(3).

**Attachments:**
- **Attachment4.a:** Attachment A: Genuine Parts Company dba Napa Auto Parts Bid; Incl. 4 Year Projected Budget
## Pricing Option 10% Margin

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### Sample Billing Summary

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*It is important to note that these sample operating statements are issued to inform new, existing and potential Sourcewell members of the flexibility of the NAPA IBS program. ** These sample operating statements reflect NAPA IBS's typical expense structure but all categories are subject to change based on scope, hours and responsibilities as required per each contract.
Title: Adoption of a Resolution of Intent to Not Levy Assessments for the Business Improvement District (BID) in FY2023, and Setting Public Hearing for June 6, 2022

From: City Manager

Lead Department: Administrative Services

Recommendation
Staff recommends that Council adopt a resolution of intention to decline to levy assessments in the Palo Alto Downtown Business Improvement District (BID) for Fiscal Year 2023 (Attachment A), setting a date and time for the public hearing on the proposal to decline to levy assessments for June 6, 2022, at 5:00 PM or thereafter.

Background
The Palo Alto City Council established the BID in 2004 pursuant to the California Parking and Business Improvement Area Law to maintain economic vitality and physical maintenance of the Palo Alto Downtown business district. The Council appointed the Palo Alto Downtown Business and Professional Association (PADBPA), a non-profit corporation, as the advisory board and administrator of the BID. PADBPA, acting through its independent Board of Directors, has advised the Council on the method and basis for levy of assessments in the BID and has managed the expenditure of revenues derived from the assessments.

In light of organizational changes at PADBPA and changes resulting from the Covid-19 pandemic, and with the concurrence of the City Council, the City allowed the contract with PADBPA to expire on June 30, 2020. Council directed staff to work with the Palo Alto Chamber of Commerce and PADBPA to develop options for the transition of the management of the BID. The Chamber and PADBPA identified a need to build support for a resumption of the BID assessment within the business community before collecting a new assessment and establishing a new management agreement. Both entities supported placing the BID on pause for FY 2023.

Discussion
On March 1, 2022 the Finance Committee discussed options for the FY 2023 Business Registry Certificate (BRC) and BID processes (CMR 13902; Minutes). The Committee reviewed three options for the BRC and BID and forwarded their recommendation to the City Council on April
4, 2022, **CMR 13901**, to restore the BRC in the 2022-2023 collection timeframe, using the established structure used in pre-pandemic years, while continuing the pause of BID assessments again in FY2023. The Palo Alto City Council directed Staff to proceed with this recommendation.

Staff recommends that the Council adopt the attached resolution for FY 2023 with the intention to not collect BID assessments for one additional year. During the upcoming year Council directed staff to work with the PADBPA and the Chamber to provide options on the future management of the BID.

If Council adopts the recommendation, the Council should provide notice of its intention to not levy a collection of the BID assessments for FY 2023 only, and set a public hearing for June 6. At the public hearing, Council will hear and consider any objections to non-collection of assessments due in 2022 and take final action. The decision to not levy assessments payable in 2022 is consistent with Council’s rescinding and waiving of assessments due in 2020 (**CMR 11219** and **CMR 12255**) in response to the pandemic, and would implement the Finance Committee’s recommendation to not levy assessments for FY23 (**CMR 13901**).

**Resource Impact**
The BID is set up as a separate fund within the City’s accounting system. In recent years, the BID has required a General Fund subsidy as collected assessments fell short of the costs of operating the BID. Historically, the City acts as the collection agent for BID revenues and reimburses PADBPA’s expenses after receipt and verification of invoices. With the BID on pause an estimated $80,000 will not be collected and no BID business activities will be provided.

Additional staff resources include time from the City Manager’s Office and Administrative Services Department to provide oversight to the BID, administer the contract with Avenu, liaise with stakeholders, and prepare the annual reauthorization.

**Stakeholder Engagement**
Staff has met and coordinated with members of PADBA and the Chamber of Commerce in preparation of these recommendations. In FY 2023 staff will work with these entities to develop options for a new management agreement for the BID.

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

**Attachments:**
- Attachment5.a: Attachment A: Business Improvement District Resolution for FY 2023
Resolution No. _____

Resolution of the Council of the City of Palo Alto Declaring Its Intention to Not Levy Assessments Against Businesses Within the Downtown Palo Alto Business Improvement District for Fiscal Year 2023; and Setting a Time and Place for a Public Hearing on the Proposed Decision Not to Levy Assessments on June 6, 2022 at 5:00 PM or Thereafter, in the Council Chambers

RE C I T A L S

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

B. Pursuant to the Law, in 2004 the City Council adopted Ordinance No. 4819 establishing the Downtown Palo Alto Business Improvement District (the "District") in the City of Palo Alto.

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

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

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

F. In recognition of the challenges continuing to effect downtown businesses and understanding the need for a new direction on BID management, the City Council has determined not to levy BID assessments for fiscal year 2023 (July 1, 2022 through June 30, 2023).

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

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

SECTION 2. Based on the findings herein, the Council intends not to levy or collect assessments for the District for fiscal year 2023 (July 1, 2022 through June 30, 2023). The District shall remain in effect and the Council will consider the levy of assessments for following fiscal years.
SECTION 3. The City Council hereby fixes the time and place for a public hearing on the proposed determination not to levy assessments against any businesses within the District for fiscal year 2023 as follows:

DATE: June 6, 2022
PLACE: Conducted simultaneously in person at City Hall and via Zoom
TIME: 5:00 p.m. or soon thereafter

At the public hearing, the testimony of all interested persons regarding the determination not to levy assessments against any businesses within the District for fiscal year 2023 shall be heard.

SECTION 4. The City Clerk is hereby authorized and directed to provide notice of the public hearing in accordance with law.

SECTION 5. The Council finds that the adoption of this Resolution does not meet the definition of a project under Section 21065 of the California Environmental Quality Act and, therefore, no environmental impact assessment is necessary.

INTRODUCED AND PASSED:

AYES:
NOES:
ABSENT:
ABSTENTION:
ATTEST:

__________________________     _______________________
City Clerk                        Mayor

APPROVED AS TO FORM:

__________________________     _______________________
City Attorney                    City Manager or Designee

__________________________     _______________________
Director of Administrative Services
Meeting Date: 5/23/2022  

Title: Approval of the Acceptance of State of California Citizens Options for Public Safety (COPS) Funds of $103,648 and a Budget Amendment in the Supplemental Law Enforcement Services Fund

From: City Manager

Lead Department: Police

Recommendation
Staff recommends that the City Council:

1. Approve the acceptance and expenditure of Citizens Options for Public Safety (COPS) funds of $103,648 from the State of California; and
2. Amend the Fiscal Year 2022 Budget Appropriation Ordinance (requires 2/3 approval) for the Supplemental Law Enforcement Services Fund (SLESF) by:
   a. Increasing the estimate for Revenue from the State of California in the amount of $103,648; and,
   b. Increasing the Police Department Facilities and Equipment expense appropriation in the amount of $103,648.

Background
Since 1997, the California State Legislature has allocated funds to counties and cities for the Citizens Options for Public Safety (COPS) program. This funding is intended to fill the need for additional resources at the local level to ensure public safety. Under the provisions of Government Code Section 30061, a percentage of funds are allocated to counties and cities, based upon population, for law enforcement services.

Funds must supplement existing services and are prohibited from supplanting (replacing) state, local, or funds that otherwise would be made available. Supplanting occurs when a local government reduces local funds for an activity, specifically because state funds are available (or expected to be available) to fund that same activity. An example of supplanting could be if Council discontinued Department funding for existing police vehicle maintenance with the intention of a grant supporting the need to continue the service. Alternatively, if Council discontinued and eliminated a program or service due to resource constraints, with no intention of continuing the service, but the program or service were to be re-started at a later date using grant funds (such as was the case with the Community Service Officers in FY 2019 after being discontinued earlier in the decade) then staff would consider the re-start to be
additive and not anticipated at the time the de-funding occurred. The use of the grant will be directed toward goods or services not budgeted, nor anticipated, but additive to the goods and services already encumbered through the city budget process for the purposes of enhancing the mission of the Department.

For tracking purposes, each recipient is also required to deposit funding into a separate fund so that these funds are not co-mingled with General Fund dollars. The funds must be used to benefit front-line law enforcement efforts. Finally, as with the acquisition of any goods or services by the City, the purchasing process will be subject to City purchasing policy as established in the municipal code under the direction of the Chief Procurement Officer and as required by the grant funds.

Previous uses of COPS funds have included restarting the Community Service Officer (CSO) program, purchasing an electronic traffic citation system, rifle magnifiers, range safety equipment, police training, staff wellness testing, upgrades to patrol vehicles, and upgraded tools and technology.

**Discussion**

Staff recommends use of the expected COPS funds in the total amount of $103,648 in the following manners which are compliant with the restrictions of these funds:

**Police Officer Training ($20,000)**

Training police officers is divided between mandatory and non-mandatory training. Mandatory training is established by the State Board and currently is approximately 12 hours annually per officer, in subjects including firearms, arrest control and driving. Mandatory training is funded through the general fund. Non-mandatory training funding is for categories such as critical incident training (CIT), de-escalation tactics, interpersonal skills, and implicit bias. This funding will support non-mandatory training in these areas, adding (not replacing) to the existing mandatory training provided.

**Officer Wellness ($30,000)**

Police Officers experience stress in several ways due to the extreme emotional and physical demands of the profession, irregular shift work, and regular exposure to vicarious trauma. As a result, officers' relationships with their friends, families, agencies, and the public they serve can be adversely affected. Funding of this category will enable the Department to add resources, including wellness testing and therapies, during a difficult period in law enforcement. If the grant is approved, testing may include voluntary annual wellness testing and programs to enhance physical and mental wellness such as a part-time contracted Wellness Coordinator to provide programing or using services by service providers such as a wellness app.

**Law Enforcement Recruiting ($20,000)**

The City does not budget funding for recruiting of Police personnel. Instead, in years when staff vacancies are on the rise, a portion of vacancy savings may be used to fund recruiting
operations, or adhoc one-time funding is requested and allocated for a specific recruitment process. For this year, staff believes the effort to keep up with staffing levels in the Department will outstrip the vacancy savings available to fund these efforts in the coming months, along with overtime to staff general operational vacancies. This funding will enable the Department to enhance the recruiting operation for Police Officers, but not replace current operations. If the funding is approved, enhancements to recruiting could include adding more recruiting events such as at educational institutions to the current inventory of events funded by the general fund. The operational activity around recruiting includes event registration and supplies, travel, lodging (at times) and overtime to send staff. Small police departments, like PAPD, do not have dedicated staff for recruiting; instead existing staff re-assigned from other duties perform the recruiting activity, which results in the use of overtime that is not budgeted to deploy staff to recruiting events.

Tools and Equipment ($33,648)
Various tools and equipment in need of update or upgrade, beyond what is allocated in the general fund include interview room upgrades such as recording equipment, in-field recording upgrades, two-way radios, firearm cases/locks for new employees, updated firearm optics and lighting, range equipment, and ballistic shields. Due to constrained funding, the city is behind on equipment replacement, and these grant funds will provide for new equipment that would otherwise continue aging.

Resource Impact
The Department has received funds each year under this program since its inception. Annual allocations have averaged approximately $100,000 over the last few years. The City received the official notice from the California Department of Finance in September 2021 that the City's COPS allocation for Fiscal Year 2022 is $103,648. No further action is required, beyond Council's approval, to receive the funds. Revenues of $103,648 are recommended to be recognized in the City's Supplemental Law Enforcement Services Fund (SLESF).

A total of $103,648 of expenditures are anticipated as described previously in the memorandum, which will be funded by the COPS grant funding appropriated in Fiscal Year 2022 ($103,648). There will be no impact to the General Fund as ongoing maintenance costs, if any, for the items purchased by the SLESF will be absorbed in the Department's existing non-salary budget, otherwise the activities will stop when the SLESF funds are spent in full.

Policy Implications
Expenditures of funds associated with COPS funds are consistent with City policy.

Environmental Assessment
Acceptance of COPS funding and the proposed expenditures for public safety equipment are not projects subject to CEQA review.
**Title:** Adoption of a Resolution Certifying Compliance with the California Surplus Land Act as Required by MTC's One Bay Area Grant (OBAG) Grant Programs

**From:** City Manager

**Lead Department:** Transportation Department

**Recommendation**
Staff recommends that the City Council adopt a resolution (Attachment A) as required by the Metropolitan Transportation Commission (MTC) to certify compliance with Assembly Bill 2135 (Surplus Land Act). MTC requires adoption in order to apply for One Bay Area Grant (OBAG) Programs grant funding.

**Background**
The MTC is the metropolitan planning organization for the nine-county San Francisco Bay Area region, which includes Santa Clara County. The MTC administers the federally funded One Bay Area Grant (OBAG) Programs with funds from the regional Surface Transportation Block Grant (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) programs.

On January 26, 2022, the MTC adopted Resolution No. 4505, the OBAG Cycle 3 (OBAG 3) framework. The Program emphasizes regional plan implementation, bicycle/pedestrian safety and mobility, connections to transit, climate resilience, and projects that advance equitable mobility. Funds are competitively disbursed for complete streets and sustainable streets improvements, streetscape enhancements, safe routes to school projects, priority development and conservation areas, local street and road maintenance, and transportation planning.

**Discussion**
In order to be eligible for OBAG 3 funds, MTC requires that local jurisdictions, including charter cities, certify compliance with the California Surplus Lands Act (AB 2135). The current text of the Surplus Land Act is linked here, and project eligibility and requirements are included in MTC Resolution No. 4505. In general, the Surplus Land Act regulates how local agencies, including the City, dispose of surplus real property. The goal of the Act is to prioritize affordable housing as a use for land that is no longer needed by a local agency.

The City of Palo Alto applies for OBAG funding when available and if the proposed city projects...
are competitive. As a condition to receive competitively awarded funds, MTC requires that local jurisdictions certify alignment with local and state housing and complete streets requirements by adopting a resolution of compliance (see Attachment A). Adoption of this resolution will support the City’s efforts to obtain this and future Federal Grant funds through MTC.

**Timeline**
Each Bay Area jurisdiction must adopt a Surplus Land Act resolution before MTC will award funds under the OBAG 3 program. Staff intend to apply to the OBAG 3 program in June of this year for the construction phase of the South Palo Alto Bikeways project.

**Resource Impact**
Adopting this resolution has no immediate effect on City resources; however, it does require the City to prioritize affordable housing if it considers the disposition of surplus property which may impact the value.

**Policy Implications**
The attached resolution is consistent with the following Comprehensive Plan policies:

- **Transportation Element Policy T-1.25**: Pursue transportation funding opportunities for ongoing transportation improvements that will help mitigate the impacts of future development and protect residents’ quality of life. When other sources are unavailable, continue to fund improvements, operations and maintenance through the general fund.

- **Housing Element Policy H2.2**: Continue to support the redevelopment of suitable lands for mixed uses containing housing to encourage compact, infill development. Optimize the use of existing urban services, and support transit use.

- **Housing Element Policy H3.1**: Encourage, foster, and preserve diverse housing opportunities for very low-, low-, and moderate income households.

**Environmental Review**
The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

**Attachments:**
- **Attachment7.a**: Attachment A - Resolution Making Required Findings per MTC/OBAG Program Requirements Related to the Surplus Land Act
Resolution No.____

Resolution of the Council of the City of Palo Alto Making Required Findings as Required by the Metropolitan Transportation Commission and Its OBAG Program Requirements

RECITALS

A. The San Francisco region has the highest housing costs in the United States; and

B. The Bay Area produced less than 30% of the need for low- and moderate-income housing units from 2007-2014; and

C. There are limited funding sources available to secure land for the construction of low- and moderate-income housing; and

D. Public lands can play a critical role in increasing the supply of land for affordable housing; and

E. The Metropolitan Transportation Commission adopted Resolution No. 4202, outlining the programming policy and project selection criteria for the One Bay Area Grant Program (OBAG), including certain requirements to access these funds;

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

SECTION 1. The City of Palo Alto agrees to comply with the terms of Surplus Land Act - Assembly Bill 2135 (California Government Code § 54220, et seq.), as exists now or may be amended in the future.
SECTION 2. This Resolution shall become effective immediately upon adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

__________________________   _____________________________
City Clerk      Mayor

APPROVED AS TO FORM:

APPROVED:

_____________________________
Assistant City Attorney

_____________________________
City Manager

_____________________________
Chief Transportation Official
Summary Title: 525 E. Charleston Funding Commitment

Title: Authorize the City Manager to Commit Two Million Dollars ($2,000,000) from the City's Affordable Housing Funds for the Affordable Housing Project at 525 E. Charleston Avenue.

From: City Manager

Lead Department: Planning and Development Services

Recommendation

Staff recommends that City Council take the following actions to authorize and commit funding for a future loan to Eden Housing for the development of an affordable housing project located at 525 E. Charleston Road:

1. Approve a commitment of $2,000,000 from City Housing funds.
2. Designate the 525 E. Charleston Road project as an identified qualifying and a pre-approved Local Housing Trust Fund (LHTF) project, and
3. If the City is awarded a 2022 LHTF program grant in August 2022, increase the total commitment to $3,000,000 by using $1,500,000 of City Residential Housing Fund to 525 E. Charleston to use as local matching funds along with $1,500,000 from the awarded LHTF grant.

Executive Summary:

Staff is requesting that the Council commit funding for a future loan and the associated budget amendment for the entitled affordable residential development located at 525 E. Charleston Road. The City is partnering with Eden Housing, the developer, and the County of Santa Clara in the development of a 50-unit residential development. As discussed in this report, some of these housing units will be primarily for persons with developmental disabilities. The County of Santa Clara owns the project site.

In a separate but related action, staff is also asking Council to authorize the City to submit a 2022 State HCD Local Housing Trust Fund (LHTF) program grant application, discussed as CMR
ID #14300 on this same meeting agenda. The LHTF program grant is competitive and, if awarded, provides a dollar-for-dollar match to local financial contributions to LHTF qualifying affordable housing projects. Staff has included additional recommended Council actions in this report if the LTHF application is awarded, to meet LHTF requirements.

The overall cost of the project is estimated to be almost $45 million. The County has dedicated $8 million and the developer is applying for tax credits to fund the majority of the project.

Background
On September 27, 2021, the City Council held a Study Session to discuss the details of the proposed project to redevelop the site at 525 E. Charleston Road (i.e. Mitchell Park Place). Eden Housing, the project developer, proposed to build a four-story mixed-use project with non-profit office uses and 50 affordable rental apartments. In addition, in discussing the project details, the study session included an anticipated request for a City contribution of $2 million in support of the project. This report is a follow-up to the discussion to commit the $2 million in City funds.

A minimum of 15% of the units will be accessible for the mobility impaired and 10% of the units will have communication features for the visually and/or auditory impaired. Half of the units (25 units) will have a leasing preference for adults with intellectual or developmental disabilities.

The total project cost is estimated to be approximately $45,000,000, which includes $8,000,000 in funds from the County of Santa Clara.

DISCUSSION
The project has already received its land use entitlements. Eden Housing followed a supportive housing expedited permit process as allowed by the Supportive Housing Act (AB 2162). The law requires local entities to streamline the approval of housing projects containing a minimum amount of Supportive Housing by providing a ministerial approval process, removing the requirement for CEQA analysis, and removing the requirement for Conditional Use Authorization or other similar discretionary entitlements. The project was approved on March 8, 2022.

Project Description
Eden Housing proposes to develop the Mitchell Park Place project on a 0.78-acre site (APN 132-06-039). Eden Housing will construct 50 affordable housing units in one four-story building including 2,750 sq. ft. of non-profit commercial space. The proposed unit mix is 37 studios, eight one-bedroom units, and five two-bedroom units. One two-bedroom unit will be reserved for an on-site manager. As a special needs housing project located near frequent transit, no
residential parking spaces are required by the City. However, 19 parking spaces will be provided for the commercial space (11 spaces are required by the City), including three parking spaces with electric vehicle charging infrastructure. Bicycle parking will be provided on site with 50 long-term spaces and seven (7) short-term spaces for a total of 57 bicycle parking spaces.

Supportive service areas include a community lounge with kitchen, support and meeting space, Eden offices, library and tech lounge, and respite rooms.

Eden Housing will construct the improvements and enter into a ground lease of the property. The site is currently improved with a 4,000 square foot, one-story commercial building constructed in 1981 with associated parking areas. The site is covered in impervious surfaces and contains no exposed soil except for small landscaped areas. The site is zoned PF – Public Facilities and the Comprehensive Plan Land Use designation is MISP – Major Institution / Special Facility.

Rents and Occupancy of the Apartments
The maximum rent for each household will be 30% of a household’s income. The project will have units dedicated for a range of incomes from 30% Area Median Income (AMI) to 60% AMI. Below, Table 1 summarizes the type of unit, affordability level, unit mix, and for reference the 2021 CTCAC monthly rent limit for the unit. Please note that the unit affordability mix assumes the CTCAC income and rent limits and is subject to change.

<table>
<thead>
<tr>
<th>PROPOSED AFFORDABILITY MIX*</th>
<th>Units</th>
<th>2021 CTCAC Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extremely Low Income Units @ 30% AMI- studio</td>
<td>13</td>
<td>$870</td>
</tr>
<tr>
<td>Extremely Low Income Units @ 30% AMI- 1 bed</td>
<td>1</td>
<td>$932</td>
</tr>
<tr>
<td>Extremely Low Income Units @ 30% AMI- 2 bed</td>
<td>1</td>
<td>$1,119</td>
</tr>
<tr>
<td>Very Low Income Units @ 50% AMI- studio</td>
<td>13</td>
<td>$1,450</td>
</tr>
<tr>
<td>Very Low Income Units @ 50% AMI- 1 bed</td>
<td>4</td>
<td>$1,553</td>
</tr>
<tr>
<td>Very Low Income Units @ 50% AMI- 2 bed</td>
<td>1</td>
<td>$1,865</td>
</tr>
<tr>
<td>Low Income Units @ 60% AMI- studio</td>
<td>11</td>
<td>$1,740</td>
</tr>
<tr>
<td>Low Income Units @ 60% AMI- 1 bed</td>
<td>3</td>
<td>$1,864</td>
</tr>
<tr>
<td>Low Income Units @ 60% AMI- 2 bed</td>
<td>2</td>
<td>$2,238</td>
</tr>
<tr>
<td>Manager's Unit (2 BR)</td>
<td>1</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>50</strong></td>
<td>****</td>
</tr>
</tbody>
</table>

The overall development cost for the project is estimated to be approximately $45 million. The breakdown of the development budget is listed below in Table 2.

Table 2: Development Budget
Funding sources will include the County, the City of Palo Alto, and tax credits. Please note that the staff also recommends providing approximately $218,669 as a predevelopment loan from the CDBG program in addition to committing the requested funds outlined in the staff recommended Council actions. The CDBG amount is still an estimate since the City has not received its 2022-2023 entitlement amount from HUD. The CDBG amount would be incorporated into the City’s loan agreement. The Council will consider the recommended CDBG allocations separately at its June 20, 2022 meeting.

Table 3: Proposed Project Sources

<table>
<thead>
<tr>
<th>Permanent Funding Sources</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Palo Alto</td>
<td>$2,000,000*</td>
</tr>
<tr>
<td>City of Palo Alto CDBG</td>
<td>$218,669</td>
</tr>
<tr>
<td>CA HCD LHTF</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>County of Santa Clara</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Low-Income Housing (LIH) Tax Credit-LP Capital Contribution</td>
<td>$27,878,205</td>
</tr>
<tr>
<td>Permanent Financing</td>
<td>$2,280,000</td>
</tr>
<tr>
<td>Permanent Financing - leveraging PBVs</td>
<td>$3,521,000</td>
</tr>
<tr>
<td>GP Equity</td>
<td>$100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$44,897,974</strong></td>
</tr>
</tbody>
</table>

*To be adjusted if the City is awarded LHTF program grant funds.

There are sufficient resources in the Affordable Housing Funds (Fund 233 and Fund 234) to support the actions. If the loan and corresponding budget amendment is approved by City Council, staff will execute the budget amendment to allocate the specified funds from the Residential Housing Fund (Fund 233) and Commercial Housing fund (Fund 234) to assist with the development of the project. If the City’s LHTF program grant application is successful, staff will adjust the allocations as per the recommended Council actions.

The development cost for each unit is almost $897,000 per unit. As an example of how the City’s financial contribution would assist the project, the City providing $2 million toward the project is equivalent to providing $44,373 per unit in exchange for 49 deed restricted units of
affordable housing.

**City Affordable Housing Fund Guidelines**
This is a proposed new construction of an affordable housing project serving households earning up to 60% AMI. This is consistent with the City’s Affordable Housing Guidelines.

While the terms of this specific loan will be finalized at a later date, per the Affordable Housing Funding Guidelines, the typical loan terms are a 3% interest rate, deferred, residual receipts, and a 55-year term loan. The loan may be forgiven at Council’s discretion at the end of the loan.

**Local Housing Trust Fund (LHTF) Program**
The LHTF program is a State Housing and Community Development (HCD) funding program. The LHTF program serves as a funding source to already established or new affordable housing trust funds managed by local jurisdictions or other eligible applicants. The effect of the LHTF program is that the funds awarded amplify existing local affordable housing trust fund balances, as discussed in CMR ID #14300.

The deadline to apply for a 2022 LHTF program grant is May 25, 2022. The City has sufficient balances in the Housing Funds that can be used as local matching funds in the City’s LHTF program grant application. 525 E. Charleston meets the affordability targeting proposed for the City’s LHTF program grant application. The LHTF application is competitive so a Council approval on local funding for 525 E. Charleston would increase the competitiveness of the City’s LHTF program grant application. Awarded applications are expected to be announced in August 2022. Staff will coordinate with Eden Housing regarding the dispersal of the funds.

Given the need to make a financial commitment to 525 E. Charleston at this time without knowing if the City will be awarded a LHTF program grant, staff proposes two financial assistance pathways for 525 E. Charleston:

1. Commit a total of $2M for permanent financing loan for 525 E. Charleston, or
2. If the City’s LHTF program grant application is successful, commit $1.5M from Fund 233 for 525 E. Charleston. This $1.5M in Fund 233 would then be used as local matching funds in combination with a LHTF grant disbursement of $1.5M, to increase total financial support to 525 E. Charleston to $3M.

The second financial pathway is necessary to outline, as the City’s LHTF application needs to show documentation of any City pre-approval of any LHTF awarded funds to 525 E. Charleston and the source of local matching funds.
Staff will return to Council to amend the budget to reflect the final funding commitments depending if the LHTF application is awarded.

**Policy Implications**
The City has affordable housing funds available to contribute to a future project. The staff recommended Council actions in this report would set aside funds for the project at 525 E. Charleston Rd. The funds would be distributed in coordination with Eden Housing.

**Resource Impact**
Currently there is sufficient uncommitted balance in the respective housing funds to support either pathway recommended in this report. The recommendation in this report would commit either $2 million or $1.5 million in housing depending on the success of the LHTF application. Staff will return to Council to amend the budget to reflect the final funding commitments.

**Timeline**
This funding commitment from the City is needed for developer’s tax credit application submittal in July 2022. It is expected that additional funding partners will be identified this year. Once established, further development of the financing plan is anticipated.

**Environmental Review**
The commitment of funds does not qualify as a project in accordance of the California Environmental Quality Act (CEQA). In addition, the land use entitlements have already been granted under an expedited project review process under the Supportive Housing Act (AB 2162), which establishes ministerial procedures for the review and approval of the project. Therefore, the project is exempt from CEQA pursuant to Guideline Section 15268.
Summary Title: Local Housing Trust Fund (LHTF) Program Grant Application

Title: Adoption of a Resolution Authorizing a City Grant Application for the State Local Housing Trust Fund Program, Designation of Affordable Housing Funds as Local Matching Funds, Commitment to Targeting the Grant and Local Matching Funds, Approval of Grant Specific Underwriting and Other Financial Standards, and Authorization of City Manager or Designee to Manage the Grant

From: City Manager

Lead Department: Planning and Development Services

Recommendation

Staff recommends that City Council take the following actions in support of the City applying for a State of California Department of Housing and Community Development (HCD) 2022 Local Housing Trust Fund (LHTF) program grant:

1. Adopt the resolution (Attachment A) authorizing submittal of a LHTF program grant application and associated commitments,
2. Designate $2,000,000 of the Residential Housing Fund (Fund 233) as local matching funding for the LHTF program grant, if awarded, and allow this funding to remain in Fund 233 until committed to a LHTF qualifying project,
3. Designate $400,000 of the Residential Impact Fee Fund (Fund 293) as local matching funding for the LHTF program grant, if awarded, and allow this funding to remain in Fund 293 until committed to a LHTF qualifying project,
4. Designate $1,000,000 of the Commercial Housing Fund (Fund 234) as local matching funding for the LHTF program grant, if awarded, and allow this funding to remain in Fund 234 until committed to a LHTF qualifying project,
5. Revert any designation of funds if the LHTF grant is not awarded,
6. Commit to targeting LHTF grant funds and associated dollar-for-dollar local matching funds as described in Table 2 of this report for the development of new affordable
multi-family rental housing units in Palo Alto, making the City’s application more competitive,

7. Approve the LHTF-specific underwriting guidelines and other financing standards (Attachment B) for use in preparation of LHTF-related City finance documents with authorization for the City Manager or designee to administratively review and approve any HCD-requested adjustments, and

8. Authorize the City Manager or their designee from the Planning and Development Services Department to manage the LHTF grant, including submission of the grant application, annual reports, and filing requests to HCD for disbursement of funds.

Executive Summary

This report discusses the City’s proposed 2022 Local Housing Trust Fund (LHTF) program grant application. Receipt of a LHTF program grant award from the state would support Palo Alto’s efforts to provide financial assistance to local affordable housing projects, as any awarded grant funds could be used to match Palo Alto’s local contributions from the City’s Affordable Housing Fund. LHTF awarded grant funds would result in more available financial assistance to current and future affordable housing projects. The LHTF program grant application window is between April 26 and May 25, 2022. Staff needs specific authorization from Council to submit an application, as outlined in the staff recommendations and as explained in this report.

Background

The State of California Department of Housing and Community Development Department (HCD) issued a Notice of Funding Availability (NOFA) on April 5, 2022 for approximately $57 million in funding for LHTF program grants.¹ ² Funding is provided by the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1). Funding provides matching grants to local housing trust funds established by cities and counties, Native American Tribes and incorporated 501(c)(3) nonprofit organizations. Fifteen percent of the funds are reserved for local or regional housing trust funds meeting the definition of “New Local Housing Trust Fund.”

The LHTF program serves as a funding source to already established or new affordable housing trust funds managed by local jurisdictions or other eligible applicants. The effect of the LHTF program is that the funds awarded amplify existing local affordable housing trust fund balances. As an example of program-level support, if a local jurisdiction commits $2M in funding in general at qualifying affordability levels, any awarded LHTF grant could match that $2M to be later distributed to future-identified affordable housing projects. While the minimum application request can be $1M, an applicant having an existing local housing trust fund can

¹ State of California Housing and Community Development Department (HCD) 2022 Local Housing Trust Fund Program Notice of Funding Availability: https://www.hcd.ca.gov/docs/grants-and-funding/lhtf-2022-nofa.pdf
apply for up to $5M in one year. However, that application amount must be supported by a corresponding local match of $5M, documented either through existing trust fund balances and/or legally binding commitments to deposit dollars in the trust fund by a date certain and prior to disbursement of grant funds.

Use of LHTF Grant
Funding is required to be used to provide construction loans and/or permanent financing loans to pay for the construction or rehabilitation of affordable rental housing projects, emergency shelters, permanent supportive housing, transitional housing and affordable homebuyer/homeowner projects. Funding may also be used to assist income-eligible first-time homebuyers to purchase homes and to rehabilitate houses owned by income-eligible occupants, as well as to construct, convert, reconstruct, rehabilitate and/or repair Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs).

LHTF Application Scoring
LHTF program grant applications are highly competitive, given the limited amount of overall LHTF funding from the state. To illustrate, applications are scored upon such factors as:

- **Non-Residential Matching Funds** - the diversity of funding streams going into the local housing trust fund, with higher scores going to funds having public contributions from General Funds, public land donations, and funding not associated with residential in-lieu fees or residential local impact fees,
- **Deeper Income Targeting** - the targeting of deeper levels of affordability beyond minimum program requirements, with higher scores going to projects focused housing units at 30% of the area median income (AMI),
- **Readiness** - local jurisdiction levels of effort to support affordable housing, with higher scores going to jurisdictions with more pipeline projects, and
- **Performance** - local jurisdiction pre-existing funding commitments, with higher scores going to jurisdictions that have already committed at least 40% of any local matching funds.

Discussion
The City of Palo Alto established its first version of its affordable housing trust fund in the 1970s by requiring affordable housing mitigation payments on large industrial and commercial projects under its environmental review authority under the California Environmental Quality Act (CEQA). Over time, the City evolved the affordable housing trust fund to what it is today, referred to as the Affordable Housing Fund.³

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Local Matching Fund Sources and Affordability Targeting
Staff identified that the Residential Housing Fund (Residential Housing Fund 233 and Residential Impact Fee Fund 293) and the Commercial Housing Fund (Fund 234) as the best sources of dollar-for-dollar local matching funds for the LHTF program grant application (Table 1). These local matching funds are already on deposit, which means that the City already meets the requirement that local matching funds be available prior to the disbursement of LHTF funds.

Staff recommends that City Council designate a combined $3.4M of funding for the following LHTF program eligible activity:
- deferred payment permanent financing loans at simple interest rates of no higher than three percent per annum for the development of LHTF program qualifying new affordable multi-family residential rental housing projects.

To have a more competitive LHTF program grant application, staff recommends Council target LHTF grant and local matching funds toward production of rental housing units at deep affordability levels (Table 2):
- A maximum of 70% of funds targeting housing units for residents with incomes at or below 60% of area median income (AMI) and
- A minimum of 30% of funds targeting housing units for residents with incomes at or below 30% AMI.

These new housing units would be income and rent restricted for not less than 55 years, which is consistent with existing City policy. This proposed affordability targeting is outlined in Attachment A, which is a necessary component to the City’s LHTF program grant application. As LHTF funds must be used dollar-for-dollar with local matching funds, Council would retain review of how LHTF funds and City local matching funds would be spent, including on any LHTF qualifying project such as 525 E. Charleston, as discussed in CMR ID # 14281.

Table 1: Affordable Housing Fund Balances Qualifying as LHTF Local Matching Funds

<table>
<thead>
<tr>
<th>Undesignated Balance (as of April 12, 2022)</th>
<th>Proposed LHTF Program Grant Local Matching Funds*</th>
<th>Potential HCD LHTF Program Grant Match**</th>
<th>Remainder Undesignated Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Housing Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4 The CDBG Housing Fund, the HOME Fund, and the BMR Emergency Fund do not currently qualify as local matching funds.
### Residential Impact Fee Fund (Fund 293)

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Up to</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 293</td>
<td>$451,376**</td>
<td>$400,000</td>
<td>$51,376</td>
</tr>
</tbody>
</table>

### Commercial Housing Fund

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Up to</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund 234</td>
<td>$2,451,109***</td>
<td>$1,000,000</td>
<td>$1,451,109</td>
</tr>
</tbody>
</table>

*While it is possible to propose including more of the existing balances in each fund into the City’s LHTF program grant application, staff recommends leaving some balance as undesignated in the event that Council would like to support an affordable housing project that comes in at an affordability level different than those targeted.*

**The amounts listed under Potential HCD LHTF Program Grant Match are the amounts by which the City’s existing Affordable Housing Fund could be matched through LHTF funding.

***Balances in each fund can be used as local matching funds in the City’s LHTF program grant application. These amounts reflect the undesignated balances in each fund before any Council action on 525 E. Charleston discussed in CMR ID # 14281. 525 E. Charleston meets the affordability targeting proposed for the City’s LHTF program grant application, so any Council action on 525 E. Charleston would not negatively affect the City’s application. Instead, Council making a funding commitment to 525 E. Charleston would greatly increase the potential success of the City’s LHTF program grant application.*

Given the need to make a financial commitment to 525 E. Charleston at this time without knowing if the City will be awarded a LHTF program grant, staff proposes two financial assistance pathways for 525 E. Charleston in CMR ID # 14281:

1. Commit a total of $2M for permanent financing loan for 525 E. Charleston, or
2. If the City’s LHTF program grant application is successful, commit $1.5M from Fund 233 for 525 E. Charleston. This $1.5M in Fund 233 would then be used as local matching funds in combination with a LHTF grant disbursement of $1.5M, to increase total financial support to 525 E. Charleston to $3M.

The second financial pathway is necessary to outline, as the City’s LHTF application needs to show documentation of any City pre-approval of any LHTF awarded funds to 525 E. Charleston and the source of local matching funds.
Table 2: LHTF Minimum Targeted Affordability Level Requirements and Staff Proposed Competitive Targeted Affordability Levels

<table>
<thead>
<tr>
<th></th>
<th>LHTF Program Grant Minimum Targeted Affordability Level Requirements</th>
<th>Staff Proposed LHTF Program Grant Competitive Targeted Affordability Levels</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Moderate Income (MOD)</strong></td>
<td>Required Maximum of 20% of funds</td>
<td>Proposed 0% of funds</td>
</tr>
<tr>
<td>≤120% of the Area Median Income (AMI)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Low Income (LI)</strong></td>
<td>Remainder % of funds not expended on Moderate Income or Extremely Low Income</td>
<td>Proposed maximum of 70% of funds targeting housing units for residents with incomes at or below 60% of AMI</td>
</tr>
<tr>
<td>50% to 80% of the Area Median Income (AMI)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Very Low Income (VLI)</strong></td>
<td>Required Minimum of 30% of funds</td>
<td>Proposed minimum of 30% of funds targeting housing units for residents with incomes at or below 30% AMI</td>
</tr>
<tr>
<td>30% to 50% of the Area Median Income (AMI)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Extremely Low Income (ELI)</strong></td>
<td>Required Minimum of 30% of funds</td>
<td></td>
</tr>
<tr>
<td>15% to 30% of the Area Median Income</td>
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</tbody>
</table>

Additional LHTF Program Grant Requirements

The LHTF program grant application requires the City to clarify if LHTF grant funds would cover administrative services. Consistent with the management of the City’s overall Affordable Housing Fund, grant funds would not be used to cover administrative services; existing staff administrative duties for the Affordable Housing Fund can absorb the LHTF administrative duties.

The LHTF program grant requires all local matching funds to be disbursed with specific loan guidelines and underwriting, administration, reporting, and other financial standards. Staff prepared LHTF program-specific Loan Guidelines and Underwriting Standards and Procedures (Attachment B) to support those already in the City of Palo Alto Affordable Housing Fund.
Guidelines. The City Attorney’s Office, Administrative Services Department, and Planning and Development Services Department have all reviewed these guidelines and standards and have determined that City administration and financial documents can comply. Submission of these guidelines and standards is a required component of the LHTF program grant application, though HCD reserves that they might request clarification or elaboration as part of the application review process. In this case, staff included a request in the staff recommendation for Council to approve authority for the City Manager or designee to administratively review and approve any updates to the LHTF-specific standards in Attachment B.

All LHTF program grant applicants must have an adopted Housing Element found by HCD to be in compliance with state Housing Element law by the time awards are announced in August 2022. Applicants must have also submitted their Annual Progress Report on the Housing Element for the 2021 Calendar Year by the application deadline of May 25, 2022. The City already complies with these requirements.

**Policy Implications**

The City’s adopted Housing Element Program H3.1.11 states that Housing Funds shall provide a strong preference for affordable housing that serve the Extremely Low Income (ELI) level and the Very Low Income (VLI) level. Staff proposes that Council target any awarded LHTF grant funds and associated dollar-for-dollar local matching funds toward development of new multi-family rental housing units in Palo Alto at the levels of affordability as described in Table 2. Applying for the LHTF program grant assists the City in targeting these more costly to create housing units. In addition, Housing Work Plan task 4.2 selects project for funding that maximize the use of the City’s funds for development of new affordable units. Application to the LHTF program is consistent with this task.

**Resource Impact**

The resource impact of the recommendations in this report is the opportunity to substantially increase funding available to support the development of affordable housing in the City of Palo Alto. There is no additional expense associated with filing a LHTF program grant application; any award of LHTF program grant funds would supplement existing balances in the City’s existing Affordable Housing Fund with a dollar-for-dollar match. The LHTF program grant does not influence in-lieu or development impact fees collected in association with entitlements. Staff time necessary to administer the existing Affordable Housing Fund program is budgeted in the General Fund and sufficient staffing resources are available in the FY 2022 Adopted Operating Budget and FY 2023 Proposed Operating Budget to support the LHTF grant application and administration, should the grant be awarded. Staff will need to provide

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documentation of ongoing revenues into the City’s Affordable Housing Fund as part of the LHTF program grant application, but this information does not restrict future fund balances; it only shows that the City’s Affordable Housing Fund operation is consistently sustained. Should the grant be awarded, staff will return to the City Council to amend the budget by recognizing and appropriating the revenue and corresponding expense prior to the dispersal of funding to corresponding projects.

**Timeline**
Council action on all the staff recommendations is needed at the May 24, 2022 Council meeting for the City Manager to be authorized to submit a LHTF program grant application by the deadline of May 25, 2022. Award announcements are anticipated in August 2022. If awarded, the City would need to enter into a Standard Agreement with HCD and execute within 30 days. If awarded, the City would also need to submit disbursement requests to HCD for LHTF program qualifying projects that were approved by City Council for funding commitments from the Affordable Housing Fund.

**Environmental Review**
Submission of a LHTF program grant is not considered a project under the California Environmental Quality Act.

**Attachments:**
- Attachment9.a: Attachment A: Local Housing Trust Fund (LHTF) Program Grant Application Resolution (PDF)
- Attachment9.b: Attachment B: LHTF-Specific Loan Guidelines and Underwriting Standards and Procedures (DOCX)
Resolution No. ____
Resolution of the Council of the City of Palo Alto Authorizing Application for and Receipt of 2022 California Department of Housing and Community Development Local Housing Trust Funds

RECITALS

A majority of the council members of the City of Palo Alto ("Applicant") hereby consents to, adopts and ratifies the following resolution:

A. WHEREAS, the Department is authorized to provide up to $57 million under the Local Housing Trust Fund ("LHTF") Program from the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1) (as described in Health and Safety Code section 50842.2 et seq. (Chapter 365, Statutes of 2017 (SB 3)) ("Program").

B. WHEREAS the State of California (the "State"), Department of Housing and Community Development ("Department") issued a Notice of Funding Availability ("NOFA") dated 4/5/2022 under the LHTF Program;

C. WHEREAS Applicant is an eligible Local or Regional Housing Trust Fund applying to the Program to administer one or more eligible activities using Program Funds.

D. WHEREAS the Department may approve funding allocations for the LHTF Program, subject to the terms and conditions of H&S Code Section 50842.2, the LHTF Program Guidelines, NOFA, Program requirements, the Standard Agreement and other related contracts between the Department and LHTF award recipients;

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

SECTION 1. If Applicant receives an award of LHTF funds from the Department pursuant to the above referenced LHTF NOFA, it represents and certifies that it will use all such funds on Eligible Projects in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including, without limitation, all rules and laws regarding the LHTF Program, as well as any and all contracts Applicant may have with the Department ("Eligible Project").

SECTION 2. NOW, THEREFORE, IT IS RESOLVED: That the City of Palo Alto is hereby authorized to act as the manager in connection with the Department's funds to Eligible Projects pursuant to the above described Notice of Funding Availability in an amount not to exceed $3.4 million (the "LHTF Award"). NOTE: Dollar amount must include amount used for administrative costs, pursuant to Section 105(b) of the Guidelines.
SECTION 3. Applicant hereby agrees to match on a dollar for dollar basis the LHTF Award pursuant to Guidelines Section 104. Applicant hereby agrees to utilize matching finds on a dollar-for-dollar basis for the same Eligible Project for which Program Funds are used, as required by HSC Section 50843.5(c).

SECTION 4. Pursuant to Attachment 1 and the Applicant’s certification in this resolution, the LHTF funds will be expended only for Eligible Projects and consistent with all program requirements.

SECTION 5. Nonprofit Housing Trust Funds and Native American Tribe Housing Trust Funds agree to use Program Funds only for Eligible Projects located in cities and counties that submitted an adopted Housing Element that was found by the Department to be in compliance and that have submitted their Housing Element Annual Progress Report (APR) for the current year or prior year by the application due date.

SECTION 6. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, H&S Section 50842.2 and LHTF Program Guidelines.

SECTION 7. The City’s Director of Planning and Development Services is/are authorized to execute the LHTF Program Application, the LHTF Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the LHTF Award to Applicant, as the Department may deem appropriate.
SECTION 8. The Council finds that the adoption of this resolution does not meet the definition of a project under Public Resources Code Section 21065, thus, no environmental assessment under the California Environmental Quality Act is required.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

__________________________   _____________________________
City Clerk       Mayor

APPROVED AS TO FORM:       APPROVED:

__________________________   _____________________________
Assistant City Attorney    City Manager
ATTACHMENT 1

The Applicant hereby agrees to match on a dollar for dollar basis the LHTF Award pursuant to Guidelines Section 104. Applicant hereby agrees to utilize matching finds on a dollar-for-dollar basis for the same Eligible Project for which Program Funds are used, as required by HSC Section 50843.5(c).

All (100%) of the City Council designated local matching funds from the Affordable Housing Fund and LHTF program grant funds shall be used for only one LHTF eligible activity: deferred payment permanent financing loans at simple interest rates of no higher than three percent per annum for the development of LHTF program qualifying new affordable multi-family residential rental housing projects that produce housing units at the following affordability levels: A maximum of 70% of funds targeting housing units for residents with incomes at or below 60% of area median income (AMI) and a minimum of 30% of funds targeting housing units for residents with incomes at or below 30% AMI. These housing units would be income and rent restricted for not less than 55 years. LHTF program grant funds would not be used to cover administrative services.

All local matching funds and LHTF program grant funds would be delivered and used within the City of Palo Alto.
Local Housing Trust Fund Program

Loan Guidelines and Underwriting Standards and Procedures

May 23, 2022

Local Housing Trust Fund Underwriting, Administration, and Reporting Requirements:

Per Section G of the California Department of Housing and Community Development 2022 Local Housing Trust Fund NOFA, the City acknowledges that it must comply with the underwriting and loan requirements of Guidelines, Section 107, the administrative requirements of Sections 108 and 109 (b), and the reporting requirements of Section 112 of the Local Housing Trust Fund Program Final 2020 Guidelines.
### Transaction Underwriting Guidelines

#### Multifamily Rental Housing Transaction Underwriting Guidelines (“Underwriting Guidelines”)

#### Part I: Applicant Thresholds

<table>
<thead>
<tr>
<th>Developer Qualification/Disqualification</th>
<th>An applicant seeking a Fund subsidy must meet the following qualifications listed below. If the developer entity is a joint venture, the leading developer must meet the required qualifications listed below. If the developers equally share the partnership interest, both developers must qualify.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>A developer must have experiences within the last five years in developing and owning affordable housing projects that are similar in size, scale, tenure, type, target population and complexity (both from a physical and financial standpoint) to the one being proposed.</td>
</tr>
<tr>
<td>2.</td>
<td>A developer will be required to disclose whether it, any of its principals, or any affiliated entity, has been an adverse party in litigation involving any county, city, redevelopment agency or other public entity within the past ten years.</td>
</tr>
<tr>
<td>3.</td>
<td>A developer will be required to disclose all judgments and outstanding claims against it, its principals or any affiliated entity, involving, but not limited to, defaults on financial obligations, construction safety, landlord/tenant disputes, or negligence.</td>
</tr>
<tr>
<td>4.</td>
<td>A developer will be required to disclose that it, any of its principals, or any affiliated entity, has filed for bankruptcy at any time within the past ten years.</td>
</tr>
<tr>
<td>5.</td>
<td>A developer must demonstrate its experiences in gaining support from respective communities for its affordable housing projects.</td>
</tr>
<tr>
<td>6.</td>
<td>Applications are not accepted from entities that have been notified that they are not in compliance with their current obligations on any loans issued by the City of Palo Alto or the Fund. Noncompliance, at the discretion of the Fund, may consist of any monetary or non-monetary provisions, such as failure to submit required financial statements in a timely manner, failure to comply with the requirements of the regulatory agreement, including but not limited to resident service and property management obligations, and failure to correct in a timely manner any building deficiency noted by any government agency.</td>
</tr>
<tr>
<td>7.</td>
<td>The entities comprising the applicant must not have received negative points from the California Tax Credit Allocation Committee (CTCAC) or the California Debt Limit Allocation Committee (CDLAC) within the past year.</td>
</tr>
<tr>
<td>8.</td>
<td>If the applicant is seeking 9% tax credits, the applicant entity must meet the standard for maximum general partner experience points under California Qualified Allocation Plan.</td>
</tr>
<tr>
<td>9.</td>
<td>The applicant is willing to designate a principal available through the entire course of development and construction of the project if the developer track record relies on that principal.</td>
</tr>
<tr>
<td>10.</td>
<td>The Fund reserves the right to deny funding assistance to any applicant on the basis of the information provided by said disclosures.</td>
</tr>
</tbody>
</table>
## Part II: Eligibility

### Eligible Projects
- Eligible projects are new affordable multi-family rental developments including mixed income developments and mixed-use projects that target the following affordability levels:
  - A maximum of 70% of funds targeting housing units for residents with incomes at or below 60% of area median income (AMI) and
  - A minimum of 30% of funds targeting housing units for residents with incomes at or below 30% AMI.
- These housing units would be income and rent restricted for not less than 55 years.

### Ineligible Projects
- The Fund will not provide funds for applicants proposing housing types that are in violation of Federal or State fair housing laws.

### Eligible Applicants
- Applications are accepted from non-profit and for-profit housing corporations, joint ventures, limited liability companies, partnerships, and local governmental entities that have met the Applicant Thresholds. All applicants seeking a Fund loan must include a nonprofit managing general partner.

### Eligible Uses of Funds
- To provide take-out financing at construction loan closing for normal and customary pre-development and acquisition related expenses, and to fund normal and customary construction expenses. The Fund will determine, in its sole discretion, costs deemed excessive or unreasonable, or uses deemed ineligible.
- Project contingencies must be included at the following minimum levels: new construction hard costs of 5% to 10%; soft costs of 3% to 5%.

### Ineligible Uses of Funds
- Costs associated with construction items or materials of a luxury nature; developer/sponsor administrative costs (other than included in the developer fee).

### Eligible Households
- Households must have incomes at or below 60% of area median income and may include households with special needs. The Fund uses the income limits set by the US Department of Housing and Urban Development (HUD) and the California Tax Credit Allocation Committee (CTCAC) to define extremely low, very low, low, and moderate income households. These income limits are used for most federal, state and local housing programs. They are also used for targeting affordable housing units in local housing elements.

## Part III: Project Priorities and Location and Design Guidelines

### Project Priorities
- Specific project targets and criteria may be adopted by the Fund periodically in response to evolving housing challenges and needs that are identified and adopted by the governing body of the Fund. Currently, the funding focus is:
  - A maximum of 70% of funds targeting housing units for residents with incomes at or below 60% of area median income (AMI) and
  - A minimum of 30% of funds targeting housing units for residents with incomes at or below 30% AMI.
Projects will be evaluated with respect to criteria that are consistent with Fund goals and policies. In addition, projects that provide the following will be viewed favorably and when compared against other projects:

1. Projects that provide the greatest benefit per dollar of funds spent.
2. Rental projects that have other funding sources identified and committed.
3. Rental projects which benefit the highest percentage of extremely low, very low, and low income persons, provide the lowest rents, or will maintain longer periods of affordability.
4. Rental projects that use program funds as a match or leveraging tool to stimulate the use of conventional and below-market resources, including tax credits, state and federal funding programs, and/or other funding sources.

### Design Guidelines

1. Site and building design. With the exception of projects eligible for ministerial approval or a streamlined entitlement process, all projects will be subject to the City’s architectural review process outlined in the Municipal Code.

### Livability Standards

The Fund’s provision of affordable housing financing is a long-term investment. Underwriting includes assuring that each development will be well-designed and well-constructed to provide decent, safe affordable housing over the long term for a population that does not have a wide range of housing choices.

The quality and marketability of any housing unit is affected by its size and the livability of the space including the space’s ability to accommodate the potential number of occupants and the necessary furniture. A larger unit does not guarantee the successful accommodation of a particular furniture layout over a more efficiently laid out smaller one.

### Leasehold Security

In any Project where the Sponsor proposes to control the Project land through a long-term ground lease, either:

1. The Regulatory Agreement and other Program documents shall be recorded against both the Sponsor’s interest in the Project and the fee interest in the land, and the lease shall have a term remaining at the time of recordation at least equal to the term of the Program loan or grant; or
2. If the Regulatory agreement and other Program documents are not recorded against the Project’s fee interest, the ground lease shall be subject to the Department’s approval, must not be subject to any other mortgages, regulatory agreements, use restrictions, or equivalent instruments on the fee interest, and shall contain, or be amended to contain, provisions which:

   - Establish a remaining term of at least ninety (90) years from the date the Department documents are recorded, provided that the Department may accept a lesser term, not less than 65 years, when the lessor is a public agency;
   - Ensure the validity of the lien of the Program loan and/or grant documents on the lease;
   - Ensure that the lease permits the Project to satisfy all Program requirements and permit the Department to enforce the provisions of the Program loan and/or grant without restriction;
(D) expressly consent to the lessee’s assignment of the lease to the Department without further consent of the lessor, and permit the Department, after acquisition of the leasehold property, to transfer or assign the lease to a third party without consent of the lessor.

(E) provide that the lessor does not have the right to terminate the lease or accelerate the rent upon lessee’s breach without first giving the lessee and the Department reasonable notice and opportunity to cure within a reasonable period;

(F) provide that no termination, modification, or amendment to any terms of the lease shall be effective without the written consent of the Department, and any attempt to take such actions would be void without the Department’s consent;

(G) require that, in the event of destruction of any improvements on the land, neither the lessor nor the lessee shall terminate the lease if and so long as the lessee or Department pursues reconstruction of the improvements with reasonable diligence;

(H) provide that the Department shall not have any liability for the performance of any of the obligations of lessee under the lease until the Department has acquired the leasehold interest, and then only in accordance with the terms of the lease and only with respect to obligations that accrue during the Department’s ownership of the leasehold interest;

(I) provide that neither the lessor nor the lessee, in the event of bankruptcy by either, will take the benefit of any provisions in the United States Bankruptcy Code that would cause the termination of the lease or otherwise render it unenforceable in accordance with its terms;

(J) provide that the leasehold interest will not merge into the fee in the event that the lessee acquires the reversionary interest in the Project; and

(K) provide that acquisition of the leasehold property by the Department will not result in a termination of the leasehold; and upon such event, obligate the lessor to enter into a new lease having a term at least as long as the term remaining on the lease prior to acquisition by the Department and on substantially the same terms and conditions.

Parking

In addition to providing the number of parking spaces required for the project by the Municipal Code, special consideration should be given to security issues and safety elements for parking, including, but not limited to, pedestrian entrance and exits, lighting, open stairwells with clear visibility on each floor landing, and other design elements to ensure the tenant's/public's safety and well-being.

Accessibility requirements

The Fund expects the developer to be familiar with and comply with accessibility provisions of state and federal law. Information on federal requirements may be obtained from the U. S. Department of Housing and Urban Development and on state requirements may be obtained from the State of California Building Standards Commission.

A. Development Team Underwriting and Qualifications

Developer Experience

Applicants must meet Applicant Thresholds. In addition, when applicable, applicant team shall have a demonstrated successful track record in providing social services to the targeted population, and adequate capacity to provide social services, or shall contract with a service provider who does. This track record should be evidenced by documentation on project staffing levels, annual social service budget, sources of funds, types of services provided and contracts/agreements with third party service providers at existing projects.
<table>
<thead>
<tr>
<th>Staffing and workload levels</th>
<th>Pipeline, Staffing and Workload Levels</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Applicant shall identify proposed project manager committed to the project.</td>
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<tr>
<td>2. Applicant shall identify current project pipeline including type of project, location, number of units and status.</td>
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<tr>
<td>3. Applicant shall identify the number of project managers on staff and the average number of current projects per project manager. Applicant shall also describe the how project management is structured within their organization.</td>
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</tr>
</tbody>
</table>

| Funding Ability/Financial Strength | 1. The borrower’s capacity and financial strength are very important considerations when evaluating whether an affordable housing project will be successful. The Fund reviews the borrower’s financial statements and/or tax filings for at least the past three years plus the current year to date to evaluate whether there is sufficient income, equity and cash flow to undertake, carry out and successfully complete the proposed project. Co-borrowers and guarantors will be considered in this evaluation. |
|-----------------------------------| 2. Developer may be asked to demonstrate that it has met the financial guarantee requirements of any lenders and investors as may be required for the project to obtain the anticipated funding. |

**B. Other Development Team Members**

**General Contractor**

It is recommended that the applicant involve the proposed GC as early as possible during the project design stage. The Fund’s expectation is that the selected GC has relevant experience working on housing of a similar design to the project being proposed, and it is highly desirable that the developer have previous experience working with the proposed GC. Experience in projects with similar funding source types, such as Federal, state or local assistance is desirable, but not mandatory.

**Architect**

The project architect must have design experience with at least three recent and similar projects as the proposed project. The architect must show experience in similar construction types and similar project complexities as the proposed project. Experience in projects with similar funding source types is desirable, but not mandatory.

**Property Manager**

The sponsor will include the property management company on the development team during the project design phase. The qualification of the firm should be submitted with the Pre-Application. The Fund reserves the right to approve or disapprove the property management company, management plan, and lease agreement as part of the Pre-Application and/or Full Application process and upon any subsequent change, and annually monitors all projects for occupancy, affordability, management, and social service requirements.

Subject to investor and senior lender approval, the Fund reserves the right to require the management company be changed if the Fund determines the management company is not following policies and procedures specified in the approved management plan, lease agreement, or regulatory documents.
### Financial Advisor/Consultants

Financial consulting fees must not exceed $150,000 and should be dependent upon the size and complexity of the project. Specific consulting services include: preparation of tax credit applications; preparation of Fund applications and other public agency applications; preparation of Affordable Housing Program (AHP) applications and applications for conventional financing, as well as provision of general development services such as the selection and coordination of the development team; loan documentation; and, processing local approvals and entitlements. Fees required for construction management are not included in this category.

---

### Part V: Project Underwriting Guidelines

#### A. Fund Debt – Terms and Conditions

1. **Loan Terms**

   a. **Method of Financial Assistance**

      Permanent Loans

   b. **Loan Sizing**

      1. The loan amount shall not exceed the difference between total development cost and the maximum potential equity and debt raised from private and public sources other than the Fund. Fund staff shall determine the financial gap based on review of the application.

      2. In order to serve the widest array of projects in the City and to be as efficient as possible in providing affordable housing units, and to also protect investors and users from unnecessary risk, the Fund will generally limit the size of its loans based on maximum loan amounts per unit and/or per bedroom.

      The maximum amount could be determined through an economic analysis of the project to ascertain the necessary funding required to achieve housing affordability. Comparable projects will be used as one indicator, along with consideration of the unit size, number of bedrooms, affordability level, length of affordability, availability of other subsidies, and local or regional project costs.

   c. **Interest Rate**

      3.0% simple interest when developer has ability to repay Fund loan.

      0% if proposed use/operation has no income source for repayment; special needs developments may be offered the possibility of debt forgiveness tied to years of service provision. For example, a project with 20-year restrictions could be offered 5% debt forgiveness per year for each year of meeting the project’s housing and service obligations.

   d. **Loan Term**

      55 years from conversion of permanent financing; this loan term will run in the range of 55 to approximately 57 years.
e. Loan Repayment

Determined on a project-by-project basis. Standard recommendation:

- Years 1-30: Fund/Developer 50/50 split of residual receipts; will be extended to 40 years if term debt is 40 years. Years 31-55: Fund/Developer 50/50 split of residual receipts
- Balance due at Year 56

Fund portion of residual receipts may be shared with other public agencies in proportion to the respective loan amounts committed by each public agency.

h. Draw Requests

Provided on a monthly basis or as needed.

i. Performance Bonds

Performance bonds may be required at the Fund’s discretion.

j. Reporting

Developer to provide Fund with copies of monthly construction inspection reports and draw reports provided to construction lender(s).

k. Cost Savings

To the extent that there are Excess Sources (as hereafter defined), the applicant (and at this future point in time will then be the “Borrower”) shall make a special payment to the Fund within thirty (30) days of receipt by the Borrower of either (i) the approved final cost certification relating to the development, and (ii) the final equity payment from the Borrower’s limited partner, whichever is later to occur. The amount of the special payment shall be the lesser of (x) the outstanding principal balance of the Fund loan, plus accrued interest, and (y) Excess Sources. For the purposes of these Underwriting Guidelines, “Excess Sources” shall be defined as the amount by which the funding sources actually available to Borrower for acquisition and new construction and/or rehabilitation of the development exceed the actual aggregate cost for the acquisition and new construction and/or rehabilitation of the development, as such sources are determined by the final cost certification. Such payment shall be applied first to accrued interest, and then to outstanding principal.

For projects using both State and City funding, the Excess Sources would be shared between City on a pro rata basis.

3. Affordable Housing Provisions

a. Term of Deed Restrictions

The Fund places a strong priority on financing projects that provide permanently affordable housing units. Consideration will be given to units with affordability restrictions that expire at some future date, but they should remain affordable for the longest possible time, and at a minimum for a term of 55 years.

b. Eligible Households

See Eligibility section.
### B. Private Permanent Financing – Terms and Conditions

<table>
<thead>
<tr>
<th><strong>1. Debt Service Coverage Ratio</strong></th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>4% LIHTC:</td>
<td>1.15</td>
</tr>
<tr>
<td>9% LIHTC:</td>
<td>1.15</td>
</tr>
<tr>
<td>Maximum:</td>
<td>1.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>2. Loan to Value</strong></th>
<th>Maximum 90% LTV. 80% LTV or less preferred. Subject to industry standards.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>3. Loan Term</strong></th>
<th>30-40 years (Shorter loan terms may apply subject to constraints imposed by State and Federal financing sources.)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>4. Interest Rate</strong></th>
<th>4% LIHTC: 100-300 basis points below conventional industry lending rates 9% LIHTC: Conventional industry lending rates The interest rate on the hard debt must be competitive with the prevailing market interest rate for similar financing structures with similar risk characteristics.</th>
</tr>
</thead>
</table>

### C. Cash Flow Projections (including Annual Reserves, Services and Fees)

<table>
<thead>
<tr>
<th><strong>1. Positive Cash Flow</strong></th>
<th>The Project must demonstrate a positive cash flow for 15 years, using income and expenses increase rate assumptions specified in California Code of Regulations, Title 4, Section 10327. The City may consider special circumstances in which the project is unable to show a 15-year positive cash flow.</th>
</tr>
</thead>
</table>

**2. Income**

<table>
<thead>
<tr>
<th><strong>a. Rent Inflation Factor</strong></th>
<th>2.5% annually (adjusted to industry standard annually).</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>b. Other Income - Description and Justification</strong></th>
<th>The applicant should show the details of any miscellaneous income expected to be generated from the project. This income could include laundry machine income, storage, or other non-housing related income sources.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>c. Other Income Inflation Factor</strong></th>
<th>Not to exceed rent inflation factor and justification of inflation factor to be provided.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>d. Lease-up Income</strong></th>
<th>Lease-up income is defined as cash flow from the project operations prior to the conversion of the primary construction loan to a permanent loan. Lease-up income should not be shown as a source of funds for budgeting purposes; however, borrower must submit details of lease-up income amounts prior to conversion to permanent loan.</th>
</tr>
</thead>
</table>

**3. Expenses**

<table>
<thead>
<tr>
<th><strong>a. Operating Expenses</strong></th>
<th>Operating expenses must meet the minimum standards set by CTCAC, and must not exceed the industry standards.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>b. Vacancy Rates</strong></th>
<th>5% unless subject to other minimum standards set such as CTCAC.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>c. Operating Expense Inflation Factor</strong></th>
<th>3.5% annually: The proforma operating expenses (excluding property taxes and replacement reserves) should not be inflated by less than one percent (1%) higher than the proforma revenues.</th>
</tr>
</thead>
</table>
### d. Replacement Reserves

Minimum replacement reserves should be consistent with California Tax Credit Allocation Committee (CTCAC), California Debt Limit Allocation Committee (CDLAC), California Department of Housing and Community Development (HCD), and/or California Housing Finance Agency (CalHFA) requirements, as appropriate. In the absence of senior lender requirements, the Fund will require replacement reserves consistent with CTCAC standards.

The Fund will require an annual audited financial statement including the balance, deposits, and withdrawals from the replacement reserve account. If the senior lender and/or tax credit investor does not require approval of withdrawals, the Fund shall reserve the right to approve.

Limited partners cannot take reserve accounts upon exit.

For new construction or conversion Projects, the initial amount of annual deposits to the replacement reserve account shall be equal to at least the lesser of 0.6% of estimated construction costs associated with structures in the Project, excluding construction contingency and general contractor profit, overhead and general requirements, or $500 per unit. However, the Department may approve a different amount based on the results of a third-party reserve analysis, which it may require, or other reliable indicators of the need for replacement reserve funds over the initial 20 years of operation, or, in the case of transactions involving restructuring of existing Department loans, 20 years of operations after the restructuring.

Applicants must provide evidence that the replacement reserves levels are appropriate to the development project. City of Palo Alto has particular concerns that the levels of replacement reserves for small new construction projects be adequate to make future capital repairs, and may require higher than usual reserves levels for small new construction projects (i.e., projects under 20 units).

### e. Operating Reserves

Minimum operating reserves should be consistent with CTCAC, CDLAC, HCD, and/or CalHFA requirements, as appropriate. In the absence of senior lender requirements, the Fund will require operating reserves consistent with CTCAC standards.

The Fund may require an annual audited financial statement including the balance, deposits, and withdrawals from the operating reserve account. If the senior lender and/or tax credit investor does not require approval of withdrawals, The Fund shall reserve the right to approve.

For projects with project-based assistance and/or other operating subsidies that are renewable or terminate prior to the end of the Fund loan, reserves in excess of the CTCAC requirements may be required.

Limited partners cannot take reserve accounts upon exit.

### f. Private Construction and Term Lender Fees

Total lender costs should be in the range of 1% to 3% of the loan amount for 9% LIHTC projects, and 4% to 8% for 4% LIHTC projects.
### Loan Guidelines and Underwriting Standards and Procedures

*NOT YET APPROVED*

<p>| | |</p>
<table>
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<tr>
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<tbody>
<tr>
<td><strong>g. Property Tax Increases</strong></td>
<td>2% annually (except for tax-exempt organizations). Payment In-Lieu of Taxes (PILOT) fee to be considered on a case-by-case basis. Developers/owners of projects with units restricted to households at 80% of area median income or less shall attempt to qualify for the property tax welfare exemption from the California Board of Equalization. In such cases, a nonprofit general partner of a limited partnership submits a certification that the limited partnership agreement provides sufficient management authority and duties to qualify the nonprofit general partner as managing general partner. If an exemption is not contemplated, the Fund may request that the borrower consider submitting an application in order to make the project feasible.</td>
</tr>
<tr>
<td><strong>h. Limited Partner Asset Management Fee</strong></td>
<td>Paid during years 1-15 from project cash flow after debt service prior to payment of a deferred developer fee or distribution of residual receipts. Potential range at Year 1: $5,000 - $7,500 or industry standard. May escalate annually at the minimum of CPI or 3.5%.</td>
</tr>
<tr>
<td><strong>i. General Partner Asset Management Fee</strong></td>
<td>Paid during years 1-55 from project cash flow after debt service and payment of deferred developer fee before distribution of residual receipts. Potential range at Year 1: $30,000-$35,000 May escalate annually at the minimum of CPI or 3.5%.</td>
</tr>
<tr>
<td><strong>j. Incentive Management Fee</strong></td>
<td>Incentive management fees may be permitted on a case-by-case basis.</td>
</tr>
</tbody>
</table>

### 4. Developer Compensation from Cash Flow

<p>| | |</p>
<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a. Deferred Developer Fee</strong></td>
<td>Second draw on cash flow. Subject to repayment with interest within 15 years from date in service.</td>
</tr>
<tr>
<td><strong>b. Other Developer Compensation</strong></td>
<td>Any other proposed developer compensation shall be evaluated on a case-by-case basis.</td>
</tr>
</tbody>
</table>

### 5. Social and Supportive Services Budget

Evaluated on a case-by-case basis. Budgets are to be accompanied by detailed explanations of costs.

### D. Developer Compensation and Requirements

<p>| | |</p>
<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Developer fees</strong></td>
<td>Maximum developer fee should be consistent with California Tax Credit Allocation Committee (CTCAC), California Debt Limit Allocation Committee (CDLAC), California Department of Housing and Community Development (HCD), and/or California Housing Finance Agency (CalHFA) requirements, as appropriate.</td>
</tr>
<tr>
<td><strong>Deferred Developer Fee</strong></td>
<td>Deferred developer fee should be consistent with California Tax Credit Allocation Committee (CTCAC), California Debt Limit Allocation Committee (CDLAC), California Department of Housing and Community Development (HCD), and/or California Housing Finance Agency (CalHFA) requirements, as appropriate.</td>
</tr>
</tbody>
</table>
### E. Other Financing Sources – Terms and Conditions

<table>
<thead>
<tr>
<th><strong>Maximum Leverage Required</strong></th>
<th>It is expected that the applicant will leverage all available outside funding sources to the greatest extent possible to minimize the Fund’s gap funding. During the earliest stages of the project development, the applicant is strongly encouraged to explore as many outside funding sources as possible. The applicant should provide to the Fund evidence of their activities in soliciting proposals from the various funding sources and/or detailed information supporting their funding assumptions.</th>
</tr>
</thead>
</table>

### F. Tax Credit Equity Commitment

<table>
<thead>
<tr>
<th><strong>Applicants</strong></th>
<th>Applicants are encouraged to actively solicit bids from prospective tax credit equity investors.</th>
</tr>
</thead>
</table>

### G. Exceptions to Guidelines

<table>
<thead>
<tr>
<th><strong>Exceptions</strong></th>
<th>Exceptions to the Fund’s underwriting policies will be granted in situations if staff concludes a waiver is appropriate and approves the request. Requests for exceptions must be submitted by the applicant in writing. It shall be at staff’s sole discretion to determine the appropriateness of the request.</th>
</tr>
</thead>
</table>

### H. Commercial Space Underwriting Guidelines

<table>
<thead>
<tr>
<th><strong>Guidelines</strong></th>
<th>To be determined on a case-by-case basis and subject to industry standards.</th>
</tr>
</thead>
</table>

### Part VI: Third Party Reports

#### Appraisals

All appraisers must be state-certified MAI appraisers who do not have an identity of interest with any member of the development team or sponsor. Appraisals must be prepared no earlier than six months prior to the date of the land or building’s purchase contract, or if land or buildings have not been purchased, no earlier than six months prior to the Fund application date. Appraisals prepared for the project’s lender(s) may be accepted with Fund’s approval. Appraisals are to be submitted as soon as possible, but no later than two months before the projected closing date of the Fund loan and/or the construction loan. Appraisals for rehabilitation projects must include “as-is” and “post rehabilitation” values. Appraisals for new construction must include a land valuation and completed value. The property value shall be based on an appraisal that takes restricted rents and the value of below-market financing and tax credits into consideration, as applicable.

The appraisal must be commissioned by the senior lender or by the Fund, funded through project costs, and performed by a reputable agency that is acceptable to the Fund. The appraisal must address unit type demand at the submarket level (or other geographic area if deemed more appropriate), and must provide unit comparables of other restricted affordable apartments. The valuation methodology should assess:
<table>
<thead>
<tr>
<th><strong>Loan Guidelines and Underwriting Standards and Procedures</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>• Value of unimproved land</strong></td>
</tr>
<tr>
<td><strong>• Value as-improved without rent restrictions</strong></td>
</tr>
<tr>
<td><strong>• Value as-improved with restricted rents</strong></td>
</tr>
<tr>
<td><strong>• Value of below-market financing</strong></td>
</tr>
<tr>
<td><strong>• Value of tax credits</strong></td>
</tr>
<tr>
<td><strong>• Value of commercial space, if any.</strong></td>
</tr>
</tbody>
</table>

The Fund should be consulted in determining the scope of appraisal to ensure it meets the County’s underwriting needs. As Palo Alto’s real estate market can change rapidly, an update for appraisals less than six months old may be appropriate for purposes of accurate valuation. For leasehold properties, appraisals should define market value and estimate the property’s below-market value. The appraisal valuation, whether for fee simple or leasehold properties, should support the amount of the first-priority loans as well as the Fund’s loan amount.

<table>
<thead>
<tr>
<th><strong>Market Study</strong></th>
</tr>
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<tbody>
<tr>
<td>Market studies must be consistent with CDLAC and/or CTCAC requirements. For projects not using those resources, the market study must include three rent comparables for each unit type from similar properties within a one-mile radius of the project, or, if not available within a one-mile radius, the three comparables closest to the project, subject to Fund approval.</td>
</tr>
</tbody>
</table>

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<tr>
<th><strong>Rehabilitation Assessment</strong></th>
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<tbody>
<tr>
<td>A capital or physical needs assessment of the property must be submitted that details the conditions and remaining useful life of the building’s major components, including but not limited to electrical, plumbing, HVAC, foundation, and roofing. The scope of rehabilitation work identified in the application should match the findings of the physical needs assessment.</td>
</tr>
</tbody>
</table>

The physical needs assessment must be prepared by the project architect or a qualified independent third party, neither of whom has an identity of interest with any member of the development team or sponsor. The needs assessment must be performed no earlier than 120 days prior to the application.

The physical needs assessment shall include a 15-year reserve study, which indicates the expected dates and costs of future replacements of all major building components that are not being replaced immediately. The assessment shall also include a schedule of reserve contributions needed to fund those replacements.

<table>
<thead>
<tr>
<th><strong>Phase I or Phase II Environmental Assessments</strong></th>
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<tbody>
<tr>
<td>Every application must include a Phase I Environmental Assessment which must follow the standards outlined in the American Standards of Testing and Materials (ASTM) standards (E 1527-05) to discover the potential presence of onsite and neighboring property contamination, (including but not limited to lead-based paint, asbestos, and methane) and will have been completed within the last six months. If a project’s Phase I Environmental Assessment indicates the need for further assessment, a Phase II report must be submitted. The applicant must include a cost estimate for any required remediation.</td>
</tr>
<tr>
<td><strong>Lead-based paint/Asbestos</strong></td>
</tr>
<tr>
<td><strong>Soils Report</strong></td>
</tr>
<tr>
<td><strong>Pest Report</strong></td>
</tr>
</tbody>
</table>
Title: Approval of Amendment Number 2 to Contract Number C17164727 with Professional Account Management, LLC. for Parking Citation Processing and Collections to Extend the Term and Increase the Amount by $70,000, for a new Not-To-Exceed Total of $720,000

From: City Manager

Lead Department: Police

Recommendation
Staff recommends that Council approve and authorize the City Manager or their designee to execute Contract Amendment No. 2 (Attachment A) with Professional Account Management LLC for an extended term of one year (April 30, 2022 to April 30, 2023), and increase compensation by $70,000 for a total not-to-exceed amount of $720,000 over six years.

Background
Management for public parking is been performed by both Office of Transportation (OOT) and Police, depending on scope of enforcement. Currently Police is managing timed enforcement in the commercial cores, utilizing Community Services Officers (CSOs). OOT manages all other aspects of public parking including parking garages and Resident Parking Programs (RPP) with enforcement utilizing contractors.

Aspects of managing the timed parking program by the Police Department include enforcement of timed parking regulations, enforcement of other vehicle related requirements such as license plate placement or disability identification (placards), and in rare cases, enforcing no-parking tow-away zones. The Police Department staff provide the enforcement while engaging a contractor to provide “back-office” services such as maintaining database records of violations, vehicle owners, payment transactions, or a record of contesting, along with collection of overdue payments. More recently, service providers were only considered if they could provide a portal to make citation payments on-line, supplementing mail-in to a vendor serviced lockbox and in-person option at Revenue Collections.

The Palo Alto Police Department initiated the current contract, C17164727, December 5, 2016 with a five-year term at a total cost of $650,000 (Staff Report #7179). The current vendor, Professional Account Management LLC, was selected after conducting a formal request for proposal seeking professional services for parking citation processing and collections for timed
parking enforcement by the Police Department CSOs.

At the end of the original term, Amendment No. 1 was executed to extend the term of the contract for an additional 6 months. There was no change to the established not-to-exceed limit of $650,000 and no change for billing rates by vendor; this was authorized by the Chief Procurement Officer in accordance with the City municipal code. No increase in contract amount nor funding was required as enforcement services were suspended for a period during shelter-in-place beginning March 2020.

Discussion
An extension for services is recommended with Professional Account Management LLC, through May 30, 2023, at the same terms as previously agreed to in 2016 with an updated not-to-exceed limit of $720,000. Services to be provided include:

1. Accepting citations from City-owned parking enforcement hardware and software
2. Recording citation data in a vendor-maintained database
3. Receiving payments for citations online or by mail to lockbox
4. Collecting unpaid parking citations

The extension is recommended to ensure services are maintained while allowing for city staff to coordinate the management of public parking among stakeholders adapting to the evolving environment during this transition period. In January 2022, significant changes to parking permit program fees both in the downtown cores and the RPP programs were implemented. In March and April, many companies implemented hybrid work schedules. Staff is monitoring how changes such as these are impacting parking demand and the programmatic changes necessary to ensure sustainability of parking programs in the future. As such, staff recommends maintaining services until 2023 to focus on this effort in the near term. After this extension, staff expect to re-evaluate the market space for these services.

If not approved, the parking enforcement in timed zones enforced by City employees will need to be suspended without the infrastructure to process and collect the parking citations in place.

Resource Impact
Timed parking enforcement is a net-zero cost to the city in that the revenue received from enforcement offsets the cost of enforcement (staff, supplies and equipment, and overhead). Approximately 97% of the revenue and expense is recognized in the General Fund; the remainder is accounted for in the Parking Fund (overseen by OOT) as a small percentage of the Police parking operations supports RPP. While the cost of the contracted back-end services referred to above is expected not to exceed $130,000 annually, the annual expense during shelter-in-place and the gradual re-opening was much less as the costs are tied to volume of activity. Not all of the anticipated expense were realized over the initial five-year term. Funds needed for Amendment No. 2 are available in FY 2022 Adopted Operating Budget and are
accounted for in the FY 2023 Proposed Operating Budget through the duration of the extension. No further funding is requested at this time.

**Stakeholder Engagement**
Office of Transportation was consulted as it oversees some aspects of parking management in conjunction with the Police Department.

**Environmental Review**
The recommendation in this report does not constitute a project requiring review under the California Environmental Quality Act (CEQA).

**Attachments:**
- Attachment10.a: Attachment A: Professional Account Management, LLC.; Contract, C17164727, Amendment #2
AMENDMENT NO. TWO TO CONTRACT NO. C17164727
BETWEEN THE CITY OF PALO ALTO AND
PROFESSIONAL ACCOUNT MANAGEMENT, LLC

This Amendment No. Two (this “Amendment”) to Contract No. C17164727 (the “Contract”) entered into as of April 29, 2022 by and between the CITY OF PALO ALTO, a California chartered municipal corporation (“CITY”), and PROFESSIONAL ACCOUNT MANAGEMENT, LLC, a Wisconsin limited liability company, located at 633 W. Wisconsin Avenue, Suite 1600, Milwaukee, WI 53203 (“CONSULTANT”). CITY and CONSULTANT are referred to collectively as the “Parties” in this Amendment.

RECITALS

A. The Contract was entered into by and between the Parties hereto for the provision of parking citation processing and collection services, as detailed therein.

B. The Parties now wish to amend the Contract in order to increase compensation by Seventy Thousand Dollars ($70,000) from Six Hundred Fifty Thousand Dollars ($650,000) to a new total not-to-exceed amount of Seven Hundred Twenty Thousand Dollars ($720,000) with no increased in rates; to extend the term for one additional year, from April 30, 2022 through April 29, 2023.

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

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


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

SECTION 2. Section 2, TERM, of the Contract is hereby amended to read as follows:

“The term of this Agreement shall be from the date of its full execution through April 29, 2023, unless terminated earlier pursuant to Section 19 of this Agreement.”

SECTION 3. Section 4 “COMPENSATION FOR ORIGINAL TERM” of the Contract is hereby amended to read as follows:

“The compensation to be paid to CONSULTANT for performance of the Services described in Exhibit “A” (“Basic Services”), and reimbursable expenses, for a total not to
exceed amount of Seven Hundred Twenty Thousand Dollars ($720,000). CONSULTANT agrees to complete all Basic Services, including reimbursable expenses, within this amount with no changes to Exhibit C-1, Schedule of Rates.”

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

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

*(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)*
SIGNATURES OF THE PARTIES

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

CITY OF PALO ALTO

_____________________________
City Manager:

APPROVED AS TO FORM:

_____________________________
City Attorney or designee

PROFESSIONAL ACCOUNT MANAGEMENT, LLC.

By: ________________________

DocuSign Envelope ID: 6036C3E8-3A03-4E6A-BAB8-6EC18F12F111

Tim Wendler

President and CEO

Packet Pg. 106
Title: Approval of Amendment #4 to Contract C18171057 with AECOM and Extend the Term to April 2024 and Increase the Not-to-Exceed Compensation by $722,170 for Additional Studies of Railroad Grade Separation Alternatives for a Total Not-to-Exceed of $3,596,828

From: City Manager

Executive Summary
On February 14, 2022, the City Council referred Amendment #4 of the AECOM Contract [CMR 13761] to Rail Committee for review before City Council approval. The Rail Committee met on April 20, 2022, and after discussion, the Rail Committee recommended unanimously for Council to authorize and approve Amendment #4 of the AECOM Contract. The Amendment’s schedule of performance has been updated since February to reflect the May approval date of this Amendment.

Background and Discussion
After receiving the final report from the Expanded Community Advisory Panel (XCAP) on April 26, 2021 [CMR 12185], staff presented a detailed review of Meadow Drive and Charleston Road crossing alternatives on August 23, 2021 [CMR 13435]. At this meeting, staff provided details on additional studies that may be performed to provide further information in narrowing the alternatives for selection of preferred alternatives at these crossings.

Following the discussion about Charleston Road and Meadow Drive crossing, staff presented details on Churchill Avenue crossing alternatives for grade separation on November 1, 2021 [CMR 13543]. This discussion was continued on November 29, 2021 [CMR 13746]. Similar to
other crossings, staff presented information on additional studies that may be performed to provide further information in narrowing the alternatives for the selection of preferred alternatives at Churchill Avenue Crossings.

Based on the Council discussions and directions at these meetings, staff requested AECOM Consultants to provide a proposal for the additional services on a time and material basis, including support from sub-consultants.

On February 14, 2022, the City Council discussed and referred Amendment #4 of the AECOM Contract (CMR 13761) to the Rail Committee for review before City Council approval. The Rail Committee met on April 20, 2022, and after discussion recommended unanimously for the Council to authorize and approve Amendment #4 of the AECOM Contract.

**Timeline & Workplan**
The work will be performed in the following anticipated timeline:

- Engage with Rail Committee for discussion with Caltrain and impacts of Caltrain’s decisions on alternatives in consideration; June through August 2022
- Check-in with Rail Committee in reviewing the technical information and refined designs available from the Consultant; Sept/October 2022
- Provide an update on the additional studies from the geotechnical information prepared by the Consultant; November/December 2022
- Seek input from various stakeholders for refinement of partial underpass alternative at Churchill Avenue, and underpass alternatives at Meadow Drive and Charleston Road Crossings; including review of Rail Committee; through November 2022
- Rail Committee to review the refined alternatives in consideration and make recommendations to City Council; December 2022 -January 2023
- City Council review of the alternatives in consideration based on Rail Committee recommendations; February-March 2023
- Consultant to prepare Final Draft Project Study Report (PSR); April/May 2023 followed by completion of the final report.

The five-year contract term with AECOM ends on April 22, 2023. However, the City continues to need services of a consultant to perform additional studies for work related to the Grade Separation Project as directed by the City Council. Therefore, staff is recommending Council authorize the contract extension by the period of one-year to April 22, 2024 with this amendment.

**Resource Impact**
At the request of the City, based on the past practice with previous amendments to this contract, the Consultant provided the proposal for this work on a time and material basis. Following negotiations between the City and the Consultant, the amendment to the contract is proposed in the amount of $722,170. This amount includes the additional services for the
optional task in the amount of $104,126 that can be authorized by the City Manager and was
directed to be included in this contract by the Rail Committee.

Funding required for Contract Amendment #4 is available in the FY 2022 Adopted Capital
Budget Railroad Grade Separation and Safety Improvement Project, PL-17001. The existing
AECOM Contract including Amendments 1-3 totals $2,874,658. Based on the amount proposed
in Contract Amendment #4 of $722,170, the total contract amount for the AECOM Contract
would increase to $3,596,828. There is adequate funding available in this project to fund this
contract amendment.

**Stakeholder Engagement**

From June 2019 through February 2021, the XCAP conducted regular meetings for the review of
various alternatives in consideration at the Churchill Avenue, Meadow Drive, and Charleston
Road crossings along the Caltrain corridor. Staff, in coordination with AECOM Consultants,
provided continuous support to the XCAP and conducted other community engagement
activities. In addition to XCAP, and to further engage the community, the City hosted a Virtual
Town Hall from August 19, 2020 to September 14, 2020 gaining over 1,000 unique visitors to
the online platform. This virtual platform was designed to inform the community and seek
feedback on the proposed alternatives for the grade at the three separation grade crossing
locations.

A summary report of the virtual Town Hall was provided as an Informational Report to the City
Council on November 30, 2020 ([CMR 11759](#)). Earlier in 2020, before the pandemic began, the
City also hosted two well-attended Rail Town Hall meetings and smaller neighborhood-specific
open house meetings to gain community input on the rail alternatives and answer community
questions. Staff also developed and released online surveys, and used social media, the City’s
website, and electronic newsletters to inform, answer questions, and gain feedback from the
community on this important City priority.

The scheduled Council Meetings on the ongoing discussion for grade separation alternatives for
Meadow Drive, Charleston Road, and Churchill Avenue crossings discussions also provided the
community with the opportunity to provide their comments to the City. In 2021, these
meetings were held on March 23, April 26, August 23, November 1, and November 29.
Community members also attended the Rail Committee on April 20 and provided additional
comments.

In addition, outreach to PAUSD, Stanford, PABAC, and similar entities are included in the scope
of this amendment for further refinement of the project alternatives. The Rail Committee and
future City Council Meetings for the project will also provide opportunities for additional
community feedback.

**Environmental Review**
The recommendation in this report does not constitute a project in accordance with the California Environmental Quality Act and is therefore not subject to environmental review.

Attachments:
- **Attachment11.a:** C18171057 Amend No4 final
AMENDMENT NO. 4 TO CONTRACT NO. C18171057
BETWEEN THE CITY OF PALO ALTO AND
AECOM TECHNICAL SERVICES, INC.

This Amendment No. 4 (this “Amendment”) to Contract No. C18171057 (the “Contract” as defined below) is entered into as of May 16, 2022, by and between the CITY OF PALO ALTO, a California chartered municipal corporation (“CITY”), and AECOM TECHNICAL SERVICES, INC., a California corporation, located at 300 Lakeside Drive, Suite 400, Oakland, CA 94612 (“CONSULTANT”). CITY and CONSULTANT are referred to collectively as the “Parties” in this Amendment.

RECITALS

A. The Contract (as defined below) was entered by and between the Parties hereto to provide program management, enhanced community engagement services, grade separation planning and alternatives analysis, and technical assistance on rail engineering and design (“Project”) and desires to engage a consultant to provide Services in connection with the Project (“Services”), as detailed therein.

B. The Parties now wish to amend the Professional Service Agreement Contract in order to increase the total compensation by $722,170.00 from $2,874,658.00 to $3,596,828.00 for Services and Additional services not included in the previous scope of work and extend the term by one year to April 22, 2024.

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

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


Amendment No. 1, dated June 24, 2019
Amendment No. 2, dated June 23, 2020
Amendment No. 3, dated April 23, 2021

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

SECTION 2. Section 2. “TERM” of the Contract is hereby amended to read as follows:
“SECTION 2. TERM. The term of this Agreement shall be from the date of its full execution through April 22, 2024, unless terminated earlier pursuant to Section 19 of this Agreement.

SECTION 3. Section 4. “NOT TO EXCEED COMPENSATION” of the Contract is hereby amended to read as follows:

“SECTION 4. NOT TO EXCEED COMPENSATION. The compensation to be paid to CONSULTANT for performance of the Services described in Exhibit “A” as amended by Exhibits “A-1”, “A-2” , and “A-3” (referred to collectively as Exhibit “A” or the “Basic Services”), and reimbursable expenses, shall not exceed Three Million Five Hundred Ninety-Six Thousand Eight Hundred Twenty-Eight Dollars ($3,596,828.00). CONSULTANT agrees to complete all Basic Services, including reimbursable expenses, within this amount. In the event Additional Services are authorized, the total compensation for Basic Services, Additional Services, and reimbursable expenses shall not exceed Three Million Five Hundred Ninety-Six Thousand Eight Hundred Twenty-Eight Dollars ($3,596,828.00). The applicable rates and schedule of payment are set out at Exhibit “C-4”, entitled “HOURLY RATE SCHEDULE,” which is attached to and made a part of this Agreement. Any work performed or expenses incurred for which payment would result in a total exceeding the maximum amount of compensation set forth herein shall be at no cost to the CITY. Additional Services, if any, shall be authorized in accordance with and subject to the provisions of Exhibit “C”. CONSULTANT shall not receive any compensation for Additional Services performed without the prior written authorization of CITY. Additional Services shall mean 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”.

SECTION 4. Exhibit “A-4” to this Amendment (attached hereto and incorporated herein) shall amend, but not replace, Exhibit “A” attached to the original Contract, Exhibit “A-1” attached to Amendment No. 1, Exhibit “A-2” attached to Amendment No. 2, and Exhibit “A-3” attached to Amendment 3 to the Contract. References to “Exhibit A” in the Contract shall mean Exhibits “A”, “A-1”, “A-2”, “A-3” and “A-4” read together. To the extent the provisions of Exhibit “A-4” directly conflict with original Exhibit “A”, Exhibit “A-1”, or Exhibit “A-2”, or Exhibit “A-3”, the provisions of Exhibit “A-4” will control.

SECTION 5. The following exhibits to the Contract are hereby amended or added to read as set forth in the attachments to this Amendment, which are incorporated in full by this reference:

a. Exhibit “A-4” entitled “AMENDMENT NO. 4, SCOPE OF SERVICES, ADDED
b. Exhibit “B-1” entitled “SCHEDULE OF PERFORMANCE”, ADDED
c. Exhibit “B-2” entitled “RAILROAD GRADE SEPARATION PROGRAM”, ADDED
d. Exhibit “C” entitled “COMPENSATION”, AMENDED, REPLACES PREVIOUS
e. Exhibit “C-4” entitled “HOURLY RATE SCHEDULE”, AMENDED, REPLACES PREVIOUS

City of Palo Alto

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SECTION 6. Legal Effect. Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

SECTION 7. Incorporation of Recitals. The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.
SIGNATURES OF THE PARTIES

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

CITY OF PALO ALTO

____________________________
City Manager

APPROVED AS TO FORM:

____________________________
City Attorney or designee

CONSULTANT:
AECOM TECHNICAL SERVICES, INC.

By:_____________________________
Name:____Millette Litzinger_________
Title:____Associate Vice President___

By:______________________________
Name:____Allison Hall______________
Title:____CFO Americas____________

Attachments:
EXHIBIT “A-4”: AMENDMENT NO. 4, SCOPE OF SERVICES, ADDED
EXHIBIT “B-1”: SCHEDULE OF PERFORMANCE, ADDED
EXHIBIT “B-2”: RAILROAD GRADE SEPARATION PROGRAM, ADDED
EXHIBIT “C”: COMPENSATION, AMENDED, REPLACES PREVIOUS
EXHIBIT “C-4”: HOURLY RATE SCHEDULE, AMENDED, REPLACES PREVIOUS
EXHIBIT A-4
SCOPE OF SERVICES,
AMENDMENT NO. 4
(ADDED)

This Exhibit “A-4” Additional Scope of Services amends Exhibit “A” Scope of Services, as previously amended by Exhibit “A-1”, Exhibit “A-2” and Exhibit “A-3” should be read together therewith. To the extent the provisions of Exhibit “A-4” directly conflict with original Exhibit “A”, Exhibit “A-1”, or Exhibit “A-2”, or Exhibit “A-3” the provisions of Exhibit “A-4” will control.

AMENDMENT NO. 4:

CONSULTANT will provide services in the project development for conducting additional studies, outreach, and support to City staff at meetings with Rail Committee and the City Council not included in the original scope of work Exhibit A, amended by Exhibit “A-1”, Exhibit “A-2” and Exhibit “A-3”.

This Exhibit “A-4” describes the services that are in addition to Exhibit “A”, Exhibit “A-1”, Exhibit “A-2” and Exhibit “A-3”.

SCOPE OF WORK

CONSULTANT will continue to manage the Project, which will include required technical analyses of alternatives and a community and stakeholder engagement process to identify and develop locally preferred alternatives for modifications to the existing at-grade crossings in Palo Alto at Churchill Avenue, Meadow Drive, and Charleston Road. CONSULTANT will coordinate and manage the project in conjunction with CITY’s staff.

The tasks anticipated in this supplemental scope of services with descriptions of supplemental services for each task and associated deliverables are shown below.

Task 1: Project Management
Task 4: Community Engagement
Task 6: Identify Recommended Alternatives

Task 1. Project Management

1.1 Project Management and Administration
For the additional 16 months to the project (January 2022-April 2023), the CONSULTANT will continue to provide project management for each task for the duration of the Project. Management activities will consist of administration, coordination, and quality control, as follows:

City of Palo Alto

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a. Prepare a scope, budget, and updated project schedule.
b. Continue to supervise, coordinate, and monitor activities and product
development for conformance with the scope of services and CITY standards.
c. Prepare sixteen (16) additional monthly invoices and progress reports.

1.2 Performance and Quality Monitoring
CONSULTANT will continue to use a project specific Quality Assurance Plan for technical reviews
don and detailed checking for work products including the work produced by CONSULTANT’s
subconsultants. The CONSULTANT will continue to make sure that all work performed on the
project is checked and that all deliverables undergo a quality review before submittal to the
CITY.

1.3 Monthly Invoicing, Progress Reports and Schedule
CONSULTANT will prepare and update the project schedule based on the supplemental work
and it will be submitted to CITY staff for review and approval.

Task 1 Supplemental Deliverables:
   a. Updated baseline project schedule
   b. Monthly update of progress against baseline schedule
   c. Sixteen (16) additional monthly invoices with progress reports

Task 4. Community Engagement

4.1 Supplemental Meetings
CONSULTANT will support the City staff with meetings not included in the original scope of
work. The additional services will include the preparation and attendance of up to six meetings
(3 stakeholders x 2 meetings with each), as directed by the City. Approximate dates are shown
in the schedule and stakeholders are assumed to be Stanford, PAUSD and PABAC.

4.2 Presentation to Rail Committee #1
CONSULTANT will prepare a summary of comments from the initial set of stakeholder
meetings and develop a PowerPoint presentation to present to the Rail Committee.

Task 4 Deliverables
   a. Stakeholder meeting summaries
   b. Presentation materials for one Rail Committee meeting

Task 6. Identify Recommended Alternatives

6.1 Refine Meadow and Charleston (MC) Underpasses and Churchill (CH) Partial
Underpass Alternatives
6.1.1 Refine Alternatives
CONSULTANT will refine the three underpass alternatives (at Churchill, Meadow and Charleston) to address input received to date, and feedback received from the stakeholders described in Task 4. Only input recommended by the City and the Rail Committee will be incorporated into the refinement of the alternatives. Some input received to date includes the size of the Charleston roundabout, improvements to bike/pedestrian connections and reduction of right-of-way impacts. The following materials will be updated:

6.1.2 Update Exhibits
Update plan, profile and typical section for each of the three alternatives (Initial and Final)

6.1.3 Update Renderings
Update 3D CAD model and still image renderings to include refinements not previously captured such as U-turn at Alma Plaza (Initial and Final)

6.1.4 Update Cost Estimates
Update quantities and cost estimate for each alternative. These tasks will be completed only after the final refinements are made.

6.1.5 Update Misc. Items (Fact Sheets, Matrix, VR Room)
Update evaluation matrix, FACT Sheets, website materials and VR room materials/exhibits based on the refinements. These tasks will be completed only after the final refinements are made.

6.1.6 Presentation to Rail Committee #2
CONSULTANT will prepare a summary of comments from the second set of stakeholder meetings. Based on comments from the stakeholders and Rail Committee, CONSULTANT will make a final update to the exhibits and renderings for the underpass alternatives and develop a PowerPoint presentation to present to the Rail Committee.

6.2 Preliminary Geotechnical Study

6.2.1 Data Collection and Review – Groundwater and Geotechnical
CONSULTANT will collect available soil profile and groundwater data from adjacent projects. This could include data from Santa Clara Water District channel projects, local bridges (Caltrain, City or Caltrans), and/or other sources (e.g. local development projects).

6.2.2 Field and Laboratory Studies
Following review of available subsurface information, CONSULTANT will conduct a limited geotechnical field exploration program consisting of one boring and one seismic cone penetration test (CPT) near each of the three rail crossings for preliminary site characterization; this information would be used to update design assumptions made during the current planning-level phase. At least one porewater pressure dissipation test to estimate groundwater depth would be attempted in the CPT at each location if granular deposits are encountered.

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The borings would be drilled to a depth of 80 feet and the CPTs would be advanced to a depth of 100 feet or practical refusal, whichever is shallower. An AECOM field engineer or geologist will log the borings during drilling and supervise the field activities. Soil samples will be obtained at 5-foot depth intervals or changes in stratigraphy to a depth of about 50 feet; the sampling interval might be increased to 7- to 10-foot below a depth of 50 feet. Samples will be collected with a modified California sampler or Standard Penetration Test split-spoon sampler. All borings and CPTs will be backfilled in accordance with Valley Water requirements. Cold patch asphalt or rapid set concrete would be used at the surface to complete exploration backfill in paved areas. Soil cuttings would be spread on the ground in unpaved areas along the south side of Alma Street (i.e. drumming or offsite disposal will not be required). We assume the soil and groundwater are non-hazardous and Level D personal protective equipment will be adequate.

Prior to mobilizing equipment, we will mark the proposed locations of the borings and CPTs and coordinate utility clearances with Underground Service Alert. We also will retain a private utility locator to clear the boring and CPT locations on the sites. Exploration locations will be tape measured in the field from existing features.

Access for site exploration is limited by the existing tracks, overhead lines, and fencing, as well as the likely presence of numerous underground utilities often found along rail lines. For this reason, site exploration for the three crossings will most likely need to be performed in City streets with approved lane closure (including City or County encroachment permit to be provided at no cost to CONSULTANT) and traffic control; night work is anticipated to minimize impacts to the public.

Laboratory tests will be made to evaluate the engineering properties of the materials encountered. These tests are likely to include moisture content, total and dry unit weight, Plasticity Index, grain size distribution and soil corrosivity. Consolidation and triaxial strength testing might also be performed if weak or compressible fine-grained soils are encountered in the borings.

**6.2.3 Construction Methodology Evaluation**

Based on field exploration and laboratory test program results, CONSULTANT will evaluate the feasibility of the proposed trenching (overhead), underpass, and jacked box alternatives as they relate to the subsurface soil and groundwater conditions anticipated at each site.

**6.2.4 Technical Memorandum – Draft and Final**

CONSULTANT will prepare a draft memorandum summarizing the findings of the data review and site-specific field and laboratory testing programs; it will include CPT records and boring logs in gINT format. The memorandum will provide recommendations for further geotechnical exploration needed for detailed design and will include discussion of feasible foundation and retaining wall types, the need for tiebacks anchors, control of groundwater and construction considerations associated with the proposed alternatives as they relate to the anticipated geotechnical conditions. The memorandum will be finalized following receipt of comments from the CITY.

**6.2.5 Presentation to Rail Committee #3 and City Council Meeting**

City of Palo Alto

*Form Vers.: Aug. 5, 2019*
CONSULTANT will prepare presentation materials for a Rail Committee meeting to present the results of the geotechnical study described above and the cost estimate Peer Review described in Task 6.3.

Following this meeting, CONSULTANT will support the City staff at a City Council meeting to discuss the Rail Committee’s recommendations and answer technical questions as-needed.

6.3 Cost Estimate Peer Review
CONSULTANT will conduct a Peer Review of the cost estimate and design assumptions for the trench alternative. The Peer Review will be conducted by an independent consultant with experience and expertise in trench design and construction. The Peer Review will be summarized in a memorandum and will evaluate overall costs as well as unit costs.

6.4 Additional Technical Support
CONSULTANT will provide additional technical support to City staff for additional meetings with the Rail Committee and the City Council and/or additional engineering services by advanced request and written authorization from the City’s Project Manager. The CONSULTANT at the City’s request shall submit a detailed written proposal including a description of the scope of services, schedule, level of effort and CONSULTANT’s maximum compensation for the services based on rates set forth in the contract. The additional services shall be negotiated and agreed to in writing by the City’s Project Manager prior to commencement of the services. Payment for additional services is subject to all requirements and restrictions in this Agreement. Additional Services could also include additional meetings and/or additional studies/renderings at City’s request. A budgetary allowance has been included in the fee estimate for this task.

6.5 Caltrain Coordination on 4-Track Policy (Optional)
JPB has adopted the moderate-growth improvement program as outlined in the Business Plan (https://caltrain2040.org/). However, JPB also indicated that the high-growth improvement program should not be precluded. Palo Alto has been identified in the Business Plan as a location for the high-growth improvements, including 4-tracks. To date, alternatives developed for the Rail Program have only been evaluated for 2-tracks.

6.5.1 Gather Data from Caltrain
CONSULTANT along with City staff will meet with Caltrain to gather more information about what the limits of the 4-track alignment would be and what the typical section would be along the limits and at the stations.

6.5.2 Evaluate Alternatives
CONSULTANT to conduct a high-level analysis of the impacts of 4-tracks for each alternative still under consideration (MC Hybrid, MC Trench, MC Underpass, CH Underpass, and CH Closure) by overlaying Caltrain’s 4-track geometry over the proposed 2-track. The analysis will identify a list of significant impacts for each alternative and determine if the alternatives are still feasible with 4-tracks or does not preclude 4-tracks in the future. This task assumes no animations or photo simulations, or updates to existing exhibits.

6.5.3 Meet with Caltrain
CONSULTANT along with City staff will meet with Caltrain to review the evaluation of
alternatives and gather additional feedback on the feasibility and impacts of each. It is assumed there will be two meetings.

6.5.4 Prepare Memorandum Report
CONSULTANT will prepare a draft and final memorandum report that documents the evaluation of the 4-track alignment and feedback received from Caltrain. CONSULTANT will incorporate one set of consolidated comments from the City and Caltrain on the draft technical memorandum.

6.5.5 Presentation to Rail Committee and City Council
CONSULTANT will prepare presentation materials to present to Rail Committee and City Council. Based on comments from Rail Committee and City Council, update exhibits and return to Rail Committee to present revised exhibits.

Task 6 Deliverables

a. Updated plans, exhibits and renderings for two underpass alternatives (Meadow and Charleston) and one partial underpass alternative (Churchill) – Draft and Final
b. Geotechnical Memorandum – Draft and Final
c. Memorandum to summarize independent review of cost estimate and assumptions – Draft and Final
d. Presentation materials for three Rail Committee meetings and one City Council meeting
e. Memorandum report for 4-Track evaluation and presentation materials for one Rail Committee meeting and one City Council meeting (OPTIONAL – Task 6.5)
EXHIBIT “B”
SCHEDULE OF PERFORMANCE, AMENDMENT NO.4
(AMENDED, REPLACES PREVIOUS)

CONSULTANT shall perform the Services so as to complete each task within the number of days/weeks specified on Attachment “B” Schedule of Performance. Attachment “B” reflects the currently anticipated schedule. CONSULTANT will regularly update the schedule in consultation with CITY’s Project Manager. The time to complete each task 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.

(See following pages for Schedule included in Amendment No. 2 and Schedule for Amendment 4)

AMENDMENT NO. 3:
The dates of up to four meetings in additional services are to be determined.
### City of Palo Alto Rail Program Management Services - Amendment No. 1 and 2

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The table above outlines the tasks and their respective start and end dates, as well as their completion status. The tasks are categorized under various sections including Task Name, Start Date, End Date, Task Time, % Complete, and Task Description. The tasks are further divided into subcategories such as Task 1 to Task 38, each with specific details for the project management and administration, performance and quality monitoring, coordination meetings, community meetings, and community advisory panel meetings. The table also includes specific tasks like 'Task 14: Economic Development Advisory Committee (EDAC) (through June 17, 2013)', 'Task 15: Town Hall Meetings', and 'Task 23: Identify Recommended Alternatives for Analysis', among others. The overall progress and milestones are indicated with a percentage completion ranging from 0% to 100%.
### Connecting Palo Alto Railroad Grade Separation Program - Project Schedule (Amendment #4)

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## EXHIBIT "B-1": RAILROAD GRADE SEPARATION PROGRAM

### 1.0 Project Management

#### 1.1 Project Management and Administration

- Principal in Charge: E. Mercurio  
- Lead Project Manager: J. Maher  
- Project Manager: M. Litzinger  
- Sr Project Manager: P. DeStefano  
- Lead Project Engr - Civil: M. Gogosanu  
- Lead Project Engr - Civil / Structural: S. Brokken  
- Lead Project Engr - Geotech: Lead Geotech Eng  
- Sr Staff Eng: Senior Staff Eng  
- Sr Illustrator: Senior Illustrator  
- Sr CADD Technician: Sr CADD Technician  
- Sr Project Assistant: Senior Project Assistant  
- Admin: Independent Peer Review  

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<th>Project Manager</th>
<th>Sr Project Manager</th>
<th>Lead Project Engr - Civil</th>
<th>Lead Project Engr - Civil / Structural</th>
<th>Lead Project Engr - Geotech</th>
<th>Sr Geotech Eng</th>
<th>Lead Engr - Cost Estimating</th>
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<th>Total AECOM Hours</th>
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### 4.0 Community Engagement

#### 4.1 Supplemental Outreach

- Principal in Charge: E. Mercurio  
- Lead Project Manager: J. Maher  
- Project Manager: M. Litzinger  
- Sr Project Manager: P. DeStefano  
- Lead Project Engr - Civil: M. Gogosanu  
- Lead Project Engr - Civil / Structural: S. Brokken  
- Lead Project Engr - Geotech: Lead Geotech Eng  
- Sr Staff Eng: Senior Staff Eng  
- Sr Illustrator: Senior Illustrator  
- Sr CADD Technician: Sr CADD Technician  
- Sr Project Assistant: Senior Project Assistant  
- Admin: Independent Peer Review  

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### 6.0 Identify Recommended Alternatives

#### 6.1 Refine Underpass Alternatives

- Principal in Charge: E. Mercurio  
- Lead Project Manager: J. Maher  
- Project Manager: M. Litzinger  
- Sr Project Manager: P. DeStefano  
- Lead Project Engr - Civil: M. Gogosanu  
- Lead Project Engr - Civil / Structural: S. Brokken  
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### 6.2 Preliminary Geotechnical Study

#### 6.2.1 Data Collection and Review - Groundwater and Geotechnical

- Principal in Charge: E. Mercurio  
- Lead Project Manager: J. Maher  
- Project Manager: M. Litzinger  
- Sr Project Manager: P. DeStefano  
- Lead Project Engr - Civil: M. Gogosanu  
- Lead Project Engr - Civil / Structural: S. Brokken  
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<th>Admin</th>
<th>2022 Hourly Billing Rate</th>
<th>Staff</th>
<th>Total AECOM Hours</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>6.2 Preliminary Geotechnical Study</td>
<td>6</td>
<td>18</td>
<td>60</td>
<td>180</td>
<td>264</td>
<td>93,158</td>
<td></td>
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<tr>
<td>6.2.1 Data Collection and Review - Groundwater and Geotechnical</td>
<td>6</td>
<td>12</td>
<td>36</td>
<td>180</td>
<td>234</td>
<td>33,964</td>
<td></td>
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</tr>
<tr>
<td>6.2.2 Field and Laboratory Studies</td>
<td>2</td>
<td>2</td>
<td>20</td>
<td>30</td>
<td>54</td>
<td>11,057</td>
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<td></td>
</tr>
<tr>
<td>6.2.3 Field and Laboratory Studies</td>
<td>2</td>
<td>2</td>
<td>50</td>
<td>140</td>
<td>194</td>
<td>128,017</td>
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</tbody>
</table>

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**Packet Pg. 124**
### EXHIBIT “B-1”: RAILROAD GRADE SEPARATION PROGRAM

<table>
<thead>
<tr>
<th>Classification</th>
<th>Principal in Charge</th>
<th>Lead Project Professional-Track/Eyes</th>
<th>Sr Project Manager</th>
<th>Lead Project Engr-Civil</th>
<th>Engr-Civil</th>
<th>Lead Project Engr-Civil /Struct</th>
<th>Lead Project Engr-Structure/Geotech</th>
<th>Lead Geotech Eng</th>
<th>Sr Geotech Eng</th>
<th>Lead Project Engr - Cost Estimating</th>
<th>Sr Illustrator</th>
<th>Sr Engr</th>
<th>Sr Illustrator</th>
<th>CADD Technician</th>
<th>Project Assistant</th>
<th>Admin</th>
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<tbody>
<tr>
<td>2022 Hourly Billing Rate</td>
<td>$358.07</td>
<td>$287.38</td>
<td>$308.27</td>
<td>$345.91</td>
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<td>$276.96</td>
<td>$306.43</td>
<td>$186.52</td>
<td>$266.46</td>
<td>$186.52</td>
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<td>$102.99</td>
<td>$94.91</td>
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#### 6.2.3 Construction Methodology Evaluation
- 6.2.3.1 5 5 5 5 20 20 10 10
- 6.2.3.2 2 2 15 15

Subtotal Hours: 31
Subtotal Cost: $11,100

#### 6.2.4 Technical Memorandum - Draft and Final
- 6.2.4.1 2 2 15 15

Subtotal Hours: 15
Subtotal Cost: $9,151

#### 6.2.5 Presentation to Rail Committee and City Council (2)
- 6.2.5.1 20 40 40
- 6.2.5.2 20 0 0 20 0 15

Subtotal Hours: 120
Subtotal Cost: $12,000

#### 6.3 Cost Estimate Peer Review
- 6.3.1 2 8 8 8
- 6.3.2 2 0 8 8 0 0 0 0 0 0 8 0

Subtotal Hours: 34
Subtotal Cost: $716

#### 6.4 Additional Technical Support
- 6.4.1 30 60 70
- 6.4.2 30 0 60 70 0 0 0 0 0 0 0 0 30 0 0

Subtotal Hours: 190
Subtotal Cost: $50,494

#### 6.5 Caltrain Coordination on 4-Track Policy (Optional)
- 6.5.1 16 20 8 12 20
- 6.5.2 40 20 70 100 20 20
- 6.5.3 4 8 16
- 6.5.4 2 12 30 8 8 4 8

Subtotal Hours: 446
Subtotal Cost: $104,126

#### Total (with OPTIONAL Task 6.5)
- Total Hours: 1,775
- Total Cost: $722,170
**EXHIBIT “C” COMPENSATION AMENDMENT NO.4**
**(AMENDED, REPLACES PREVIOUS)**

CITY agrees to compensate CONSULTANT for professional 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 hourly rate schedule attached as Exhibit “C-1” up to the not to exceed budget amount for each task set forth below.

CONSULTANT shall perform the tasks and categories of work as outlined and budgeted below. CITY’s Project Manager may approve in writing the transfer of budget amounts between any of the tasks or categories listed below provided the total compensation for Basic Services, including reimbursable expenses, and the total compensation for Additional Services do not exceed the amounts set forth in Section 4 of this Agreement.

<table>
<thead>
<tr>
<th>TASK</th>
<th>ORIGINAL CONTRACT NOT TO EXCEED AMOUNT</th>
<th>NOT TO EXCEED AMOUNT ADDED OR (SUBTRACTED) BY AMENDMENT NO 1</th>
<th>NOT TO EXCEED AMOUNT ADDED BY AMENDMENT NO 2</th>
<th>NOT TO EXCEED AMOUNT ADDED BY AMENDMENT NO 3</th>
<th>NOT TO EXCEED AMOUNT ADDED BY AMENDMENT NO. 4</th>
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<tr>
<td>Task 1 Project Management</td>
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<td>Task 3 Convene Technical Advisory Committee Meetings</td>
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<td>($39,806)</td>
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<td>$0</td>
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<td>Task 5 Identify Alternative Analysis</td>
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<td>Task 6 Identify Recommended</td>
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<td>$32,424.00</td>
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<td>Task 8 Financing Plan</td>
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<td>$59,290</td>
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<td>Reimbursables and Other</td>
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<td>$0</td>
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<td>Additional Services</td>
<td>0</td>
<td>$180,000</td>
<td>$0</td>
<td>$80,000</td>
<td>$104,126</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,278,660.0</strong></td>
<td><strong>$1,206,126</strong></td>
<td><strong>$309,872</strong></td>
<td><strong>$80,000</strong></td>
<td><strong>$722,120</strong></td>
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</tbody>
</table>
TOTAL BASIC SERVICES (AMENDMENT NO. 4) $618,044.00
TOTAL BASIC SERVICES (AMENDMENT NO. 2) $306,872.00
TOTAL BASIC SERVICES (AMENDMENT NO. 1) $1,026,126.00
TOTAL BASIC SERVICES (ORIGINAL CONTRACT) $1,234,460.00

Reimbursable Expenses $47,200.00

Additional Services (AMENDMENT 1) $180,000.00
Additional Services (AMENDMENT NO. 3) $80,000.00
Additional Services (AMENDMENT NO. 4) $104,126.00

Maximum Total Compensation $3,596,828.00

REIMBURSABLE EXPENSES

The administrative, overhead, secretarial time or secretarial overtime, word processing, photocopying, in-house printing, insurance and other ordinary business expenses are included within the scope of payment for services and are not reimbursable expenses. CITY shall reimburse CONSULTANT for the following reimbursable expenses at cost. Expenses for which CONSULTANT shall be reimbursed are:

A. Travel outside the San Francisco Bay area, including transportation and meals, will be reimbursed at actual cost subject to the City of Palo Alto’s policy for reimbursement of travel and meal expenses for City of Palo Alto employees.

B. Long distance telephone service charges, cellular phone service charges, facsimile transmission and postage charges are reimbursable at actual cost.

All requests for payment of expenses shall be accompanied by appropriate backup information. Any expense anticipated to be more than $2,500.00 shall be approved in advance by the CITY’s project manager.
EXHIBIT “C-4”
HOURLY RATE SCHEDULE
AMENDMENT NO. 4,
(AMENDED, REPLACES PREVIOUS):

Table 1. Estimated Cost for Each Meeting with City Council or XCAP

<table>
<thead>
<tr>
<th></th>
<th>AECOM</th>
<th>Hexagon</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Etty</td>
<td>Millette</td>
<td>Peter</td>
</tr>
<tr>
<td>Meeting Preparation</td>
<td>Mercurio</td>
<td>Litzinger</td>
<td>DeStefano</td>
</tr>
<tr>
<td>Attendance</td>
<td>4</td>
<td>16</td>
<td>20</td>
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<tr>
<td>Total Hours</td>
<td>8</td>
<td>20</td>
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<td>Subtotal Cost</td>
<td>$2,609.60</td>
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<td>10% Contingency</td>
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<tr>
<td>Total (rounded to nearest $1,000)</td>
<td>$20,000</td>
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</table>

AECOM 2021 RATE SCHEDULE

The services under this Agreement will be compensated in accordance with the following consultant rate schedule and adjusted annually

<table>
<thead>
<tr>
<th>Name/Position/Title</th>
<th>Fully-Burdened Hourly Rates**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Professional/Project Director</td>
<td>$289 - $412</td>
</tr>
<tr>
<td>Senior Project Manager</td>
<td>$228 - $358</td>
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<tr>
<td>Project Manager</td>
<td>$208 - $292</td>
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<tr>
<td>Lead Project Professional/Engineer</td>
<td>$215 - $394</td>
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<tr>
<td>Senior Project Professional/Engineer</td>
<td>$164 - $237</td>
</tr>
<tr>
<td>Sr. Designer/Lab, Field, or CADD Supervisor</td>
<td>$144 - $188</td>
</tr>
<tr>
<td>Sr. Technician*</td>
<td>$126 - $188</td>
</tr>
<tr>
<td>Sr. CADD Technician/Sr. Illustrator/Designer*</td>
<td>$126 - $183</td>
</tr>
<tr>
<td>Project Professional/Engineer</td>
<td>$126 - $214</td>
</tr>
<tr>
<td>Project Administrator/Controller</td>
<td>$119 - $183</td>
</tr>
<tr>
<td>Staff Professional/Engineer</td>
<td>$106 - $132</td>
</tr>
<tr>
<td>Junior Professional/Engineer</td>
<td>$63 - $107</td>
</tr>
<tr>
<td>Word Processor/Project Assistant/Editor*</td>
<td>$71 - $145</td>
</tr>
<tr>
<td>Technician*</td>
<td>$63 - $158</td>
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<tr>
<td>CADD Technician/Illustrator*</td>
<td>$71 - $130</td>
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<tr>
<td>Clerk/Administrator/Intern*</td>
<td>$38 - $117</td>
</tr>
</tbody>
</table>

* Overtime premium charged at cost where required by law for non-exempt employees
** Bill rates are computed as actual pay rate at time of service plus current FAR multiplier plus 10% fee (raw labor + 130.70% for FY 2020 plus 10% fee = 253.77%)
** Salaries are adjusted each January 1, but individual merit or promotional increases may occur at any time.
## Hexagon 2021 Billing Rates

<table>
<thead>
<tr>
<th>Professional Classification</th>
<th>Rate per Hour</th>
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<tbody>
<tr>
<td>President</td>
<td>$290</td>
</tr>
<tr>
<td>Principal</td>
<td>$250</td>
</tr>
<tr>
<td>Senior Associate II</td>
<td>$230</td>
</tr>
<tr>
<td>Senior Associate I</td>
<td>$215</td>
</tr>
<tr>
<td>Associate II</td>
<td>$195</td>
</tr>
<tr>
<td>Associate I</td>
<td>$175</td>
</tr>
<tr>
<td>Planner/Engineer II</td>
<td>$155</td>
</tr>
<tr>
<td>Planner/Engineer I</td>
<td>$125</td>
</tr>
<tr>
<td>Admin/Graphics</td>
<td>$110</td>
</tr>
<tr>
<td>Senior CAD Tech</td>
<td>$95</td>
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<tr>
<td>Technician</td>
<td>$75</td>
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</table>

Direct expenses are billed at actual costs, with the exception of mileage, which is reimbursed at the current rate per mile set by the IRS.

Billing rates shown are effective January 1, 2021 and subject to change January 1, 2022.
AECOM/URS 2022 RATE SCHEDULE

The services under this Agreement will be compensated in accordance with the following consultant rate schedule and adjusted annually.

<table>
<thead>
<tr>
<th>Name/Position/Title</th>
<th>Fully-Burdened Hourly Rates**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Professional/Project Director</td>
<td>$296 - $429</td>
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<tr>
<td>Senior Project Manager</td>
<td>$236 - $374</td>
</tr>
<tr>
<td>Project Manager</td>
<td>$213 - $305</td>
</tr>
<tr>
<td>Lead Project Professional/Engineer</td>
<td>$223 - $412</td>
</tr>
<tr>
<td>Senior Project Professional/Engineer</td>
<td>$170 - $247</td>
</tr>
<tr>
<td>Sr. Designer/Lab, Field, or CADD Supervisor</td>
<td>$149 - $196</td>
</tr>
<tr>
<td>Sr. Technician*</td>
<td>$131 - $196</td>
</tr>
<tr>
<td>Sr. CADD Technician/Sr. Illustrator/Designer*</td>
<td>$131 - $191</td>
</tr>
<tr>
<td>Project Professional/Engineer</td>
<td>$131 - $224</td>
</tr>
<tr>
<td>Project Administrator/Controller</td>
<td>$121 - $191</td>
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<tr>
<td>Staff Professional/Engineer</td>
<td>$109 - $138</td>
</tr>
<tr>
<td>Junior Professional/Engineer</td>
<td>$65 - $112</td>
</tr>
<tr>
<td>Word Processor/Project Assistant/Editor*</td>
<td>$73 - $153</td>
</tr>
<tr>
<td>Technician*</td>
<td>$65 - $165</td>
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<tr>
<td>CADD Technician/Illustrator*</td>
<td>$73 - $135</td>
</tr>
<tr>
<td>Clerk/Administrator/Intern*</td>
<td>$38 - $122</td>
</tr>
</tbody>
</table>

* Overtime premium charged at cost where required by law for non-exempt employees

** Bill rates are computed as actual pay rate at time of service plus current FAR multiplier plus 10% fee (raw labor + 130.70% for FY 2020 plus 10% fee = 253.77%)

** Salaries are adjusted each October 1, but individual merit or promotional increases may occur at any time.

<table>
<thead>
<tr>
<th>Reimbursable Items to be Billed</th>
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<tbody>
<tr>
<td>Subcontracted Services</td>
<td>Cost plus 5%</td>
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<tr>
<td>In-house printing (per page)</td>
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<tr>
<td>Vehicles</td>
<td>$90/day, $45/½ day, no markup</td>
</tr>
<tr>
<td>Personal vehicles (mileage)</td>
<td>Current IRS rate, no markup</td>
</tr>
<tr>
<td>Other miscellaneous Expenses</td>
<td>At cost</td>
</tr>
</tbody>
</table>
Summary Title: SECOND READING: Permanent Parklet Program Discussion and Direction

Title: SECOND READING: Review and provide feedback on the proposed permanent parklet standards and program policies; and Adopt an interim ordinance and resolution to continue the pilot parklet program until December 31, 2022 (FIRST READING: May 9, 2022: PASSED 7-0)

From: City Manager

Lead Department: Planning and Development Services

This was heard by the City Council on May 9, 2022 for a first reading and was approved 7-0. No changes were made to the Ordinance; it is now before you for a second reading.

Attachments:

Attachment12.a: Attachment A - Permanent Parklet Program Standards DRAFT (PDF)
Attachment12.b: Attachment B Interim Ordinance Temporarily Continuing Expansion of Outdoor Dining, Retail, and Other Activities on Public and Private Property (PDF)
Attachment12.c: Attachment C Resolution Continuing the Pilot Parklet Demonstration Program as Continued by Reso 9992 (PDF)
Attachment12.d: Attachment D - Review Of Peer City Standards (PDF)
DRAFT PALO ALTO PERMANENT PARKLETS PROGRAM

I. Introduction

The City of Palo Alto has developed a Permanent Parklet Program that will allow for parklet installations in eligible areas of Palo Alto.

The following standards outline the requirements for parklet installation including, location, materials, and design. The City of Palo Alto will review all parklet permit applications and will only approve parklets that are able to meet the standards. Due to the unique circumstances of each proposed parklet location, some parklets may require additional review by key departments (as outlined).

All parklets—including installations previously installed under the pilot parklet program—will require a new Permanent Parklet Permit from the City of Palo Alto. Application requirements are outlined in Section IV (A) Submittal Requirements.

II. Glossary

Due to the unique design and placement of parklets, there are several terms with distinct meanings that should be understood in order to implement the standards.

1. Enclosure—Protective barrier that follows the parklet edge.
2. Parklet Edge—The outermost perimeter of parklet area (subtracting required setbacks).
3. Parklet Footprint—The total area within the parklet edge that can be utilized by a project applicant.
4. Platform—Base of the parklet that is at grade with the sidewalk.
5. Travel Lane—Portion of the street with active automobile traffic.
III. Location and Setback Requirements

A. Location

The location of a parklet is dependent on the eligibility criteria, which varies based on the type of parking space a parklet will occupy (parallel parking spaces, angled spaces, and non-standard spaces).

1. **Eligibility**
   
   a. Parklets are only permitted on streets with speed limits of 25 mph or less.
   
   b. Parklets are generally permitted on streets with a running slope (grade) of five percent or less.
   
   c. Parklets cannot be installed in any portion of an existing travel lane at any time.
   
   d. When located near an intersection, parklets must be located at least 20 feet from the rear most boundary of a crosswalk at the nearest intersection of the street corner. Exceptions will be considered on a case-by-case basis.

2. **Parallel Parking**
   
   a. For parallel parking spaces, the parklet structure must be set back 48 inches (4 feet) from adjacent marked parking spaces.
   
   b. It is recommended, though not required, that a parklet consist of at least two contiguous parallel parking spaces.
   
   c. A parklet’s outer edge shall be 2 feet back from the outer edge of the parking space it occupies. For all parallel parking spaces located on public streets within the City of Palo Alto, this shall be 2 feet from the exterior edge (closest to traffic) of marked parking T’s. This is shown in Figure A.

![Figure 2: Dimensions of a Parallel Parking Space Parklet](image)
d. These 2 feet shall be kept clear at all times. The only objects which shall lawfully occupy this space are reflective delineator posts, or their equal.

e. Parallel parking spaces typically measure 8 feet wide by 20 feet long. Given the above mentioned 2 feet offset from the outer edge of the parking space, and the 4-foot setbacks creating buffer space for wheel stops (if no tree wells are present on the adjacent areas), the dimensions of a parklet in one parking space would be 6 feet wide x 12 feet long. (Figure A). If the existing parking stall width is less than 8 (eight) feet, the parklet shall be 2 feet less than the parking stall width.

f. Parallel parking space measurements may vary across the City of Palo Alto. As a result of this variation, some parklets may measure less than 6 feet wide.

g. Variations notwithstanding, in no case shall a parklet be placed within the 2-foot area measured from the outer edge of the parking space.

3. **Angle Parking Spaces**

   ![Figure 3: Angle Parking Space Parklet Dimensions](image)

   1. A parklet in an angle parking space shall consist of at least two contiguous angled parking spaces.
   2. A parklet’s outer edge shall be 2 feet back from the outer edge of the existing angled parking space. For angled parking spaces located on public streets within the City of Palo Alto, this shall be 2 feet from the exterior edge (closest to traffic) of the marked parking stall. This is shown in Figure B.

3. **Offset from neighboring parallel space may be need?**

4. **Non-Standard Spaces**

   1. A non-standard parking space is an angle or parallel space that does not meet the City of Palo Alto’s standard width or length for parking spaces. For parallel parking spaces, the standard dimensions are _______. For angle parking spaces, standard dimensions are _________.
   2. A parklet proposed in angled parking spaces that do not meet the City of Palo Alto’s...
standard depth for angle parking spaces may only be eligible for parallel parking space parklets. Office of Transportation staff, in partnership with Public Works, will review plans for such sites; this may include a site visit. The additional review will help maximize the parklet while maintaining an adequate travel lane.

3. For diagonal and perpendicular parking spaces, the edge of the parklet structure must be set back 36 inches from the adjacent parking space on either side. (This applies to all angle parking spaces along University Avenue as nearly all are substandard).

4. In the event a restricted area (i.e., loading zone) is being proposed to be used as space for a parklet, the applicant shall consider the relocation of this restricted area as part of their design and work with OOT prior to application submittal to determine relocation placement.

B. Parklet Setbacks

5. **Adjacent Setbacks**
   a. All parklets are required to include 4-foot setbacks from adjacent on-street parking spaces. This setback shall be delineated by a concrete wheel stop affixed to the street (see ‘Traffic Safety’ below).
   b. All parklets are required to include 2-foot setback from adjacent driveways.
   c. The parklet shall be set back at least 9 feet from the adjacent building(s) with no part of the parklet extending over the curb or sidewalk.
   d. Parklets are prohibited in front of active driveways, on street curves, or hills where horizontal or vertical sight-distance is a safety issue as determined by the Office of Transportation.

6. **Setback Area**
   a. The setback may not contain seating or any other objects.
   b. Neither the construction nor operation of the parklet shall interfere with, obstruct, or otherwise diminish the adjacent sidewalk and pedestrian path of travel.
   c. All walkways and sidewalks shall maintain at least 8 (eight) feet clear, unobstructed path of travel.
   d. If an 8 foot clear, unobstructed path of travel cannot be maintained, then sidewalk dining may not occur in conjunction with a parklet.

C. Other Location Criteria

1. **Proximity to Utilities and Public Facilities**
   a. Parklets must not block public utilities, bus stops, driveways, telecommunication vaults, or other in-ground infrastructure.
      i. Parklets shall not be placed over gas main or gas services due to potential hazards.
   b. Parklets located next to alleys must be set back 5 (five) feet from the outside edge of the driveway as measured from the curb face/gutter flowline.
   c. Parklets shall be placed no closer than 50 feet from a bus stop loading zone.
   d. Parklets shall be placed no closer than 15 feet from fire hydrants.
e. Parklets shall be placed no closer than 5 feet from manhole covers to allow for maintenance access.

f. Parklets shall be placed no closer than 5 feet from a storm drain catch basin in each direction. Parklet construction and design must allow access to the catch basin and shall not obstruct catch basin.

g. In the event that a parklet location is in conflict with public infrastructure (i.e., public signage, benches, etc.) the applicant shall work with the Office of Public Works and/or Office of Transportation prior to submittal to determine relocation.

2. **Fire Safety**
   
a. No portion of the parklet or associated seating shall block FDC or associated equipment.

b. Business address shall be visible from the street and cannot be fully obstructed by the parklet and associated materials.

3. **Street Trees**
   
a. Any portion of the proposed parklet must maintain the following clearances from existing street trees:
   
b. Horizontal clearance equal to a two-foot radius around the tree well.
   
c. Vertical clearance of 3 feet measured from the highest point of the parklet (if proposing a parklet with a roof).
   
d. At no time shall there be materials placed in the tree well area or within City planters.

4. **Bike Facilities**
   
c. Bicycle racks or other bicycle facilities shall not be removed, made unusable, or otherwise disturbed or obstructed by the construction of a parklet.
      
i. Any parklet design that proposes such disruption shall require review by and approval of the Office of Transportation.
   
d. Applicants are encouraged to incorporate bike parking into their parklet design.

5. **Accessibility**
   
1. The sidewalk and parklet path of travel must comply with the appropriate Americans with Disabilities Act (ADA) and California Building Code (CBC) chapter 11B accessibility provisions.

2. The parklet path of travel must comply with CBC chapter 10 exiting requirements.

**IV. Parklet Design**

The following guidelines describe both the safety and design requirements for parklet applications including standards for:

- Platform
- Enclosure
- Traffic Safety
- Furnishings & Fixtures

**A. Platform**

1. **Structural**
a. Parklets shall be constructed with quality materials and shall be of natural durable wood (such as redwood, cedar, etc.), preservative treated wood, or other engineered material suitable for exterior conditions.
b. The parklet platform must support 100 pounds per square foot of live load.
c. All fastening hardware and fasteners adjacent to and into preservative treated wood must be hot-dipped zinc coated galvanized steel, stainless steel, silicon bronze, or copper.

2. **Drainage & Ventilation**

a. The underside of the platform shall be constructed to allow for seasonal drainage.
b. Adequate cross ventilation shall be installed to allow for the surface to dry within 12 –24 hours.
c. Openings under the platform shall be screened with corrosion-resistant material with a maximum one quarter inch mesh.
d. Parklets shall not impede the flow of curbside drainage. The parklet design shall include a 4-1/2"x 8" clearance from sidewalk curb along the entire length of the parklet. Openings at either end of the parklet shall be covered with screens to prevent debris buildup beneath the parklet and in the gutter. The closure 2x decking can be removable for easy access for under platform inspection as needed. See Figure 4 for suggested platform attachment design details.

3. **Platform Attachment**

![Figure 4: Suggested Platform Attachment Design](image)

[Note: Figure 4 is subject to changes based on discussions with Building and Public Works departments. This image is illustrative only.]

a. The parklet shall be anchored to the City street and/or curb. Any anchoring proposed into the public street will require USA markings and additional staff review. Platform system shall be anchored at maximum 6’-0 apart in each direction to the roadway to avoid movement during an earthquake. See Figure 4 above.
b. The anchor shall be installed perpendicular to the curb.
c. The manner of anchoring shall be through a pre-drilled hole into the curb and a concrete anchor bolt.
d. Limit anchoring to 6-12 inches embedment.

4. **Roofs**

a. Structural
   i. Complete roof framing plan, which includes horizontal and vertical bracing, is required
to be submitted with structural calculations. A civil and/or structural engineer shall sign the plan and associated calculations.

ii. All connector hardware and fasteners shall be resistant to corrosion and listed as compatible to the framing material.

iii. Roof may be a solid uniform material or open construction (i.e., trellis, pergola, etc.)

iv. Roofs shall not be attached or connected to a building.

v. Roof shall slope toward the street to ensure rainwater drains into the street.

vi. Gutters and rain leaders are required.

vii. Roofs shall not extend over the public sidewalk.

viii. Roof’s outer edges along the travel lane may extend 6 inches beyond parklet footprint at 8 feet or above to allow for attachment of the rain leaders and gutters only.

b. Height

i. The roof shall be a minimum height of 9 feet, but no taller than 12 feet, as measured from the platform grade.

c. Materials

i. Rooftop material may be of plywood sheathing, polycarbonate sheets, or sheet metal. Roof framing maybe of one neutral tone such as natural or stained wood, or painted brown, black, beige, or other earth tones.

ii. Fabric roofing is not allowed.

iii. Roof material may be a solid uniform material or open construction (i.e., trellis, pergola, etc.)

iv. All exposed wood is required to be treated for exposure to weather.

5. Design

a. Platform decking materials shall be of one consistent material and be of a neutral tone such as natural or stained wood or painted brown, black, beige, or other earth tones.

6. Accessibility

a. The parklet shall comply with the Americans with Disabilities Act (ADA).

b. The surface of the parklet platform must be flush with the adjacent sidewalk with a maximum gap of one quarter inch and one quarter inch vertical tolerance.

c. A minimum 4-foot-wide accessible path of travel and 5-foot diameter turnaround space must be maintained within the parklet.

d. Any abrupt changes in elevation exceeding 4 inches along an accessible path of travel shall be identified by 6-inch-tall warning curbs.

B. Enclosures

1. Dimensions & Load

a. Parklets are required to include a continuous barrier along the parklet edge to bolster parklet user safety. The barrier shall be located on the outermost edge of the platform on all sides adjacent to the travel lane and the parklet ends. The sidewalk edge of the parklet may be enclosed or open.

b. This continuous enclosure shall include a periodic barrier, which may be planters or other heavy material, along the parklet edge, and when filled with soil, sand, water, or concrete weighs 500 lbs. along the edge perpendicular to traffic and spaced at least every 6 feet along the parklet edge parallel to traffic.
c. The periodic barrier shall measure at least $XX$ [still under deliberation, to be determined] in width, and a height no shorter than 36 inches and no higher than 42 inches measured from the street level.

d. The enclosure must comply with the California Building Code for guardrails, this includes but is not limited to guardrail gaps (smaller than a 4 inch sphere) and height (42 inches).

2. Design

a. Enclosure materials must be high-quality, durable, and non-reflective including but not limited to hardwood, steel, concrete planters, etc.
   a. Materials that are not permitted: Aluminum, particle board, and vinyl.

b. The continuous enclosure must be a neutral tone such as natural or stained wood, or painted brown, black, beige, or other earth tones, or be made of steel, iron (wrought or cast), or other non-reflective, all-weather proofed metals.

b. Street facing colors used on the exterior of enclosure must be matte-finish paint or opaque stain.

d. Parklets shall integrate and/or incorporate vegetation into the enclosure (edge treatment) at least every six (6) feet.

a. The height of any plants contained within planters in setback or planters serving as a parklet platform enclosure shall not exceed 6”.

b. Plant material shall not impede or hinder pedestrian and vehicular visibility.

c. No plants shall have thorns, spikes, or sharp edges.

d. Poisonous or invasive plants are not permitted.

![Figures above illustrate compliant examples of a parklet enclosure.](image)

C. Traffic Safety

1. Wheel Stops

a. When a parklet is adjacent to active parallel parking spaces, a wheel stop must be installed. The wheel stop shall measure 3 feet long by 4 inches high. It shall be constructed of concrete or rubber.

b. Affixing Wheel Stops
   i. Drilled-in Wheel stops: A permittee will need USA clearance to anchor a wheel stop into the road.

b. Location
   i. The wheel stop shall be placed one foot from the curb at the edge of the front parking space.
ii. A wheel stop shall be placed one foot from the curb at the edge of the rear parking space.
iii. Wheel stops shall be placed four feet from the parklet structure.

d. Exceptions
i. Parklets extending the length between two in-street tree wells, as on University Avenue, may omit wheel stops.

![Figure 5: Wheel Stop](image)

2. Reflective Delineators

a. The parklet shall include installation of the California Manual of Uniform Traffic Control Devices (MUTCD) approved delineator posts or flexible bollards.

b. Location
   i. Delineator posts shall be surface mounted to the roadway via epoxy and/or glue down methods unless approved otherwise.
   ii. Reflective delineators must be installed at the outside corners of the parklet. The channelizers or posts must align with the end of the platform and not encroach on the travel lane.
   iii. Additional delineators must be placed every 20 (twenty) feet in the 2 foot buffer zone along the lane of travel—but not in the lane of travel.

c. Dimensions
   i. Right side of travel lane - Delineators shall be 42 inches high and white with white reflective bands for use on the right side of a travel lane.
   ii. Left side of travel lane – Delineators shall be 42 inches high and be white with yellow reflective bands if used on the left edge of a travel lane.

d. Maintenance
   i. Maintenance of the delineator posts shall be the responsibility of the Permit holder.
   ii. Permittee shall replace any missing or damaged delineators within 24 hours of a delineator’s failure or with 24 hours’ notice from the City.

Examples of these devices are illustrated in Figures 6 and 7.
3. **Travel Clearance**
   a. Parklets shall provide a minimum 2-foot clearance from the edge of the travel lane (measured from the parking striping adjacent to the travel lane) to ensure safe separation from traffic.

D. **Furnishings & Fixtures**

   1. **Materials**
      a. Parklet furnishings and fixtures must be high-quality, durable, and non-reflective including but not limited to: Hardwood, steel, concrete, etc.
         i. Materials that are not permitted: Aluminum, particle board, and vinyl.
      b. Parklet design and materials shall match the colors, textures, and design of the accompanying business storefront.
      c. Parklets shall utilize outdoor grade reflective tape to mark changes in grade.

   2. **Power Supply**
      a. Propane is not permitted to be used for heaters.
      b. Electrical power supply to the parklet, including receptacle outlets, shall comply with permanent wiring methods as outlined in the adopted California Electrical code.
c. Applicants must apply and obtain the appropriate electrical permit with a maximum of one conduit per parklet.
d. No power cords or conduits are allowed under the sidewalk. All electrical conduits shall be installed overhead, with a minimum height of 10 feet at the lowest point. Overhead conductors shall be properly sized and supported.
e. Generators are not allowed in association with parklets.
f. Parklet power source shall not be pulled from city sidewalk lighting or supported by trees.

3. **Heaters**

   a. Parklets without Roofs
      i. Electric space heaters are permitted if they are an outdoor approved type, are located in accordance with the manufacturer’s recommendations.
      ii. Heaters must be placed at least 5 feet away from any combustible materials.
      iii. Heaters may not be used or stored under a tent, canopy, or umbrella.
      iv. A fire extinguisher is required to be mounted within sight and have appropriate signage per the Fire Code.
      v. Heaters must maintain at least 6 feet of clearance from any portion of street tree.

   b. Parklets with Roofs
      i. Any new electric circuits required for heating and lighting require an electrical permit from the Building Department (see ‘Power Supply’ above). Any electrical equipment must be listed and carry a product certificate for its intended use by a recognized electrical testing laboratory.
      ii. Permanently mounted electric heaters must follow all manufacturer's instructions and applicable code requirements.
      iii. A fire extinguisher is required to be mounted within sight and have appropriate signage per the Fire Code.

4. **Lighting**

   a. Outdoor lighting, such as decorative string lights are allowed if parklet permit holders can connect this lighting to a GFCI-protected branch circuit properly sized to accommodate the additional load.
   b. Listed exterior rated extension cords must be sized properly for the anticipated load and not create tripping hazards. Extension cords shall not extend over any part of the sidewalk at grade.
   c. Extension cords are not to be a substitute for permanent wiring.
   d. If utilized, extension cords shall be installed overhead with a minimum height of 10 feet at the lowest point. No cords can extend under the parklet floor or any floor coverings.
   e. The use of electrical adapters and power strips are prohibited. All lighting and extension cords must be rated for exterior use, listed, and carry a product certificate for its intended use by a recognized electrical testing laboratory.
   f. Lighting must be LED only.
   g. Lighting shall be limited to the parklet area and not encroach into any portion of the public sidewalk.
   h. Low Voltage Wiring (such as might be used for speakers, though please note amplified music is not allowed)
      i. All low voltage wiring must be installed per the adopted California electrical code.

5. **Umbrellas**
a. Permitted Umbrella Types:
   i. Table Umbrella
   ii. Tilting Umbrella
   iii. Off-set/ Cantilever Umbrella

b. No portion of an umbrella shall extend beyond the edge and/or enclosure of the parklet on any side.

c. No umbrella shall obstruct the view from the street between three (3) and eight (8) feet, measured from the street, from any side.

6. Signage

   a. Parklet signage is limited to six (6) square feet and shall be limited to the name of the business and shall be non-illuminated and non-reflective. Letters no taller than 15”.

   b. Businesses are permitted one (1) sign on their parklet, total.

   c. Signs must be affixed to the outer most portion of the parklet enclosure no higher than 36” from the street grade.

   d. No form of advertising is permitted to be painted or mounted on any surface or area of the parklet.

   e. Any existing parking signs installed adjacent to the parklet must be covered with opaque plastic; such coverage or illegibility shall occur only in manners approved by the City of Palo Alto through its Department of Public Works and/or its Office of Transportation.

7. Seating & Furniture

   a. Accessibility
      i. The establishment must provide 5% accessible seating for each type of seating provided (table, booth, etc.) or a minimum of 1 seat per type, whichever is greater, in an outdoor seating area where the slope is no greater than 2% in any direction.

      ii. Such ADA accessible areas shall include a clear path of travel to the seating and a 60” diameter turnaround area.

      iii. Such ADA accessible seating shall be provided at an accessible height which includes:

          i. Table surface between 28 to 34 inches high.

          ii. At least 27 inches of space from the floor to the bottom of the table.

          iii. Knee clearance extends at least 19 inches under the table.

          iv. Total clear floor area of 30 inches by 48 inches per seat.

   b. Street Furniture
      i. Street furniture including tables, chairs, benches, etc. shall be all-weather, and of a high-quality material.
Figures above illustrate street furniture examples.

8.  **Landscape**
   a.  Vegetation shall be comprised of native, low-water use, and drought tolerant plants.
   b.  No plants shall have thorns, spikes, or sharp edges.
   c.  Poisonous or invasive plants are not permitted.

V.  **Operational Standards**

9.  **Private Control**

Staff continue to develop language regarding the private control of this area under the terms of the permit.

10.  **Alcohol Service**
   a.  Parklets that serve alcoholic beverages shall include appropriate fencing or other barriers to delineate the space and adhere to Alcohol Beverage Control (ABC) regulations.
   b.  All physical requirements of ABC should be reflected in the design submitted for review.
   c.  [Note: the following is still in discussion and a clear process is yet to be determined] A Conditional Use Permit (CUP) Amendment is required to allow alcohol service at a parklet.
   d.  A restaurant with existing CUP for alcohol service must submit an application to Planning and Development Services to amend the existing CUP to expand alcohol service to parklet.
   e.  The CUP Amendment must be approved before alcohol service is allowed at a parklet.

11.  **Site Maintenance**
   a.  Parklets shall be maintained free of litter and debris.
   b.  The parklet area and adjacent sidewalk shall be scrubbed and mopped to remove any food or drink stains on a daily basis by the permittee.

12.  **Hours of Operation**
   a.  The parklet shall adhere to the same approved hours of operation as the associated business.
   b.  Note: In the CN or CS zone districts, a CUP is needed to operate/activities between the hours of 10:00 p.m. and 6:00 a.m. and approval conditions for operations during these hours are to ensure the operation is compatible with the abutting (or within 50 feet of) residential property.

VI.  **PERMIT APPLICATION REQUIREMENTS**

A.  **Submittal Requirements**

1.  **Site Plan**—Site plan shall be drawn to scale on 11 x17 tabloid paper, include all pertinent dimensions and the following information:
   a.  Location of the business frontage
   b.  Dimensions of the parklet platform
   c.  ADA accessibility measurements
   d.  Setbacks from adjacent parking spaces and the adjacent traffic lane
e. Locations of traffic protection improvements including wheel stops, reflective
delineators, etc.
f. Location of public utilities including any manhole covers, gutter drains, fire hydrants,
and FDCs, light poles, etc. (and distances to parklet)
g. Any adjacent installations on the sidewalk including parking meters, utility boxes, street
signs, bike racks, street furniture, etc. (and distances to parklet)
h. Existing parking space striping
i. Crosswalks, bus stops, driveways (and distances to parklet)
j. Width of sidewalk
k. Planters (if applicable)

2. Elevations
   a. Elevation drawing showing the following information:
   b. Height and design of platform railings/guards or edge buffers
   c. Height and design of roof (if applicable)
   d. Heating, lighting, other electrical equipment
   e. Power connection (show distance from ground to overhead wire)
   f. Storm water drainage
   g. Cross-section drawing of parklet

3. Construction Drawing/Calculation
   a. Structural drawings
   b. Structural calculations (if applying for parklet with roof)
   c. heating, lighting, other electrical equipment
d. electrical power connection/source

4. Pictures of proposed site—The application should include at least 3 photos showing existing
   built parklet, if applicable, the proposed parking space(s) converted into a parklet, adjacent
   sidewalk and store frontage

5. List of all materials and equipment proposed
   a. Materials palette showing the following information:
      i. Proposed materials for platform
      ii. Proposed materials for railings or edge buffers
      iii. Proposed furnishings
      iv. Roof material (if applicable)
   b. Equipment sheet including:
      i. Image of equipment
      ii. Any manufacturer instructions
   c. Planters, including dimensions and weight.
   d. Type of plants

6. Parklet Information:
   a. Number of parking spaces requested
   b. Perpendicular or angled spaces
   c. Color of curb
d. Proposed use of parklet
e. Business hours of operation
f. Parklet Designer/ Architect/ Engineer/ Construction Firm contact (if applicable)
g. Signage (if applicable)

7. Business Information
   a. Business Address
8. Business Owner Information
9. Property Owner Information (if different than applicant)
10. Insurance Documents
11. Letter(s) of Support - If the proposed parklet extends beyond the applicant’s storefront, the applicant shall obtain letters of support from the neighboring ground-floor building owner(s) and tenant(s). [Draft template to be provided, still being drafted by staff].
12. Indemnity Acknowledgement

B. Failure to Maintain

A parklet sponsor who fails to properly and sufficiently maintain the cleanliness, safety, and accessibility of their parklet may be subject to violations and fines. If maintenance issues are not resolved, the City may revoke the encroachment permit and the parklet sponsor may be required by the City to remove the parklet at their own expense.

C. Utility Maintenance & Public Safety

Because a parklet may sit atop buried utilities, there may be instances where a parklet will need to be removed to access a utility beneath it. In the event of necessary utility maintenance or the unlikely event of a utility failure such as a gas leak or water main break that threatens public safety, the City or utility owner may remove parklets with little or no notice. Parklet sponsors are responsible for the cost of re-installing and restoring any damage to the parklet.

In instances of advanced notice (such as street repaving, planned maintenance, etc.), the parklet sponsor may need to remove and reinstall the parklet at their sole expense. If the sponsor cannot remove the parklet, the City will remove the parklet.

D. Parklet Removal

If for some reason the parklet sponsor decides no longer wants to maintain a parklet, the parklet sponsor is responsible for notifying the City and removing it at the parklet sponsors’ own expense. Immediately upon removal the parklet area shall be cleaned and restored to its previous condition to the satisfaction of the City.

E. Permit Fees, Permit Charges, and Deposit

[Note: Fee methodology for annual or monthly leasing fee is still to be determined in addition to any resulting fee for ongoing program management].
Ordinance No. ____

Interim Ordinance of the Council of the City of Palo Alto Temporarily Continuing the Expansion of Outdoor Dining, Retail and Other Activities on Public and Private Property and Relaxing Regulations Regarding Onsite Parking, On-Sale of Alcohol, Design/Architectural Review, Permit Fees, and Alcohol Consumption in Public Places, All to Facilitate Such Outdoor Use

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

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

A. On June 23, 2020, the City Council adopted Ordinance 5500, an emergency ordinance, in response to COVID-19 and its effects on local businesses. At that time and since then, county and state regulations related to COVID-19 have limited or curtailed many indoor activities, including dining, bars, retail, performances, and other recreational uses.

B. In June 2021, the City Council adopted Ordinance 5526, which amended and restated Ordinance 5500 on a non-emergency basis (among other changes). Ordinance 5526 will sunset on December 31, 2021 unless amended by the City Council.

C. On November 8, 2022, the City Council adopted Ordinance 5533, which amended and restated Ordinance 5526 with a new sunset date of June 30, 2022 to allow the provisions of that ordinance to continue.

D. The City Council now desires to amend and restate Ordinance 5533 to extend its provisions through December 31, 2022.

SECTION 2. City Manager Authorization

The City Manager or his or her designee(s) may promulgate guidelines and implementing regulations for the uses and programs described in this Ordinance as long as such regulations do not conflict with this Ordinance.

SECTION 3. Fee Waivers for Encroachment Permits and Parking Space Closures

A. The permit fees set forth in the Municipal Fee Schedule are temporarily waived for applications for encroachment permits under Palo Alto Municipal Code Section 12.12.010 and Section 12.12.020, as modified by this Ordinance, to place structures and equipment in the public right-of-way (including closed streets and sidewalks) for purposes of outdoor dining and outdoor retail sales and display of wares.
B. The parking space closure fee in the Municipal Fee Schedule collected by the Department of Planning and Development Services is temporarily waived for the use of a parking space(s) on-street or in a parking lot for purposes of outdoor dining and outdoor retail sales and display of wares as authorized through an encroachment permit, license, or agreement with the City.

SECTION 4. Modified Review Process for Commercial Sidewalk Encroachment Permits

Notwithstanding contrary provisions of PAMC Section 12.12.020, permits may be granted for commercial sidewalk encroachments for outdoor retail sales and display areas and outdoor eating areas. Permits for these purposes shall not be required to undergo and complete design review by the Planning Department described in subsection (d) of Section 12.12.020. Except as expressly modified herein, the provisions of Section 12.12.020 shall apply to commercial sidewalk encroachments.

SECTION 5. Eating and Drinking Establishments

Eating establishments, and drinking establishments may temporarily relocate some or all of their existing indoor seating capacity to outdoor seating capacity, as follows:

A. **Location.** Outdoor eating areas may be placed in one or more of the following areas:

1. Public streets temporarily closed by the City of Palo Alto, through issuance of an encroachment permit under PAMC Section 12.12.010;

2. Sidewalks through issuance of an encroachment permit under PAMC Section 12.12.020, as modified by Section 4 of this Ordinance;

3. In on-street parking spaces approved for use as temporary parklets, in accordance with the Pilot Parklet Demonstration Project as first approved by Council Resolution No. 9909 and continued by subsequent resolutions;

4. Surface parking lots that currently provide required onsite parking for the eating/drinking establishment, through issuance of an approval by the Director of Planning, or his or her designee, as described in subsections C and D of this Section, below;

5. Other outdoor areas on the eating/drinking establishment site not originally permitted for outdoor seating in the establishment’s approved site plan or planning entitlement (such as landscaped areas), through issuance of an approval by the Director of Planning, or his or her designee, in accordance with subsections C and D of this Section, below; and

6. In other areas that the Council identifies by resolution or ordinance.
B. **Use of Private Parking Lots – Temporary Reduction of Parking Requirements.**

1. Notwithstanding the parking requirements applicable to eating/drinking establishments in Title 18 (Zoning) of the PAMC or in individual planning entitlements or approvals for eating/drinking establishments, an eating/drinking establishment may place outdoor eating areas in its parking lot, so long as at least half of the parking spaces on the subject site remain available for use by vehicles. If the establishment’s parking lot has ten or fewer parking spaces, up to 100 percent of the parking lot may be used for outdoor eating, subject to review and approval of the Planning Director or his or her designee.

2. Notwithstanding the parking requirements applicable to shopping centers and their tenant businesses in Title 18 (Zoning) of the PAMC or in individual planning entitlements or approvals for shopping centers or their tenant businesses, a shopping center with an eating/drinking establishment tenant(s) may place outdoor eating areas for such tenant business(es) in the shopping center parking lot, so long as at least half of the parking spaces on the subject site remain available for use by vehicles.

C. **Application.** An application in a form approved by the Director of Planning shall be submitted to the Planning and Development Services Department to relocate some or all of an eating/drinking establishment’s permitted indoor restaurant seating to outdoor seating in privately-owned areas on the eating/drinking establishment site not originally permitted for outdoor eating. The Director of Planning is authorized to establish submittal requirements and procedures. Temporary Use Permits (TUP) under PAMC Section 18.42.050 may be utilized for this purpose. A TUP issued for this purpose may be valid for a specified period longer than 45 days, notwithstanding subsection (d) of Section 18.42.050. The Planning Director may extend a TUP issued prior to the effective date of this Ordinance to be valid beyond 45 days.

D. **Seating Layout Review.** A Seating Layout Review is required to relocate some or all of an eating/drinking establishment’s permitted indoor seating to outdoor seating in privately-owned areas on the eating/drinking establishment site not originally permitted for outdoor eating. The Seating Layout Review shall be conducted by a transportation planner, planner, and/or fire inspector who will review and either approve or require modifications to the proposed outdoor seating layout based on the following criteria:

1. Seating layout does not create a safety risk and adequate pedestrian and vehicular separation is maintained, including with movable barriers as appropriate where outdoor seating is to be placed in parking lots or on-street parking spaces.

2. Seating layout accommodates appropriate vehicle and pedestrian circulation and maintains adequate paths of travel and complies with accessibility requirements of the Americans with Disabilities Act.
3. Any tents must comply with fire codes and Palo Alto Fire Department issued standards for tents, and safety standards set forth by the National Fire Protection Association for fire-resistant tents and must include an affixed manufacturer’s label stating the tent meets NFPA requirements. A State Fire Marshal seal on the tent or a certificate is needed to prove treatment.

4. Any heaters must comply with fire codes.

5. An adequate and visible barrier is placed that clearly separates the retail area from the parking area and provides sufficient protection for patrons. Adequacy shall be defined in standards and guidelines issued by the Director of Planning.

6. Other requirements established in the standards and guidelines issued by the Director of Planning.

E. Fee. No fee will be charged for submittal and review of the Application and for conducting a Seating Layout Review.

F. Occupancy. Total seating occupancy (including all indoor and outdoor seating) shall not exceed the overall occupancy for which the restaurant is permitted.

G. Alcohol Service. Establishments that are allowed by the City to serve alcohol for onsite consumption by issuance of a conditional use permit (“CUP”) as required by PAMC Section 18.42.090 or as a legal nonconforming use, and that both have an on-sale license from the Department of Alcoholic Beverage Control (“ABC”) and are duly authorized by ABC to serve alcohol in outdoor areas, shall be allowed to serve alcohol for onsite consumption in such outdoor areas, notwithstanding any prohibition on outdoor alcohol service or consumption in the PAMC or planning entitlement issued under Title 18 (Zoning) of the PAMC. During the effective period of this Ordinance, establishments that meet the preceding requirements may expand their footprint to outdoor areas without an amendment of the CUP, notwithstanding PAMC Section 18.42.090(c). Outdoor alcohol service shall be in full compliance with ABC regulations, as amended.

H. No Architectural Review. Notwithstanding PAMC Sections 18.77.077 and 18.76.020, architectural review shall not be required for proposed outdoor eating areas or signage related to such areas during the effective period of this Ordinance.

SECTION 6. Retail Establishments

Retail establishments may temporarily relocate some or all of their existing customer-accessible square footage to outdoor spaces as follows:
A. Location. Outdoor retail sales and display areas and outdoor eating areas may be placed in one or more of the following areas:

1. Public streets temporarily closed by the City of Palo Alto, through issuance of an encroachment permit under PAMC Section 12.12.010;

2. Sidewalks through issuance of an encroachment permit under PAMC Section 12.12.020, as modified by Section 4 of this Ordinance;

3. Surface parking lots that currently provide required onsite parking for the retail establishment, through issuance of an approval by the Director of Planning, or his or her designee, as described in subsections C and D of this Section, below;

4. Other outdoor areas on the retail establishment site not originally permitted for retail sales and display or dining in the retail establishment’s approved site plan or planning entitlement (such as landscaped areas), through issuance of an approval by the Director of Planning or his or her designee in accordance with subsections C and D of this Section, below; and

5. In other areas that the Council identifies by resolution or ordinance.


1. Notwithstanding the parking requirements applicable to retail establishments in Title 18 (Zoning) of the PAMC or in individual planning entitlements or approvals for retail establishments, a retail establishment may conduct outdoor retail sales and display and may place outdoor eating areas in its parking lot, so long as at least half of the parking spaces on the subject site remain available for use by vehicles. If the establishment’s parking lot has ten or fewer parking spaces, up to 100 percent of the parking lot may be used for outdoor dining/retail, subject to review and approval of the Planning Director or his or her designee.

2. Notwithstanding the parking requirements applicable to shopping centers and their tenant businesses in Title 18 (Zoning) of the PAMC or in individual planning entitlements or approvals for shopping centers or their tenant businesses, a shopping center with a retail establishment tenant(s) may place outdoor retail sales and display areas and outdoor eating areas for such tenant business(es) in the shopping center parking lot, so long as at least half of the parking spaces on the subject site remain available for use by vehicles.

C. Application. An application in a form approved by the Director of Planning shall be submitted to the Planning and Development Services Department to relocate some or all of a retail establishment’s customer-accessible square footage to outdoor retail sales and display in privately-owned areas on the retail establishment site not originally permitted.
for outdoor retail sales and display. The Director of Planning is authorized to establish submittal requirements and procedures. Temporary Use Permits (TUP) under PAMC Section 18.42.050 may be utilized for this purpose. A TUP issued for this purpose may be valid for a specified period longer than 45 days, notwithstanding subsection (d) of Section 18.42.050. The Planning Director may extend a TUP issued prior to the effective date of this Ordinance to be valid beyond 45 days.

D. **Merchandise or Seating Layout Review.** A Layout Review is required to relocate some or all of an retail establishment’s permitted indoor customer-accessible square footage to privately-owned areas on the retail establishment site not originally permitted for retail. The Layout Review shall be conducted by a transportation planner, planner, and/or fire inspector who will review and either approve or require modifications to the proposed retail layout based on the following criteria:

1. The placement of the merchandise, displays, or other items does not create a safety risk and adequate pedestrian and vehicular separation is maintained, including with movable barriers as appropriate where outdoor seating is to be placed in parking lots or on-street parking spaces.

2. The layout accommodates appropriate vehicle and pedestrian circulation and maintains adequate paths of travel and complies with accessibility requirements of the Americans with Disabilities Act.

3. Any tents must comply with fire codes and Palo Alto Fire Department issued standards for tents, and safety standards set forth by the National Fire Protection Association for fire-resistant tents and must include an affixed manufacturer’s label stating the tent meets NFPA requirements. A State Fire Marshal seal on the tent or a certificate is needed to prove treatment.

4. Any heaters must comply with fire codes.

5. An adequate and visible barrier is placed that clearly separates the retail area from the parking area and provides sufficient protection for patrons. Adequacy shall be defined in standards and guidelines issued by the Director of Planning.

6. Other requirements established in the standards and guidelines issued by the Director of Planning.

E. **Fee.** No fee will be charged for submittal and review of the Application and for conducting a Layout Review.

F. **No Architectural Review.** Notwithstanding PAMC Sections 18.77.077 and 18.76.020, architectural review shall not be required for proposed outdoor retail areas or signage related to such areas during the effective period of this Ordinance.
SECTION 7. Compliance with Other Regulations, Orders and Approvals

The uses of public and private property allowed in this Ordinance shall be conducted in compliance with any applicable state or county mandate (including executive orders and health orders), this Ordinance, Resolution No. 9909 and its successors, and all other local and state regulations, orders, and approvals, as applicable (collectively, “Applicable Law”). Any approval, allowance or permit to conduct such temporary outdoor use(s) shall be subject to revocation by the issuing City official if the use is conducted in violation of Applicable Law, or poses a threat to public health, safety or welfare.

SECTION 8. No Vested Rights

The outdoor uses of public and private property allowed in this Ordinance are temporary and shall be terminated upon the earlier of the date stated in the applicable permit/approval or the expiration of this interim Ordinance, unless earlier revoked by the City Manager or other authorized official (or their designee) or terminated by action of the City Council. The City may discontinue one or more, or all, of the allowed outdoor uses at any time if the City Manager or designee determines that the public health, safety or welfare warrant such action. Nothing in this Ordinance shall establish a vested right.

SECTION 9. Suspension of Prohibition on Alcohol Consumption in Lytton Plaza and Cogswell Plaza

Notwithstanding PAMC Sections 22.04.330 and 22.04.331, the City Manager is authorized to suspend the prohibition on consumption of alcoholic beverages in the parking lots adjacent to Lytton Plaza and Cogswell Plaza.

SECTION 10. Use of City Parking Lots for Reopening Activities

A. The City Manager, or his or her designee (“City Manager”), is authorized to permit outdoor dining, retail and other activities necessary to facilitate the reopening of businesses, in public parking lots owned by the City, subject to the City Manager’s adoption of rules, regulations, guidelines, and standards for such use (“Regulations”), and publication of such Regulations on the City’s website. Use of parking lots, or portions thereof, by a business shall require a license or other agreement, including an agreement to indemnify and hold harmless the City, and provision of insurance.

B. The City Manager is authorized to waive any fee in the Municipal Fee Schedule associated with the temporary use of parking areas for the purposes identified in Section A above.

C. Notwithstanding PAMC Section 9.04.020, the City Manager is authorized to suspend the prohibition on consumption of alcoholic beverages in any City owned parking lot.

//
SECTION 11. Personal Services, Indoor Recreation and Other Uses

The authorized outdoor uses of public and private spaces authorized in this Ordinance may be applied to personal services, indoor recreation and other uses. Prior to authorizing these additional activities to occur, the City Manager, or his or her designee (“City Manager”), shall adopt rules, regulations, guidelines, and standards for these uses, and publish them on the City’s website.

SECTION 12. Severability

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 13. Environmental Review

The Council finds that the Ordinance is categorically exempt from CEQA under CEQA Guidelines Sections 15301 (existing facilities) and 15304(e) (minor temporary use of land having negligible or no permanent effects on the environment).

SECTION 14. Effective Date

This Ordinance shall be effective 31 days after adoption and shall remain in effect until December 31, 2022 unless otherwise modified, repealed or extended by the City Council.

SECTION 15. Uncodified

This Ordinance shall not be codified.
SECTION 16. Supercedes Ordinance 5533.

As of the effective date of this Ordinance, this Ordinance shall supercede Ordinance 5533, and any conflict shall be resolved in favor of this Ordinance.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

_________________________________________  ______________________________________  
City Clerk  Mayor

APPROVED AS TO FORM:

_________________________________________  ______________________________________  
Assistant City Attorney  City Manager

_________________________________________  ______________________________________  
Director of Public Works  

_________________________________________  ______________________________________  
Director of Planning & Development Services
Resolution No. ______
Resolution of the Council of the City of Palo Alto Continuing the Pilot Parklet Demonstration Program as Continued by Resolution 9992

RECITALS

A. In June, 2020, the City Council adopted Resolution 9909 in response to COVID-19 and its effects on local businesses. Resolution 9909 created a Pilot Parklet Demonstration Program and also permitted the City Manager to temporarily close certain streets. At that time and since then, county and state regulations related to COVID-19 have limited or curtailed many indoor activities, including dining, bars, retail, and other recreational uses.

B. On June 7, 2021, the City Council adopted Resolution 9962, which amended and restated Resolution 9909 on a non-emergency basis (among other changes).

C. On October 18, 2021, the City Council adopted Resolution 9992, which amended and restated Resolution 9962 to continue the pilot program until June 30, 2022.

D. The City Council now intends to extend the pilot program through December 31, 2022 through this Resolution.

E. This Resolution, like its predecessors, implements a temporary parklet program authorized by Ordinance 5526 and its successor ordinances.

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

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

SECTION 2. Pilot Parklet Program and Design Requirements. The City Council hereby approves the temporary use of on-street parking spaces in Palo Alto for parklets under the Pilot Parklet Demonstration Program as first described Resolution 9909 and continued by its successor resolutions.

A. The Director of Public Works/City Engineer, or his or her designee (the “Director”), is delegated the authority to exercise their discretion to approve specific parklet locations, plans, designs, materials, and standards, and amendments thereto, consistent with the Parklet Standards and Requirements. The plans and designs shall be signed by the
Director. Any existing parklet locations, plans, designs, materials, standards, and amendments to the Parklet Standards and Requirements approved by the Director under the authority of Resolution 9909 and/or its successors shall remain valid under the authority of this Resolution unless otherwise amended, rescinded, or modified in any other way.

B. The Director is authorized to issue implementing guidelines and regulations for the Pilot Parklet Demonstration Program, and to approve amendments to the Parklet Standards and Requirements as the Director in his or her discretion deems necessary and proper. Any existing guidelines, regulations, or amendments issued by the Director under the authority of Resolution 9909 and/or its successors shall remain valid under the authority of this Resolution unless otherwise amended, rescinded, or modified in any other way.

C. A valid encroachment permit issued under Palo Alto Municipal Code Section 12.12.010 is required to operate a parklet under this Program. The Director may approve a parklet application through issuance of an Encroachment Permit subject to the general regulations in Palo Alto Municipal Code Section 12.12.010 and the following criteria and procedures:

1. **Use.** Parklets shall be restricted to outdoor eating areas of eating establishments.

2. **Application and Review.** A complete application for a parklet encroachment permit shall be reviewed by City staff for a determination as to whether such application complies with the Parklet Standards and Requirements. The application shall include all information necessary for a determination on the application including, but not limited to a certificate of insurance and a hold harmless and indemnity agreement in favor of the City shall be submitted in accordance with the provisions of Palo Alto Municipal Code Section 12.08.120. The Director shall grant or deny the application.

3. **Conditions.** Conditions of approval may be imposed on parklet encroachment permits to maintain the public health, safety and welfare.

4. **Revocation.** The Director may revoke a parklet encroachment permit if he or she determines that the conditions of the permit, the provisions of this Resolution, or any applicable regulation, ordinance, or provision of the Municipal Code are being violated, or if the municipal use of the
area is required for reasons of public health, safety, welfare or convenience. The permittee shall be notified of an intent to revoke the permit and shall be entitled to a hearing before the Director whose decision shall be final.

5. **Existing Permits.** Any parklet encroachment permit issued under the authority of Resolution 9909 and/or its successors shall remain valid under the authority of this Resolution unless such a permit is otherwise amended, revoked, or modified in any other way.

**SECTION 3.** **Rules and Regulations.** In addition to the authority given to the Director of Public Works and his or her designee in Section 2 of this Resolution, the City Manager is authorized to enact any rule or regulation or implementing guidelines to effectuate and implement this Resolution.

**SECTION 4.** **Compliance with Other Regulations, Orders and Approvals.** The uses of public and private property allowed in this Resolution shall be conducted in compliance with any applicable state or county mandate (including executive orders and health orders), and all other local, county, and state regulations, orders, and approvals, as applicable (collectively, “Applicable Law”). Any approval, allowance or permit to conduct such temporary outdoor use(s) shall be subject to revocation by the issuing City official if the use is conducted in violation of Applicable Law, or poses a threat to public health, safety or welfare.

**SECTION 5.** **No Vested Rights.** The uses allowed in this Resolution are temporary and shall be terminated upon the earlier of the date stated in the applicable permit/approval or the expiration of this Resolution, unless earlier revoked by the City Manager or other authorized official (or their designee) or terminated by action of the City Council. The City may discontinue one or more, or all, of the allowed uses at any time if the City Manager or designee determines that the public health, safety or welfare warrant such action. Nothing in this Resolution shall establish a vested right.

**SECTION 6.** The Council finds that this Resolution is categorically exempt from CEQA under CEQA Guidelines Sections 15301 (existing facilities) and 15304(e) (minor temporary use of land having negligible or no permanent effects on the environment).

**SECTION 7.** This Resolution supersedes Resolution 9992. Any conflict between this Resolution and Resolution 9992 shall be resolved in favor of this Resolution.
SECTION 8. This Resolution shall become effective immediately upon approval and shall remain in effect until December 31, 2022 unless otherwise modified, repealed or extended by the City Council.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTION:

ATTEST:

_____________________________ ______________________________
City Clerk Mayor

APPROVED AS TO FORM:

_____________________________ 
Assistant City Attorney

APPROVED:

_____________________________ 
City Manager

_____________________________ 
Director of Public Works

_____________________________
Director of Planning and Development Services
Review of peer city jurisdictions have provided an initial framework for the type and level of guidelines proposed for the City of Palo Alto. In general, most cities that have transitioned to permanent parklet programs do not have heavily prescriptive design guidelines, focusing the majority of guidelines on standards for safety.

The table below summarizes the full table provided in Attachment XX which details the jurisdictions reviewed and their standards for key topics.

<table>
<thead>
<tr>
<th>JURISDICTION</th>
<th>PROGRAM TYPE</th>
<th>ENCLOSURE</th>
<th>COVERINGS</th>
<th>MATERIALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Altos</td>
<td>Pilot Program/Recommended guidelines for when Public Health orders lift</td>
<td>Have edge buffers that will enclose the space on all sides, except the sidewalk.</td>
<td>Choice between three (3) pre-approved shade coverings: movable umbrella, fabric sail shade, retractable fabric solar shade.</td>
<td>Natural materials are strongly encouraged. Wood, stone, brick can provide warmth at storefronts and enhance the feeling of village scale and character.</td>
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<tr>
<td>Los Gatos</td>
<td>Semi-Permanent Parklet Program</td>
<td>Choice between three (3) pre-approved railing designs.</td>
<td>Choices between three (3) approved materials: movable umbrella, fabric sail shade, retractable fabric solar shade.</td>
<td>Concrete planters, concrete slab or stamped and stained concrete slab (brick-like) or concrete with red bricks to match sidewalk.</td>
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<td></td>
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<td></td>
<td>Tub steel frame railing or custom brushed stainless steel cable railing or custom green railings to match street; string lights, fabric sail shade or slide on wire fabric solar shade.</td>
</tr>
<tr>
<td></td>
<td>Permanent Program</td>
<td>Parklets must incorporate a continuous rigid barrier from the platform to the street (e.g., guardrails or another barrier such as planters and railings). Ropes and other non-ridged parklet delineation is not permitted. It is the applicant’s responsibility to ensure structural integrity and</td>
<td>Temporary pop-up tents/canopies and temporary or permanent roof structures are not permitted. However, umbrellas are allowed. Umbrellas must be properly secured. Umbrella colors are limited to a solid neutral color (i.e., no stripes, dots, bright or fluorescent colors,</td>
<td>Materials must be high quality, durable, and non-reflective. The predominant material/cladding on the street facing side of the parklet must be wood or other natural material.</td>
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<tr>
<td>Safety of the barrier/guardrail. The barrier must comply with the California Building Code for guardrails, this includes but is not limited to guardrail minimum force, guardrail gaps, and height. Barrier maximum height is 48”. Barrier should not be one solid piece of wood/metal. It must include some visibility to the street (e.g., railings with gaps).</td>
<td>etc.), cannot include branding. Umbrella colors are subject to review by the Planning Division.</td>
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<tr>
<td><strong>Redwood City</strong> Temporary Program</td>
<td><strong>San Mateo</strong> Permanent Program</td>
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<tr>
<td>Temporary barriers not exceeding three (3) feet in height shall be placed in a safe manner around the Outdoor Activity area. Tent Permit required for tents or canopies over 400 sq. ft. Only one side of the tent or canopy can be closed at any given time.</td>
<td>Platforms must be constructed from durable materials that can withstand wear and tear of elements. Pouring concrete for parklet platforms is not allowed. You may use concrete pavers on a platform structure instead. Surface materials must be textured or treated with a non-skid coating to ensure a safe walking surface. Loose particles such as sand or loose stone, are not permitted.</td>
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<tr>
<td>Must withstand 250 lbs of force. Edge buffers: the parklet should have an edge as a buffer from the street (can be planters, railing, cabling, or some other closure) Openings in rails must prevent passage of 4-inch sphere Height of railings/enclosures shall not exceed 36 inches from parklet platform floor to the top of the railing. If higher wind barriers are desired,</td>
<td>Roofs, trellises, and tent shade structures will not be allowed after April 30, 2022.</td>
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<tr>
<td>Walnut Creek Temporary Program</td>
<td>Enclosures are clearly defined using barriers to help create a comfortable and separated space for patrons in the Pop-Up. Heavyweight barriers shall be placed no more than 6 feet apart and be no taller than 2 feet. They must weigh a minimum of 250 pounds each. The most common heavyweight barrier in use are planters.</td>
<td>Umbrellas are the only type of covering or canopy that are allowed on a sidewalk, sidewalk extension, or City plaza, and are only permitted if the City has previously approved the Encroachment.</td>
<td>Heavyweight Barrier options: concrete jersey barrier, plastic traffic barrier, granite or concrete blocks, parking stops, wood barriers, planters. Lightweight barriers: Metal railing, plastic netting, rope, lattice, bamboo curtains, etc. Surface treatments: back floor mats, chalk paint, chalk, astroturf, sod, cornstarch paint.</td>
<td></td>
</tr>
</tbody>
</table>

The proposed standards (detailed above) aim to strike a balance between flexibility and consistency to allow for streamlined implementation and quality aesthetic.
Meeting Date: 5/23/2022

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

From: City Manager

Lead Department: Planning and Development Services

Recommendation

Staff recommend that Council:

1. Adopt a resolution certifying the subject project’s environmental impact report (Attachment B);
2. Adopt an ordinance on first reading amending Title 18 to exempt certain below grade parking structures from the definition of gross floor area in low-density residential zones (Attachment C1 or C2); and,
3. Adopt a record of land use action approving a conditional use permit for a private school in the low-density residential zone; a variance to replace existing non-conforming floor area; architectural review for new academic buildings, site redesign and phased construction; and, a 14.4 percent parking adjustment (Attachment D)

Executive Summary

The proposed project, in summary, includes phased demolitions and construction of a new academic building, subterranean garage and phased student enrollment increases. The existing fitness/athletic center and historic chapel/administration buildings will remain. To implement the project, the applicant must obtain Council approval of several planning entitlements: architectural review, a variance, and conditional use permit. Additionally, responsive to the
Council's motion, a parking adjustment is requested. Staff also recommend that a zoning text amendment is required to effectuate earlier Council direction regarding the garage. The applicant (Castilleja School Foundation) filed an initial application to amend the school’s Conditional Use Permit in 2016 and filed the Architectural Review application in 2019. The Architectural Review Board (ARB) and Planning and Transportation Commission (PTC) met in 2020 and provided recommendations.

During Council’s March 2021 public hearings on the project, Council identified several significant project components for further study and refinement. The Council directed staff to explore a legislative amendment to the City’s zoning code that would allow some below grade parking to be exempt from gross floor area based on certain criteria. The Council expressed its interest in seeing a reduction to the size of the underground parking garage; changes to the CUP conditions related to the transportation demand management plan and phased student enrollment increases; improved tree preservation efforts; and other changes. The Council remanded the project back to the ARB and PTC to review some of these issues.

The applicant returned in 2021 with parking options, a parking adjustment request, plan modifications and other submittals to address Council directions. Applicant submittals in 2021 and 2022 are viewable on the Project Documents webpage. Staff prepared documents per Council direction, including an existing gross floor area report, tree evaluation report and a draft ordinance, to support consideration of the remanded items.

The environmental impact report found all environmental impacts, including traffic and construction-related impacts, can be reasonably mitigated. The City’s environmental consultant prepared a memorandum to document application changes and parking layout options submitted by the applicant in response to Council remanded actions. These site and parking layout options were found to further minimize environmental effects compared to the original project and Alternative 4 previously considered by the PTC, ARB and Council. Staff continues to support Parking Option E as most responsive to the Council’s March 2021 direction. The attached record of land use action has been updated to reflect this project refinement and updates to the conditions of approval and findings for the requested discretionary entitlements.

Background

The subject application was filed on June 30, 2016 and amended at various times to add or delete certain requests. There have been 21 public meetings before the architectural review board (ARB), historic resources board (HRB), planning and transportation commission (PTC), public arts commission, and City Council, collectively. There has been a significant amount of

1 Applicant submittal material: https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Current-Planning/Pending-and-Approved-Projects/Approved-Projects/Castilleja-School/Castilleja-School-Project-Documents
resources dedicated to this project including time prior to the formal application from the City, community and Castilleja.

The School, which formed in 1907 and established at its current location since 1910, has seen a residential neighborhood grow up around it as it too sought to increase enrollment and construct new or refurbish buildings over the years. While there is great support for Castilleja’s mission and its modernization efforts, there remain stark differences in the community on issues like enrollment, the use of an underground garage, the number of events that can be held and whether the school should be allowed to rebuild floor area that exceeds current code allowances. The City’s appointed board and commissions officials have offered differing perspectives on the project.

Castilleja has an existing Conditional Use Permit (CUP) to operate a private school in the R1 district, which was first approved in 1960 and amended over time. The more recent amendments occurred in 2000 and 2006. The CUP limits enrollment to 415 students, regulates special events, includes requirements for a transportation demand management plan (TDM) and other operational conditions. The School has exceeded its authorized enrollment cap and through an agreement with the City, has been steadily reducing its enrollment by four students a year. Academic enrollment for the current year is 422 students.

Over the course of three meetings on March 8, 2021 March 15, 2021 and March 29, 2021, the City Council considered the subject application and directed staff to pursue a number of follow up actions. The applicant has also responded to the Council’s direction adjusting their site planning and refinements to the building’s architecture, particularly along Kellogg Avenue. A new parking layout and reduced below grade garage responsive to the Council’s direction has also resulted in enhanced tree protection measures, a key area of concern previously raised by community members as falling short of the City’s tree preservation interests.

There is an extensive amount of information in the administrative record for this project, the vast majority of which is online. This report will focus on actions since the City Council’s last review and is largely organized around the Council’s motion. Links to prior reports and other records are provided as appropriate. The supporting documents attached to this report reflect the actions of the City’s advisory boards and commissions except where noted, and where the staff recommendation differs, an explanation and options are provided to the City Council.

Additional background information leading up to the Council’s prior discussion in Spring 2021 is available online. An updated project description summarizes the project before the City Council in Attachment A.

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2 Castilleja project website: [https://www.cityofpaloalto.org/City-Hall/Hot-Topics/Castilleja-School](https://www.cityofpaloalto.org/City-Hall/Hot-Topics/Castilleja-School)
City Council Motions from March 15, 2021 and March 29, 2021

The City Council made the following motions at its two public meetings from 2021:

March 15, 2021:

MOTION AS AMENDED: Vice Mayor Burt moved, seconded by Council Member Stone to direct Staff to:
A. Treat the underground parking facility as an underground garage and not as a basement;\(^5\)
B. Return to Council with an alternative text change counting all the underground garage as floor area;\(^6\)
   i. Return to Council with an alternative of not counting floor area or partially counting floor area; and
   ii. Evaluate the implication of the text change on other properties in R-1 zones; and
C. Have an independent analysis of the existing floor area both above and below ground.\(^7\)
MOTION AS AMENDED PASSED: 4-3 Cormack, Filseth, Tanaka no

March 29, 2021:

MOTION AS AMENDED: Council Member Stone moved, seconded by Vice Mayor Burt to:
A. Allow an enrollment increase starting at 450 students; direct Staff and the Planning and Transportation Commission (PTC) to identify a procedure to allow Castilleja to further increase enrollment up to 540 students in phases, contingent on their verified compliance with objective standards demonstrating “no net new trips” resulting from the preceding enrollment limit, based on the Traffic Demand Management (TDM) Plan Mitigation Measure 7a, and any additional TDM measures the City or Castilleja may find necessary to achieve the “no net new trips” condition of approval;

5 This action rejected an interpretation that the below grade parking facility was basement and therefore exempt from the definition of gross floor area under the current code.
6 This action provided some initial insight to Council’s direction on the below grade garage relative to it counting toward gross floor area and was later supplemented by Council’s direction on March 29, 2021 motion (item B).
7 This action is discussed later in the report.
i. Strengthen existing TDM protections, reporting requirements, and penalties for failure to meet conditions of approval. Penalties should include fees, suspension and reduction of enrollment and streamlining of corrective actions to violations;

ii. To review increases in the number of students as a percentage of the student population within bicycle distance and to further restrict student driving and parking on campus, including consideration of prohibiting driving by juniors;

iii. Evaluate a form of a TDM Oversight Committee; and

iv. Consideration by Staff and the PTC to allow reduction of required parking based on a TDM;

B. Direct Staff and the PTC to review an underground parking facility alternative that allows a maximum of 50 percent of the required on-site parking to be below grade without counting against the project floor area. No more than 50 percent of the required on-site parking may be located below grade;

i. Explore a Residential Parking Program (RPP) or alternative parking strategies for the surrounding neighborhood that prohibits RPP permits from being sold to Castilleja staff or students within the RPP district. The school-side of the streets surrounding Castilleja (Emerson Street, Kellogg Avenue, Bryant Street) shall be exempt from the RPP so Castilleja can continue to park on those streets. Explore requiring Castilleja to cover the expense of implementing the neighborhood RPP; and

ii. Castilleja’s parking restrictions will be fully enforced. Explore having overflow parking located off-site and not located on residential streets; explore shuttle services satellite lots to accommodate this parking need;

C. Direct Staff and Palo Alto’s Arborist to work with Castilleja to preserve as many protected trees to reduce the loss of protected trees, on campus as can reasonably be accommodated;

D. Evaluate phasing the construction of the new buildings to mitigate impacts associated with construction and evaluate elimination of the need for a temporary campus to be constructed on Spieker Field;

E. Remand the revised building proposal (including the reduction of 4,370 sq. ft.) to the Architectural Review Board to reconsider the massing and the compatibility of the design within the residential neighborhood context;

F. Evaluate 50 percent of the public art expenses going to the Public Art Fund;

G. Direct Staff to explore the legalities of having a maximum buildout;

H. Direct Staff and the PTC to evaluate 5 major events, and between 50 and 70 special events with no Sunday events; and
I. Direct Staff to provide information on Conditional Use Permits from other private schools in surrounding jurisdictions.

MOTION SPLIT FOR THE PURPOSE OF VOTING MOTION AS AMENDED PARTS A-E, G-I PASSED: 7-0 MOTION AS AMENDED PART F PASSED: 4-3 Cormack, Filseth, Tanaka no

Architectural Review Board

The ARB met December 2, 2021 and March 17, 2022. The ARB reviewed parking options and related site plan changes, refinements to the Kellogg Avenue elevation and other design details. The Board’s recommendations are summarized in the topic areas below as appropriate.

The most recent ARB staff reports summarize the applicant’s response to the City Council remanded items to the ARB.

Planning and Transportation Commission

The PTC held a continued hearing over three days in December 2021 and January 2022 to provide preliminary comments on a variety of issues remanded by the City Council. The informal direction from the PTC included: 1) a request for staff to return with an alternative text amendment that would have broader applicability; and 2) a series of straw poll votes, summarized in the March 30, 2022 staff report on seven topics described in the December 8, 2021 PTC staff report. The PTC then held a second continued hearing over two days in March and April 2022 and provided a series of formal recommendations that are summarized in the discussion section below.

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Discussion
The subject application has changed over the intervening years modified based on community feedback, environmental review, and board, commission and Council direction. The project previously considered by the City Council was an alternative project studied in the associated environmental analysis. This project alternative was also preferred by the applicant. For reference, this alternative is called the Disbursed Circulation/Reduced Garage Alternative #4 in the environmental documents; it is also the environmentally superior alternative (that also meets project objectives).

Since the Council’s Spring 2021 meetings, additional changes have been made to the academic building with minor adjustments to site layout and changes to the below grade parking garage. These changes are reflected in revised architectural drawings and in parking option Concepts D and E in the applicant’s submittal. Concept E is supported by the ARB, PTC and staff, and modifies the Disbursed Circulation/Reduced Garage Alternative #4 project description. Together these plans and documents represent the project that is being considered by the City Council. As discussed later in this report, the associated environmental analysis has similarly been updated to reflect the project changes and concludes the revisions further lessen impacts due to less grading/excavation, fewer truck trips and less impacts to protected trees.

The balance of this report summarizes actions and responses taken by the applicant or boards or commissions in response to Council direction and how the issue is addressed in the attached documents. If there is a discrepancy between the staff recommendation and any recommendation from the ARB or PTC that is highlighted along with specific language that can be added in place of the staff recommendation. The topics below are generally organized in the same order as the March 29th motion and ends with the one remaining topic not addressed from the March 15th motion related to a floor area analysis of the existing buildings.

1. Enrollment & Enrollment Increases
The applicant seeks to increase enrollment up to 540 students. Enrollment increases were initially proposed to be tied to construction phasing and implementation of transportation demand management measures including compliance with performance reports monitoring AM Peak and average daily trips (ADT). The City Council in its motion signaled its support to allow 450 students as a starting enrollment and directed the PTC to identify a procedure to allow a phased increase up to 540 students contingent upon verified compliance with objective standards.

The staff recommended conditions (Condition #4 and #22) incorporate this performance based review requiring verified compliance with the no-new-trip standards over three consecutive monitoring reports. The conditions set forth the maximum average AM Peak of 383 trips (a

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10 The ARB also supported Concept D and a “hybrid” plan that modified Concept E by increasing the size of the garage to match the design in Concept D.
drop off counts at two trips) and a maximum ADT count of 1198 trips measured over the course of each reporting period (August through November, December through March, and April through July). If there are no violations, enrollment may increase by 25 students each year. If one or more violations are observed over the preceding monitoring reports, there would be no increase allowed until three consecutive reports have no violations. If there are three consecutive violations, student enrollment must be reduced by at least five students in the following academic year.\(^{11}\) For each violation to average AM Peak or ADT, more stringent TDM measures would be implemented.

**PTC Recommendation: Limit enrollment to 450 students; require a CUP amendment for future enrollment increases with no increase allowed until after project construction. (Vote: 3-2, Lauing, Summa, Chang for; Templeton, Hechtman against)**

This PTC recommendation is not incorporated into the draft record of land use action for the principal reason that staff interpreted Council’s earlier discussion as conceptual support for a measured, phased enrollment schedule to allow up to 540 students. If the City Council finds, however, that the staff recommended condition does not sufficiently address its concerns regarding a phased enrollment strategy, another option is to select the PTC’s recommendation to limit enrollment to 450 students. Future enrollment increases would require a CUP amendment. Typically, a CUP amendment could occur administratively, however, given the extensive community interest in this project, staff would recommend a public hearing be held before the Commission to amend the CUP. Since the Commission is an advisory body, the recommendation would be forwarded to the City Council which may accept the PTC’s recommendation on consent or schedule a public hearing if pulled by three Councilmembers.

The PTC also suggested that there be no increase beyond 450 student enrollment until after construction has been completed. To implement the PTC recommendation, staff recommends the following motion be made by the City Council if taking action to approve the project:

Replace Condition #4 to read as follows: The School may enroll a maximum of 450 students. Following completion of the project and final occupancy approval of all structures, the School may request an amendment to the CUP to increase student enrollment. Any student enrollment amendment shall require a public hearing before the Planning and Transportation Commission in accordance with applicable provisions of PAMC 18.77.060.

**2. Transportation Demand Management (TDM)**
The Council directed staff and the PTC to strengthen existing TDM protections, reporting requirements, and penalties for failure to meet conditions of approval, including fee-based

\(^{11}\) This enforcement action does not impact enrolled students but limits the number of new students that may be admitted.
penalties, enrollment suspension and reduction and streamlining of corrective actions to violations.

Based on staff’s review of the TDM plan, many of the Council’s interests were already incorporated into the draft plan and conditions of approval. The proposed TDM is more robust than any other previously approved plan. As discussed above, it includes a requirement for no-net new increase in average AM Peak and ADT thresholds; it requires installation of permanent driveway counters and infrastructure improvements to support multi-modal access to the site; programmatic measures such as ridesharing for employees and students, shuttle services, dedicated staff to manage and oversee the TDM program, notification and communication strategies, traffic and parking management solutions, and guaranteed ride home programs, among others. The plan includes a robust monitoring and reporting program. Three times a year Castilleja must demonstrate compliance with the no-net new trips criteria before it can increase student enrollment. The conditions of approval and municipal code provide that any violation of the TDM plan not cured within six months is subject to daily administrative penalties (fines). Moreover, the TDM plan provides opportunity for the City to impose even more aggressive TDM measures if the applicant consistently fails to achieve its average AM Peak and ADT trip targets. Examples of these additional TDM measures may include restrictions on student driving and parking on campus, increasing shuttle service offerings, and requiring an off-site parking facility.

The PTC in its review of the TDM plan offered several minor amendments to improve the clarity and ensure consistent language was used throughout the document. All of the PTC’s recommendations related to the TDM plan were unanimously supported by voting commissioners and incorporated into draft record of land use action.

3. TDM Oversight Committee
A new condition (Condition #33) has been added to the draft record of land use action to require an advisory TDM Oversight Committee. As proposed, the committee would consist of two Castilleja representatives and two community representatives with the resident members serving a two-year term. The Committee’s responsibilities are set forth in the condition.

The PTC unanimously supported a change to require both resident participants to be located within 500 feet of the school instead of only one member as recommended by staff. This change is reflected in the draft record of land use action.

4. Underground Parking Facility, Parking Layout/Site Design Changes, Parking Reduction & Related Text Amendment
The below grade parking garage remains a controversial component of the project. The applicant proposed a garage to provide more on-site parking, reduce School-related intrusions into the surrounding neighborhood, to locate its support/service operations below grade and
reduce noise associated with all those activities. Neighbors opposed to the garage cite impacts to protected trees, excessive grading, disruptive construction hauling traffic, concern about groundwater withdrawal, and greenhouse gas emissions associated with the use of cement.

The underground garage was also controversial due to staff’s proposal that the zoning code could be interpreted to exempt the garage from the project’s overall gross floor area. This is relevant because the project site already exceeds the amount of floor area that would be allowed under the current code (gross floor area is discussed later in this report).

In March, the City Council rejected this interpretation, suggesting that the garage does in fact count as gross floor area under the current code. However, the City Council directed staff to prepare a zoning text amendment that would allow some or all of the garage to be exempt from gross floor area. On March 29, the Council further refined this direction to include a compromise solution that would exempt the below grade garage from gross floor area if it were reduced in size. Accordingly, Council directed staff and the PTC to review an underground parking garage alternative that allows a maximum of 50 percent of the required on-site parking to be below grade without counting against the project’s gross floor area. The Council further emphasized that no more than 50 percent of the required on-site parking may be located below grade.

Staff understood these motions to direct preparation of a zoning code text amendment to allow this type of regulatory framework to exist and be applied to the project. The applicant has since disputed this assertion suggesting a text amendment is not required to approve the project. Staff disagrees and believes that the project could not be approved, based on the Council’s application of the code, without the text amendment. This exchange between staff and the applicant is available online.\(^\text{12}\)

Despite the foregoing, the applicant submitted four alternative parking design options. These are presented as Options A-E in the applicant’s plans included with this report. Options A-D were rejected outright by staff as either functionally not feasible or for exceeding the Council’s criterion that no more than 50% of the required parking spaces be located below grade. At staff’s request, a fifth option was presented and is referenced as Option E. This option includes a below grade garage that is aligned with the Council’s motion and adds more surface parking spaces. All options require a parking adjustment; Option E requires the greatest adjustment at 14.4% (15 spaces).

\(^{12}\) Staff summary response to Applicant’s January 12, 2022 letter asserting a text amendment is not required: https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2022/ptc-03.30.2022-casti.pdf#page=155
The City Council contemplated a revised parking plan would likely require a parking adjustment and acknowledged this in its motion allowing for a parking reduction based on a robust TDM plan. Staff believes the TDM plan is sufficient to address this parking reduction.

Option E includes a 24,294 square foot below grade garage (reduced from 32,480 square feet) with 52 parking spaces. Combined with 37 surface parking spaces, there are 89 parking spaces available on the School campus. The project’s required parking is 104 spaces. As discussed later in this report, Option E also provides significantly more protections to existing trees.

The ARB and PTC both reviewed the parking options and supported Option E. However, the ARB actually preferred a hybrid approach that blended the below grade parking garage of Option D with 69 parking spaces and pool adjustment, ramp deletion, and the surface parking layout of Option E. The applicant also prefers this hybrid approach, which provides greater protections for existing trees compared to the project presented to the Council in March but less than what is provided for in Option E. Moreover, Option D and the hybrid do not meet the Council’s direction to limit the below grade garage to no more than 50% of the required parking. Both Option D and the hybrid option have a parking reduction of about 9%.

Included with this staff report are two draft ordinances for the City Council’s consideration. Attachment C1 represents staff’s initial approach to establish a legislative framework to exempt the below grade garage from gross floor area. Staff narrowly drafted this ordinance restricting its application to parcels greater than six acres, developed with non-residential uses and containing an historic resource. Based on these criteria the subject Castilleja site and 3233 Cowper Street (Our Lady of the Rosary) property were the only qualifying properties. The PTC did not support this narrow application and asked staff to broaden the criteria. Staff later presented options that removed the historic status and reduced the parcel size. A majority of the Commission still did not support this approach.

One commissioner recommended another option, but that motion failed. Despite not receiving PTC support, staff believes the alternative legislative approach has merit and included it as an option for the City Council’s consideration; this alternative is presented in Attachment C2 and is summarized below. In the end, however, the PTC was not able to coalesce around a recommendation to support any text amendment. Some commissioners rejected the notion of a tailored ordinance that essentially only applied to the subject property and suggested the applicant address the issue through a variance. Staff recommend against adding the square

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13 In its March 29, 2021 meeting, Councilmembers generally seemed to acknowledge an unofficial agreement between Castilleja and its neighbors that directed School-related parking on the sides of the streets nearest the school and the remainder street parking spaces were used by residents and their guests. There are approximately 54 street parking spaces adjacent to Castilleja. The Council suggested these on-street parking spaces could be considered in the evaluation of the parking reduction.
footage associated with an underground parking facility to the variance request, as it would be difficult to support the required variance findings.\(^{14}\)

With respect to the text amendment, both the original staff recommendation and the commissioner introduced alternative provide that below grade parking facilities may be exempted from gross floor area if they meet certain standards. For the alternative ordinance, the exemption may be granted with a conditional use permit provided it met the following criteria:

1. The parking facility is accessory to a non-residential use
2. It is located on a parcel that is two acres or greater;\(^{15}\)
3. It does not provide more parking than specifically approved through a conditional use permit.
4. Specific findings are made in support of the parking facility when granting the CUP.

The new findings that would be required to support GFA-exemption of a below-grade parking facility are:

A. The size and capacity of the below-grade parking structure is appropriate to the context of the site and the proposed use.
B. The provision of on-site parking in a below-grade parking structure will enhance conditions on the site and in the surrounding community, including ease and safety of multi-modal transportation to and from the property.

A key distinction between the two ordinances is that one precisely limits applicability to sites that provide half or less of the required parking spaces below grade, the other ordinance is more open ended deferring to the decision-maker the appropriate threshold. In this particular instance, if the City Council favored the alternative ordinance, it could also decide that one of the other parking options (Options B, C, D, or the hybrid option contemplated by the ARB – including Option E) could be also be approved. With the more prescriptive ordinance, only Option E could be approved.

If the Council prefers the alternative ordinance, staff have prepared draft findings to support a reduced size garage, and recommends the following action be included in the Council’s motion:

\(^{14}\) Notably, some members of the public have asserted that the draft variance findings (without garage GFA) are insufficient, in part because they believe the School’s long history at the site is a “personal circumstances of the property owner,” which is expressly excluded from consideration by the code. To the contrary, the draft findings refer to the long history of the School at the site because it characterizes the parcel. The fact that the parcel has been in non-residential use for over a century is a relevant and appropriate consideration in granting a variance.

\(^{15}\) This would apply to 16 parcels in the R-1 zone.
Amend the Record of Land Use Action to include the draft findings in Attachment C2, supporting exemption from GFA of a below-grade parking facility providing [Council to specify #] parking spaces.¹⁶

Another concern expressed by some commissioners was the potential loss of development impact fees if the below grade garage is exempted from gross floor area. Specifically, without the exemption, the project would be subject the following impact fees:

- General government
- Public safety facilities
- Community center
- Library
- Park
- Public art

Based on a net gross floor area increase of 14,636 square feet and the City’s current fee schedule, the School would be subject to approximately $300,000 in fees if the gross floor area is not exempt. The Council could choose to proceed with the floor area exemption but not exempt projects that take advantage of that provision to also pay applicable development impact fees.

If the Council chooses to enact one of the two ordinances to exempt qualifying projects with below grade parking from the definition of gross floor area but still require an applicant to pay applicable development impact fees, staff recommends the following action be included in the Council’s motion:

Direct staff to amend the ordinance to state that the square footage of below-grade parking structures is excluded from gross floor area for purposes of development standards under Title 18 but included for purposes of calculating development impact fees under Title 16.

5. Residential Parking Program (RPP)
To address school-related parking intrusions into adjacent residential neighborhoods, the City Council directed staff to explore the possibility of a residential preferential parking (RPP) district that excludes Castilleja staff and students. The Council motion indicates that on-street parking

¹⁶ The draft findings for Option E would read as follows unless otherwise directed by Council:
1. The proposed below-grade parking structure provides 50% of the base, required on-site parking. This limits the size of the parking structure such that it will not encroach on the tree protection zones of any trees on the site and reduce the total volume of excavation for the parking structure. The limited capacity of the parking structure also requires that trips to the School will be distributed among several drop-off and pick-up zones on the site, consistent with the ‘disbursed circulation’ plan analyzed in the EIR.
2. With much drop-off and pick-up traffic routed through the underground parking garage, some vehicle circulation and parking will be located away from the neighborhood streets such that the school use can be more compatible with its residential neighbors. Bicycle and pedestrian circulation is located at the surface, separated from the below-grade vehicular activity.
spaces on the school side of Emerson, Bryant and Kellogg would be exempt from the district, so Castilleja could continue to park at those locations. Moreover, if an RPP is formed, Council indicated an interest that Castilleja cover the cost of implementing the program.

The procedures to establish an RPP district are set forth in Palo Alto Municipal Code Chapter 10.50.030. There have been no requests to initiate a district around Castilleja school. A survey in 2018 for the possible formation of a district that extended from Embarcadero Avenue to Oregon Expressway and between Middlefield Road and Alma Street received little support. Since the outset of the subject application, staff has heard from some neighbors of their interest in an RPP district, but the support for such a program does not seem to be widespread. While the City Council could initiate an RPP district, it seems an unlikely pursuit if there is insufficient neighborhood support.

There is a considerable amount of staff time needed to establish an RPP district including community outreach: initial petition, surveys, and public meetings; sign design, fabrication and installation; and permit distribution. Other ongoing costs include annual permit orders and shipping, a parking enforcement officer and management oversight, and program management by the permit vendor and City staff. A rough estimate of one-time start-up and first year implementation costs for a hypothetical district is about $60K with estimated revenue collection less than $30K.

The PTC discussed this aspect of the Council’s motion but determined no action was required at this time citing existing procedures and opportunity for residents to initiate an RPP if interested.

As an alternative to a parking district, the City could also impose other time of day parking restrictions that would limit the number of Castilleja staff and students parking in the neighborhood. However, such regulations would also impact area residents who would be required to ensure their vehicles similarly complied with any posted restrictions.

6. Satellite Parking
The Council expressed its expectation that Castilleja faculty, employees and students would not park in the residential neighborhood. Castilleja is expected to park its employees and students with on-site parking resources, street parking adjacent to the School and with reduced parking demand through aggressive implementation of the TDM plan. Castilleja currently leases 22 parking spaces as the First Presbyterian Church, within walking distance of the school, for employee parking. If the Council believes additional satellite parking may be necessary, it could consider adding the following additional condition in its motion:

Direct staff to add the following condition to the record of land use action: In the event the Director finds that school-related vehicles are regularly parking in the
neighborhood beyond the street frontages adjacent to the school, the Director may require that the School establish one or more satellite parking lots, with shuttle service if necessary.

7. Tree Preservation
The City Council directed staff and the City’s arborist to work with Castilleja to preserve as many protected trees as possible. Staff engaged an independent arborist to prepare a tree impact assessment. With the recommended parking layout Option E, all but one protected tree (Tree 140) will be preserved or relocated onsite. Some of the relocated trees will be placed in different locations than previously proposed. Many protected trees have fewer or no encroachments into the tree protection zones due to a smaller below grade garage footprint, removal of the delivery/refuse/service ramp (Tree 155) and relocated swimming pool (Trees 87 and 89). Tree 140 is in poor condition and located at the foundation of the academic building. The independent and City arborists concur removal is appropriate. Parking layout Option D also provides increased tree protection measures but less so than Option E or the hybrid version of Options D and E.

8. Construction Phasing
Included in the Council’s motion was a request to evaluate the project’s construction phasing schedule to mitigate construction-related impacts and evaluate elimination of the need for a temporary campus on Spieker Field. The project as proposed, with the temporary campus placed on Spieker Field, has a construction timeline of 34 months.

As a follow up to the Council’s motion, the applicant provided two other options. One option retains a temporary campus on-site, to be located at the campus Circle. The applicant reports this alternative would lengthen construction up to 58 months and require construction staging at the perimeter of the site. This approach to staging may potentially increase construction-related disturbances in the neighborhood. This option does not appear to meet the intent of the Council’s motion to mitigate construction-related impacts.

The applicant’s second option requires an off-site temporary campus and reduces overall construction time to 21 months. The applicant has not identified the location of an off-site campus, which would be required for environmental analysis. The shorter construction time may result in more frequent noise and other construction related disturbances for the neighborhood. However, some in the community may favor the shorter duration (13 months less construction compared to the proposed schedule) and, presumably, area residents would not also experience school-related vehicle trips at the same time there is construction traffic. The ARB reviewed the three construction schedules and expressed support for the original 34

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month schedule using Speiker Field. While the Board preferred the shorter construction time schedule with the remote campus, it balanced the logistical challenges trying secure an off-site campus and the protracted time it would take to update the environmental impact report as reasons supporting the original plan.

9. Design Modifications
The City Council directed the ARB to reconsider the massing and compatibility of the academic building in context to the residential neighborhood. The applicant reduced the building floor area to address a floor area discrepancy discussed below, prepared a Kellogg Avenue façade study and discussed options with the ARB. At the conclusion of the Board’s deliberation, it supported the retention of most of the design features previously presented to the Council but with the incorporation of additional design elements, such as a new trellis and planter extension that serves to further break up the façade and create more distinction between different building forms.

10. Public Art
The City Council motion included a suggestion for the applicant that fifty percent (50%) of the public art expenses be directed toward the City’s public art fund. The City’s Public Art for Private Developments is regulated by Palo Alto Municipal Code Chapter 16.61.10 The regulations specify that the developer may choose to satisfy the requirement with a qualifying on-site installation or through payment of an in-lieu fee to the Palo Alto Public Arts Fund. In conversation with the applicant’s representative, there was no initial objection to this request. The Public Art Commission recently reviewed conceptual public art plans. Subsequent meetings will include a budget review and determination as to whether the applicant will spend the whole budget on site or through a combination of art on-site and in-lieu payment. The Commission indicated the corner of Embarcadero Road and Bryant Street would be an appropriate location for public art given its high visibility. The Council was concerned that the public art for this project may not be very accessible to the public, however, at this location, that concern may be mitigated.

As local regulation gives the property the option to pay into the public art fund or provide the art on-site, there is no condition of approval mandating a specific path to comply with this requirement.

11. Maximum Buildout
The Council directed staff to explore the legalities of having a “maximum buildout” for the Castilleja site. Staff were unable to determine a means to accomplish this goal primarily because the City Council today is unable to bind the actions of future City Councils. Any restrictions the City Council imposes at this time can be modified by the City Council at a later date, regardless of the mechanism used (e.g. condition of approval, zoning amendment, restrictive covenant). The Council could, however, direct that the Record of Land Use Action
contain a statement conveying the Council’s present intent that the School not be further developed in a particular manner (e.g. floor area, enrollment, etc.).

12. Special Events
The City Council directed staff and the PTC to evaluate Castilleja’s special events and determine the appropriate number that should be allowed – establishing a range from 50 to 70, in addition to five major events. The Council also stipulated no Sunday events.

Castilleja previously requested 90 special events. Special events are defined in the attached record of land use action as activities with more than 50 attendees. There is a host of other restrictions including time of day, limitation on back to back events, prohibition of amplified noise, etc. The PTC when it first reviewed the project recommended 74 events to the Council.

Based on the Council’s direction, staff asked the applicant to identify the types of events that would be removed if limited to 50 events. The PTC in its more recent review recommends the Council restrict the number of events to 50, plus five major events each calendar year. The PTC further recommends limiting the number of events after occurring 6pm from 32 to 16 and prohibiting events on no more than two consecutive evenings.

The attached record of land use action has been updated to reflect the PTC recommendation. If the Council would like to restore or increase the number of events, it may include the following in a motion in its approval of the project:

Direct staff to update the record of land use action to amend Condition #6 to limit the maximum number of events in a calendar year to 70 with no more than 32 of those events occurring after 6pm.

Sunday events are already prohibited.

Commissioners supporting increased restrictions expressed concern about the number of events relative to the number of days in an academic calendar and thought the frequency was potentially too impactful. The dissenting perspective expressed concern about the steep reduction from 90 events to 50 and its impact to students.

13. Research on Private Schools in Surrounding Jurisdictions
Council directed staff to provide information on Conditional Use Permits from other private schools in surrounding jurisdictions. Staff prepared a table with some information about

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18 Applicant identified events that would be eliminated if special events are reduced to 50:
multiple high schools around the bay area and shared this with the PTC in the March 30, 2022 staff report.  

14. Floor Area Evaluation (from March 15th Motion)

Castilleja exceeds the amount of gross floor area permitted in the R-1 (single family) zoning district. The School was established before current zoning restrictions were in place; also, the City allowed the School to expand its campus in the past through the City’s conditional use permit process. Based on the current language in the municipal code, staff do not believe the CUP process provides the authority needed to grant an increase or even replacement of existing gross floor area beyond what is allowed by right in the zoning district. Moreover, in accordance with Palo Alto Municipal Code Section 18.70.100, when building GFA that exceeds permitted allowances is removed (demolished), that floor area may not be restored.

The applicant, however, seeks to demolish its existing academic buildings and other structures and rebuild them in a new configuration. It is the applicant’s intent not to increase campus GFA beyond what existed at the time of application filing.

Leading up to the City Council’s March 8, 2021 public hearing, staff learned of a discrepancy in the size of one of the existing campus buildings; more GFA was attributed to an existing building than should have counted. Specifically, 7,000 square feet of exempt below grade floor area was incorrectly included in the total existing gross floor area count. However, the applicant had also undercounted existing gross floor area in another portion of the building reducing this discrepancy to 4,370 square feet of gross floor area.

Due to the confusion regarding GFA, the City Council directed staff to prepare an independent (third party) analysis of the project site’s existing and proposed building areas, including basement space. Staff engaged a subconsultant to the City’s environmental consultant to prepare this analysis. The study was prepared using a laser measurement tool and provides a greater level of precision than previously existed. Some assumptions were made regarding wall thickness, but in general, the results are the best possible calculation of existing floor area. This data was then evaluated to the existing code, which defines floor area that is included and excluded from GFA calculations, including volumetric spaces exceeding 17 feet and 26 feet in height. A 1993 code change for GFA required double and triple counting of this volumetric floor


20 PAMC 18.70.100 link: https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-81658#JD_18.70.100

21 More information on this floor area discrepancy was provided in a March 8, 2021 memorandum to Council: https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/at-places-memo/03-08-21-agenda-item-7-at-places-mem.pdf

area, also known as second and third floor level equivalences, toward GFA. This was intended to recognize the impact of these spaces on overall building mass. It is clear these volumetric requirements were not considered in previous campus renovations and are not reflected in the applicant’s architectural plans.

The applicant’s most recent project plans show an existing campus GFA calculation of 109,297 square feet (SF), which is down from 116,297 SF previously presented to Council. This reduction accounts for corrected discrepancies and applicant-initiated floor plan adjustments. These numbers were provided by the applicant.

The City’s independent consultant analysis concludes the actual existing campus has 114,819 GFA, not including volumetric gross floor area, which adds another 23,526 SF from the gym (17,346 SF) and fine arts building (6,180 SF). Accordingly, Castilleja’s total existing campus GFA, based on current code definitions and using enhanced measurement techniques is 138,345 SF.

Staff’s evaluation of the consultant’s analysis and the applicant’s project plans concludes that the discrepancy between the two data sets is mostly due to the omission of the volumetric floor area. The balance of the discrepancy is assigned to the applicant’s use of decades old permit records to report the existing GFA. This was a less precise way to measure GFA than the readings provided by the laser measurement tool to determine existing built conditions.

Based on the foregoing analysis and after reviewing the most recent architectural plans to current code, the applicant proposes the following:

<table>
<thead>
<tr>
<th>Campus Building</th>
<th>Existing GFA</th>
<th>Demolished GFA</th>
<th>Proposed GFA</th>
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<tr>
<td>Arrillaga Campus Center</td>
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<tr>
<td>Administration, Chapel, Theater</td>
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<td>0</td>
<td>17,754</td>
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<td>Gymnasium</td>
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<td>33,513</td>
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<td>Leonard Ely Arts Building</td>
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<td>Maintenance Building</td>
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<td>Pool Equipment Building</td>
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<td>Rhoades Hall</td>
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<td><strong>80,899</strong></td>
<td><strong>111,341</strong></td>
</tr>
</tbody>
</table>

Accordingly, staff concludes that the proposed project replaces less GFA than currently exists today.

15. Recent Adjustments to Conditions of Approval

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23 Includes existing to remain (not demolished).
Following ARB and PTC recommendations on the draft conditions of approval for the project, the applicant provided a number of comments and requested modifications. Concurrently, staff conducted its own review of the conditions to ensure consistency and clarity. As a result, there are some minor adjustments in the attached record of land use action compared to the conditions as they appeared in the most recent ARB and PTC reports. For example, the conditions now: more clearly distinguish “major events,” which may draw approximately 500 people, from other special events; clarify that driveway counters must be installed by November 2022; better align timeframes for TDM monitoring reports with the School’s academic calendar; and clarify that project revisions only need to be reviewed by the project arborist or landscape architect when directed by Urban Forestry staff.

The applicant also requested a number of more substantive changes, which staff determined were not justified in light of Council and ARB/PTC direction. The applicant was advised to present substantive changes to the City Council.

Policy Implications

Castilleja is a nationally ranked all girls private school located within a residential neighborhood. The School and neighborhood evolved over time and now school administrators seek to modernize the campus and expand student enrollment. As with any destination facility within a residential neighborhood, localized impacts from vehicle trips, noise and related disturbances can be anticipated even if they do not rise to a level of significance under state environmental laws. The School and neighborhood, and to some degree the community at large, have made arguments for and against the proposed project. There is no perfect solution or list of conditions or findings of fact that will appease all parties. Importantly though, this project requires resolution. The School needs to know to what extent it can modernize and expand its enrollment. Residents who have championed many of the changes reflected in the current project, also need closure and some degree of certainty as to what it can expect living next to this campus.

There remains a significant amount of work ahead whether the project is approved or denied. If approved as drafted, staff resources will be needed to implement, monitor, report and enforce the conditions of approval. Castilleja will largely be responsible for this expense but it will also require City resources that will need to be diverted at times from other work. If denied, the existing CUP will still require amendment and public hearings before the PTC and ultimately City Council because the existing condition regulating special events is unclear.

The PTC often invokes the expression attributed to Voltaire and similar iterations by other philosophers about not letting the perfect be the enemy of the good. While the suite of conditions and regulatory oversight imposed by this entitlement is not perfect in the minds of some members of the community, it provides a path forward for Castilleja to demonstrate that it can be a responsible neighbor and presents the School with a precedent setting opportunity to operationalize an even more robust TMD plan that minimizes disruptions to the surrounding residential neighborhood. And, should Castilleja fall short of that goal and impacts are
observed, there are plenty of mechanisms to course correct and address those concerns administratively or through public hearings.

**Resource Impact**
The are no significant budget or fiscal impacts associated with the processing of this application, which is paid for by the applicant, including associated consultant costs. If approved, the City would receive limited, discrete deposits to fund ongoing enforcement and for the installation of vehicle trip counters on the public right of way. The City would also collect permit fees to recover the costs of the building permit and inspection services.

**Stakeholder Engagement**
City staff have an extensive contact list through the City’s website that includes a project page where subscribers have received notifications for hearings and newly posted documents, and other updates. The project website is: [https://www.cityofpaloalto.org/gov/topics/castilleja_school/default.asp](https://www.cityofpaloalto.org/gov/topics/castilleja_school/default.asp). In addition, staff have responded to community inquiries, participated in meetings with area residents and the applicant team as needed or requested.

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 the City Council public hearing was published in the Daily Post on May 13, 2022, which is 10 days in advance of the meeting. Notice cards were sent on May 10, 2022, which is 14 days in advance of the meeting.

**Environmental Analysis**
As the Lead Agency pursuant to Public Resources Code Section 21067, the City, in compliance with CEQA, prepared an Environmental Impact Report (EIR) to provide an assessment of the potential environmental consequences of approving the Project. The “Draft EIR” was circulated for public review from July 17, 2019, through September 16, 2019. During the Draft EIR public comment period, two public hearings were held allowing public testimony on the Draft EIR: (1) the Planning and Transportation Commission (PTC) hearing of August 14, 2019; and (2) the Historic Resources Board (HRB) hearing of September 12, 2019. The Draft EIR identified mitigation measures that would reduce each of the Project’s potentially significant effects to a less-than-significant level; one unmitigated impact (the TIRE impact on Emerson Street) was due to the Project’s creation of one student drop-off location within a proposed underground parking facility. The City of Palo Alto considered the comments received during the Draft EIR public review period and prepared responses to comments.

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24 Project related environmental documents: [https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/Castilleja-Environmental-Documents](https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/Castilleja-Environmental-Documents)
An alternatives analysis was completed and included in the Final EIR. The alternatives included these alternatives – and summaries, analysis and feasibility of the alternatives are provided in Attachment A.

- Six alternatives preliminarily considered but rejected from detailed analysis because they were incapable of meeting most of the basic project objectives, would not reduce or avoid any of the project’s significant effects, and/or would require speculation to evaluate. These include: offsite alternative – relocate full campus, partial offsite alternative (relocate a portion of the student body and staff to a new second campus), other offsite options (relocate sports and special events to other locations), surface parking, modified circulation routes, and minimum enrollment increase.

- Detailed analysis of three project alternatives: the No Project Alternative (as required by CEQA), the Moderate Enrollment Increase Alternative, and the Moderate Enrollment Increase with Reduced Parking Alternative.

- In response to comments received on the Draft EIR, the Final EIR evaluated the Disbursed Circulation/Reduced Garage Alternative, which has replaced the proposed project.

- The Final EIR also considered the one additional alternative – the No Garage Alternative – and provided additional discussion of the alternatives that were preliminarily considered in the Draft EIR but rejected from detailed analysis as described above. These included consideration of various alternative enrollment caps, creating a split campus or a second campus, and relocating the school.

In February 2020, the Applicant submitted a Project Alternative, the “Disbursed Circulation/Reduced Garage Alternative”, intending to address the Emerson TIRE impact and other community concerns voiced during the Draft EIR comment period. The City considered the comments received during the Draft EIR public review period and prepared a Final EIR. The Final EIR also analyzed the Applicant’s Disbursed Circulation/Reduced Garage Project Alternative (EIR Alternative #4), and further analyzed or discussed other previously identified alternatives. The Final EIR, which identified Project Alternative #4 as fully mitigated, was published July 30, 2020. In accordance with the California Environmental Quality Act (CEQA), the City provided notice of availability of the Final EIR.

Public hearings before the ARB, Historic Review Board, and PTC were held to consider the Final EIR and various discretionary applications on August 20, August 26, September 9, September 24, October 1, October 28, November 4, November 5, and November 18, 2020.

The mitigation measures listed in conjunction with each of the project findings, as implemented through the Mitigation Monitoring and Reporting Plan (MMRP), will eliminate or reduce to a less than significant level all adverse environmental impacts of the Castilleja School Project – Disbursed Circulation/Reduced Garage Alternative. Taken together, the Final EIR, the mitigation
measures, and the MMRP provide an adequate basis for approval of the Castilleja School Project – Disbursed Circulation/Reduced Garage Alternative.

In accordance with CEQA Guidelines §15091(a), a specific finding is made for each impact and its associated mitigation measures. Mitigation measures are in the EIR and the MMRP. The topic areas where required mitigation measures address the impacts are:

- Land Use and Planning (Impacts 4-1, 4-2, and 4-3)
- Aesthetics (Impact 5-3)
- Cultural Resources (Impact 6-1)
- Transportation (Impacts 7-1, 7-4, 7-5, and 7-7)
- Noise (Impacts 8-1, 8-2, 8-3)
- Air Quality (Impacts 9-1, 9-3)

A comprehensive summary of the environmental impacts associated with the above topics is included in Attachment B. For each impact, mitigation measures have been identified that would reduce the environmental impact to a level of insignificance. Attachment D includes the MMRP that details how these impacts will be mitigated.

The proposed project being considered by the City Council is the Disbursed Circulation/Reduced Garage Alternative, as modified by parking layout Option E, and it is the environmentally superior project that also meets the project objectives. There are no significant unavoidable impacts associated with the proposed project alternative.

Parking layout Options D and E were further studied by the City’s environmental consultant and found to lessen environmental impacts compared to Project Alternative 4, Disbursed Circulation/Reduced Garage Alternative. The consultant’s memorandum was previously presented to the PTC and is included with this report as Attachment E. Additionally, in response to public comments received subsequent to the Council’s public hearings, the City further analyzed potential environmental impacts associated with earthwork activities regarding the pool excavation. The City’s consultant, Dudek, prepared a memorandum, which is included with this report as Attachment F. The City’s consultant concluded:

- the 2017 Geotechnical report remains adequate for evaluating the projects’ environmental effects,
- current groundwater monitoring data shows groundwater levels are lower than they were in 2017,
- minor revisions to the EIR are warranted to accurately reflect the depth of excavation associated with the pool but no revisions to the impact analysis, conclusions, or mitigation measures are required because the EIR recognized the potential need for dewatering,
- EIR Mitigation Measure 12a appropriately requires a contingency plan for temporary dewatering in the event groundwater is encountered, and
- Temporary dewatering would not adversely affect the groundwater basin levels or recharge.
Each of the City Council appointed boards and commission forwarded recommendations to the City Council for certification of the Final EIR. Prior to taking action to approve the project, the City Council would need to adopt a resolution certifying the EIR and adopting the MMRP.

**Public Notification, Outreach & Comments**

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 May 13, 2022, which is 12 days in advance of the meeting. Postcard mailing occurred on May 10, 2022, which is 16 days in advance of the meeting.

Additionally, staff maintains an email list of individuals that have expressed an interest in the project.

**Public Comments**

As of the writing of this report, several public comments were received. The public comments to the ARB, PTC and City Council related to the upcoming hearings will be uploaded to this page: [https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Current-Planning/Pending-and-Approved-Projects/Approved-Projects/Castilleja-School/Castilleja-School-Public-Comments](https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Current-Planning/Pending-and-Approved-Projects/Approved-Projects/Castilleja-School/Castilleja-School-Public-Comments). Recent public comments to the ARB are viewable here: [https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/architectural-review-board/2022/arb-03.11.2022-casti-public-comments.pdf](https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/architectural-review-board/2022/arb-03.11.2022-casti-public-comments.pdf)

**Attachments:**

- **Attachment13.a:** Attachment A: Project Description
- **Attachment13.b:** Attachment B: Resolution for 2022 CEQA
- **Attachment13.c:** Attachment C1 - Ordinance Amending Title 18 (Zoning) of PAMC to Amend Gross Floor Area Definition for Low Density Residential Zones
- **Attachment13.d:** Attachment C2 - Ordinance Amending Title 18 (Zoning) of PAMC to Amend Gross Floor Area Definition for Low Density Residential Zone
- **Attachment13.e:** Attachment D: RLUA Annotated to include changes from PTC and ARB in 2022
- **Attachment13.f:** Attachment D Exhibit: Casti Mitigation Monitoring and Reporting Program
- **Attachment13.g:** Attachment E: CEQA Memorandum on Options D and E
- **Attachment13.h:** Attachment F: Responsive Groundwater Memorandum
Castilleja School is located on a 6.17-acre parcel in a residential district surrounded by single family homes. The project site is generally bounded by Embarcadero Road, Emerson Street, Kellogg Avenue and Bryant Street. The applicant proposes to demolish five campus buildings, including the Leonard Ely Fine Arts Center fronting Emerson Street, Classroom and Campus Center Buildings along Bryant Street and Kellogg Avenue, and the existing swimming pool. The existing Fitness and Athletic Center, historic Gunn Administration Building/Elizabeth Hughes Chapel will remain.

As discovered via laser measurements by the City’s CEQA consultant in 2021, the floor area of all demolished buildings is 87,077 square feet, not including 12,985 square feet of exempt below grade floor area to be demolished. The existing basement floor area in two buildings to remain is 28,421 square feet. The applicant proposes to replace the demolished buildings with a new academic building containing 77,420 square feet of above grade floor area and 50,936 square feet of below grade, exempt floor area. Overall the site currently has 138,344 square feet of gross floor area (including 23,526 square feet of volumetric floor area) and a floor area ratio of 0.51:1. This exceeds the 81,379 square feet allowed for a vacant 6.17-acre parcel with current zoning regulations (which enable .45 FAR for the first 5,000 square feet and .30 FAR for the remaining 263,765 square feet); the site is considered legally non-conforming for floor area.

The applicant proposes a new subterranean parking facility accessed from Bryant Street via the existing parking lot leading to a two-lane, one-way access ramp and one-way garage exit ramp to a driveway onto Emerson Street. The subterranean parking facility as reflected in parking and site layout Option E, provides 52 non-tandem spaces below grade, and a total of 37 surface spaces, with a request for 14.4% (15 space) parking adjustment. The proposed project is required to have 104 parking spaces in accordance with the City’s zoning code. A total of 140 bicycle parking spaces are provided, in excess of the 108 spaces required by the code. A below grade pedestrian passage is proposed from the parking facility to new campus building.

Vehicle access is distributed to three drop off/pick up locations around the campus, including a reconstructed drop off lane at Kellogg Avenue. Service deliveries will occur at designated locations at surface lots; the refuse enclosures are also located at grade level.

The project preserves or relocates all but one protected tree (Tree 140) which is in poor condition and located at the foundation of the existing academic building.

Other improvements include a new below grade swimming pool with a sound (reduction) wall relocated near the fitness and athletic center, a reconstructed Circle in the center of campus, new landscaping and fences. With Option E, the sound wall continues along the parking lot accessed from Kellogg Avenue and features photovoltaic panels.

Two homes adjacent to Emerson Street and owned by Castilleja are not a part of the school’s redevelopment plans.
RESOLUTION NO. ______

Resolution of the Council of the City of Palo Alto Certifying the Adequacy of the Final Environmental Impact Report (EIR) for the Castilleja School Project, Making Certain Findings Concerning Significant Environmental Impacts, Mitigation Measures, and Alternatives, and Adopting a Mitigation Monitoring and Reporting Program (MMRP)

On __________, the City Council of the City of Palo Alto (“City Council”), in certifying the Final EIR for the Castilleja School Project and adopting the MMRP, finds, determines, and RESOLVES as follows:

RECITALS

A. The Castilleja School Foundation (“Applicant”) has proposed the Castilleja School Project, which includes approval of a Conditional Use Permit, Variance, and Architectural Review associated with a phased increase in enrollment to 540 students, demolition and redevelopment of several campus buildings, and construction of an underground parking garage (the “Project”).

B. Approval of the Project would constitute a project under the provisions of the California Environmental Quality Act of 1970, together with related state and local implementation guidelines promulgated thereunder (“CEQA”).

C. The City is the Lead Agency pursuant to Public Resources Code section 21067 as it has the principal responsibility to approve and regulate the Project.

D. The City, in compliance with CEQA, prepared an Environmental Impact Report (EIR) to provide an assessment of the potential environmental consequences of approving the Project.

E. A Draft Environmental Impact Report (“Draft EIR”) was circulated for public review from July 17, 2019, through September 16, 2019. During the Draft EIR public comment period, two public hearings were held allowing public testimony on the Draft EIR: (1) the Planning and Transportation Commission (PTC) hearing of August 14, 2019; and (2) the Historic Resources Board (HRB) hearing of September 12, 2019.

F. The Draft EIR identified mitigation measures that would reduce each of the Project’s potentially significant effects to a less-than significant level; one unmitigated impact (the TIRE impact on Emerson Street) was due to the Project’s creation of one student drop-off location within a proposed underground parking facility.

G. The City of Palo Alto considered the comments received during the Draft EIR public 
review period and prepared responses to comments.

H. In February 2020, the Applicant submitted a Project Alternative, the “Disbursed Circulation/Reduced Garage Alternative”, intending to address the Emerson TIRE impact and other community concerns voiced during the Draft EIR comment period.

I. The City considered the comments received during the Draft EIR public review period and prepared a Final EIR. The Final EIR also analyzed the Applicant’s Disbursed Circulation/Reduced Garage Project Alternative (EIR Alternative #4), and further analyzed or discussed other previously identified alternatives. The Final EIR, which identified Project Alternative #4 as fully mitigated, was published July 30, 2020. In accordance with the California Environmental Quality Act (CEQA), the City provided notice of availability of the Final EIR.

J. The City conducted hearings before the Architectural Review Board, Historic Review Board, and Planning and Transportation to consider the Final EIR and various discretionary applications on August 20, August 26, September 9, September 24, October 1, October 28, November 4, and November 5, 2020.

K. The Council considered the Final EIR and discretionary applications on March 8, 15, and 29, 2021 but Council remanded the project to the Architectural Review Board and Planning and Transportation Commission on March 29, 2021. Council directed staff to return with an ordinance to exempt a below-grade non-residential garage from gross floor area if it contains no more than 50% of the code-required parking spaces for the use, to reduce below grade parking to 50% of the code-required parking spaces, and to address additional direction; Council is the decision-making body for approval of the proposed Project.

L. The Architectural Review Board met twice after Council’s March 29, 2021 direction, focusing on parking options and building revisions responsive to Council direction; the ARB supported building changes and parking changes on December 2, 2021 and March 17, 2022, with a recommendation for hybrid designs.

M. The Planning and Transportation Commission met five times after Council’s March 29, 2021 direction, on December 8, 2021, December 15, 2021, January 19, 2022, March 30, 2022 and April 20, 2022, focusing on staff and the applicant’s responses to Council direction along with components within its purview including the Conditional Use Permit, Variance, and Parking Adjustment.

N. CEQA requires that in connection with approval of a project for which an environmental impact report has been prepared that identifies one or more significant environmental effects of the project, the decision-making body of a public agency make certain findings regarding those significant effects on the environment identified in the environmental impact report.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALO ALTO AS FOLLOWS:

SECTION 1. Certification and Statements of Findings

The City Council, in the exercise of its independent judgment, makes and adopts the following findings in addition to those contained in Exhibit A, “Castilleja School Project Statement of Findings,” dated May 2022, which is incorporated by reference as though included in the body of this Resolution. These findings comply with the requirements of CEQA, including Sections 15091, 15092, and 15093 of the CEQA Guidelines, and are based upon the entire record of proceedings for the Project. All statements set forth in this Resolution and its Exhibits constitute formal findings of the City Council, including the statements set forth in this paragraph and in the recitals above.

(a) The Final EIR was presented to and reviewed by the City Council on March 8 and March 15, 2021. Due to the Council’s March 15 and 29, 2021 direction, revisions to the project were developed and reviewed, along with memorandums regarding ‘Schemes D and E’ (aka Options D and E) and the pool excavation, with associated attachments (clarifications regarding responsive changes).

(b) The Final EIR was prepared under the supervision of the City and reflects the independent judgment of the City. The City Council has reviewed the Final EIR, and bases the findings stated below on such review and other substantial evidence in the record.

(c) The City finds that the Final EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice, in accordance with CEQA and the CEQA Guidelines.

(d) The City Council hereby certifies the Final EIR as complete, adequate and in full compliance with CEQA and as providing an adequate basis for considering and acting upon the Castilleja School Project and makes the following specific findings with respect thereto. The City Council has considered evidence and arguments presented during consideration of the Project and the Final EIR. In determining whether the Project may have a significant impact on the environment, and in adopting the findings set forth herein, the City Council certifies that it has complied with Public Resources Code sections 21081, 21081.5, and 21082.2.

(e) The City Council agrees with the characterization of the Final EIR with respect to all impacts initially identified as “less than significant” and finds that those impacts have been described accurately and are less than significant as so described in the Final EIR.

(f) The descriptions of the impacts in these findings are summary statements. Reference should be made to the Final EIR for a more complete description.
SECTION 2. Mitigation Monitoring and Reporting Program

(a) CEQA requires the lead agency approving a project to adopt a Mitigation Monitoring and Reporting Program (MMRP) for the changes made to the project that it has adopted in order to mitigate or avoid significant effects on the environment. An MMRP has been prepared and is recommended for adoption by the City Council concurrently with the adoption of these findings to ensure compliance with standard project requirements incorporated as part of the project and mitigation measures during Project implementation. As required by Public Resources Code section 21081.6, the MMRP designates responsibility and anticipated timing for the implementation of the mitigation measures recommended in the Final EIR. The MMRP will remain available for public review during the compliance period.

(b) The City Council hereby adopts the MMRP for the Project attached hereto as Exhibit B and incorporated by reference, and finds, determines, and declares that the adoption of the MMRP will ensure enforcement and continued imposition of the mitigation measures recommended in the Final EIR, and set forth in the MMRP, in order to mitigate or avoid significant impacts on the environment.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTION:

ATTEST:

APPROVED:

__________________________  ______________________________
City Clerk                     Mayor

APPROVED AS TO FORM:

__________________________  ______________________________
Assistant City Attorney        City Manager

______________________________
Director of Planning and
Development Services

______________________________  ______________________________
City Clerk                     Mayor

APPROVED:

__________________________  ______________________________
Assistant City Attorney        City Manager

______________________________
Director of Planning and
Development Services
Castilleja School Project
Statement of Findings

SCH # 2017012052
May 2022
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I. OVERVIEW AND INTRODUCTION

This Statement of Findings is made with respect to approval of the Castilleja School Project and states the findings of the City Council of the City of Palo Alto (City Council) relating to the potentially significant environmental effects of the project. This Statement of Findings addresses the environmental effects associated with the proposed Castilleja School Project, located on Assessor’s Parcel Numbers 124-12-034 (1310 Bryant Street), 124-12-031 (1235 Emerson Street), and 124-12-033 (1263 Emerson Street).

The City Council, in the exercise of its independent judgment, makes and adopts the following findings to comply with the requirements of the California Environmental Quality Act (CEQA; Pub. Resources Code, sections 21000 et seq.), and Sections 15091, 15092, and 15093 of the CEQA Guidelines (14 Cal. Code Regs., sections 15000 et seq.). All statements set forth in this Resolution constitute formal findings of the City Council, including the statements set forth in this paragraph.

These findings are made relative to the conclusions of the City of Palo Alto Castilleja School Project Final Environmental Impact Report (State Clearinghouse No. 2017012052) (Final EIR), which includes the Draft Environmental Impact Report (Draft EIR), the EIR Errata (April 2022), and the Castilleja School Project – Environmental Effects of Scheme D and Scheme E Memorandum (March 2022). The Final EIR addresses the environmental impacts associated with implementation of the Castilleja School Project (the Project, as further defined in Sections IV and V below) and is incorporated herein by reference. The original Project proposal was defined in Draft EIR Chapter 3, Project Description; but the Project addressed in these Findings is the Modified Dispersed Circulation/Reduced Garage Alternative – Scheme E. The original Dispersed Circulation/Reduced Garage Alternative (also referred to as Project Alternative 4) is described in Final EIR Chapter 2, Master Responses, Master Response 4. The Scheme E modifications made to this alternative are shown in the document titled Updated Garage Studies with Scheme E (November 2021). The project requests that the City take the following actions:

2. Approve a Conditional Use Permit (CUP) Amendment.
3. Approve a Variance to maintain existing above grade Floor-Area-Ratio (FAR).
4. Approve Architectural Review, Grading Permits, Tree Removal Permits, and Building Permits (phased development approval(s)).

Approval of the requested entitlements constitutes the project for purposes of CEQA and these determinations of the City Council. These findings are based upon the entire record of proceedings for the Project. The City Council finds as follows:

1. The record of proceedings in Section VI of these findings are correct and accurate.
2. The Final EIR has been prepared in accordance with all requirements of CEQA, the CEQA Guidelines, and the City’s Environmental Impact Ordinance, codified in Title 11 of the City’s Municipal Code.
3. The Draft EIR was presented to and reviewed by the Planning and Transportation Commission (PTC) on August 14, 2019.
4. The Final EIR was presented to and reviewed by the Architectural Review Board (ARB) (August 20, 2020,) HRB (September 24, 2020), and PTC (August 26 and September 9, 2020). The ARB, HRB, and PTC each provided a recommendation to the City Council in support of certification of the Final EIR.

5. The Final EIR was presented to and reviewed by the City Council on March 8, March 15, and March 29, 2021.

6. Following the public hearings for the project and the EIR in 2020 and March of 2021, the project design was modified to respond to City Council direction. The project designs presented to the City Council in 2022 include ‘Scheme D,’ ‘Scheme E,’ and “Hybrid Scheme D/E.’ The Castilleja School Project – Environmental Effects of Scheme D and Scheme E Memorandum (March 2022) provides analysis of the potential differences in environmental effects associated with Schemes D and E compared to the conclusions of the Final EIR regarding the Disbursed Circulation/Reduced Garage Alternative (Project Alternative 4) and concludes that neither Scheme D nor Scheme E would increase the adverse environmental impacts of the project compared to Project Alternative 4 and all of the mitigation measures applicable to Project Alternative 4 would also be applicable to either Scheme D or Scheme E. It also concludes that, pursuant to CEQA Guidelines Section 15088.5, recirculation of the EIR is not required because there is no “significant new information” that has been or should be added to the EIR.

7. The revised project plans and additional information was presented to and reviewed by the HRB (September 24, 2021), ARB (March 17, 2022) and PTC (March 30 and April 20, 2022). The HRB, ARB, and PTC each provided recommendations to the City Council regarding project design elements. As noted in item 4 above, each of these bodies made recommendations to the City Council regarding certification of the Final EIR in 2020. Because none of the additional project alternatives that have been evaluated would result in new significant impacts or would increase the severity of the environmental impacts identified in the EIR, no further recommendations regarding EIR certification were warranted in September 2021 and March and April 2022.

8. The Final EIR was prepared under the supervision of the City and reflects the independent judgment of the City. The City Council has reviewed the Final EIR, and bases the findings stated below on such review and other substantial evidence in the record.

9. The City finds that the Final EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice, in accordance with CEQA and the CEQA Guidelines.

10. The City Council hereby certifies the Final EIR as complete, adequate and in full compliance with CEQA and as providing an adequate basis for considering and acting upon the Castilleja School Project and makes the following specific findings with respect thereto. The City Council has considered evidence and arguments presented during consideration of the Project and the Final EIR. In determining whether the Project may have a significant impact on the environment, and in adopting the findings set forth herein, the City Council certifies that it has complied with Public Resources Code sections 21081, 21081.5, and 21082.2.

11. The City Council agrees with the characterization of the Final EIR with respect to all impacts initially identified as “less than significant” and finds that those impacts have been described accurately and are less than significant as so described in the Final EIR. This finding does not apply to impacts identified as significant or potentially significant that are reduced to a less than
significant level by mitigation measures included in the Final EIR. The disposition of each of those impacts and the mitigation measures adopted to reduce them are addressed specifically in the findings below.

12. All mitigation measures in the Final EIR are adopted and incorporated into the Castilleja School Project as described in the Mitigation Monitoring Program (MMP), which includes all mitigation measures adopted with respect to the project and explains how and by whom they will be implemented and enforced.

13. The mitigation measures and the MMP have been incorporated into the Conditions of Approval for the amended Conditional Use Permit and have thus become part of and limitations upon the entitlements conferred by the project approvals.

14. The descriptions of the impacts in these findings are summary statements. Reference should be made to the Final EIR for a more complete description.

15. The Planning and Community Environment Department is directed to file a Notice of Determination with the County Clerk within five (5) working days in accordance with CEQA section 21152(a) and CEQA Guidelines section 15094.

II. STATUTORY REQUIREMENTS FOR FINDINGS

Significant effects of the Castilleja School Project were identified in the Draft EIR. CEQA section 21081 and CEQA Guidelines section 15091 require that the Lead Agency prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. Less than significant effects (without mitigation) of the project were also identified in the Draft EIR and Initial Study; these are listed in Section VII below. CEQA does not require that the Lead Agency prepare written findings for less than significant effects.

CEQA requires that the Lead Agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that would otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where substantial evidence in the record demonstrates that they are infeasible or where the responsibility for modifying the project lies with another agency. Specifically, CEQA Guidelines section 15091 states:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, such changes have been adopted by such other agency or can and should be adopted by such other agency.
(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

The “changes or alterations” required or incorporated into the project which mitigate or avoid the significant environmental effects of the project, as stated to in CEQA Guidelines section 15091(a)(1) above, may include a wide variety of measures or actions as set forth in CEQA Guidelines section 15370, including avoiding, minimizing, rectifying, or reducing the impact over time, or compensating for the impact by replacing or providing substitute resources.

III. DEFINITIONS

The following definitions apply where the subject words or acronyms are used in these findings:

“ARB” means the City of Palo Alto Architectural Review Board.

“BAAQMD” means the Bay Area Air Quality Management District.

“City Council” means the City of Palo Alto City Council.

“CEQA” means the California Environmental Quality Act (Pub. Resources Code section 21000 et seq.).

“City” means the City of Palo Alto.

“Comprehensive Plan” means the City of Palo Alto Comprehensive Plan, as adopted in 2017 with subsequent amendments.

“Condition” means a Condition of Approval adopted by the City in connection with approval of the project.

“CUP” means Conditional Use Permit.


“EIR” means environmental impact report.

“Environmental Impact Ordinance” means the City of Palo Alto Environmental Impact Ordinance, as codified in Title 11 of the City of Palo Alto Municipal Code.

“FAR” means Floor-Area-Ratio as defined in the City of Palo Alto Municipal Code.

“Final EIR” means the Final EIR as prepared for the project (which includes the NOP and Initial Study dated January 2017, the Draft EIR dated July 2019, and the Final EIR dated July 2020).

“HRB” means the City of Palo Alto Historic Resources Board.

“MMP” means the Mitigation Monitoring Program for the project.

“Municipal Code” means the City of Palo Alto Municipal Code, including all amendments thereto.

“NOP” means Notice of Preparation of an EIR.

“PTC” means the City of Palo Alto Planning and Transportation Commission.
“PCE” means the City of Palo Alto Planning and Community Environment Department.

“Project” means the proposed Castilleja School Project, Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E.

“TDM” means Transportation Demand Management.

“TIRE” means the Traffic Infusion in Residential Environments Index.

“Tree Preservation and Management Regulations” means the City of Palo Alto Tree Preservation and Management Regulations, as defined in Municipal Code Chapter 8.10.

“Zoning Ordinance” means the City of Palo Alto Zoning Ordinance, including all amendments thereto.

IV. PROJECT BACKGROUND

Castilleja School Foundation (the project applicant) requested approval of an amendment to the school’s existing Conditional Use Permit (CUP) to increase student enrollment at the campus, architectural review of a phased campus modification plan (referred to by the applicant as the Master Plan); a Tentative Map with Exception to merge two small parcels containing dwelling units with the larger parcel; a variance for below-grade setback encroachments related to the proposed underground parking structure; and a variance to maintain the existing floor-area-ratio by rebuilding 84,124 square feet above grade in a different configuration.

The Draft EIR evaluated the originally proposed project and found that it would result in three significant and unavoidable impacts. One of those significant and unavoidable impacts was associated with the level of service at a particular roadway intersection. As discussed in the Final EIR, since the time that the Draft EIR was prepared, changes in the CEQA Statute and CEQA Guidelines now preclude reliance on measurements of automobile delay, such as the changes in intersection level of service, identifying environmental impacts. Specifically, pursuant to California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, “a project’s effect on automobile delay shall not constitute a significant environmental impact.” Thus, one of the three significant and unavoidable impacts identified in the Draft EIR is no longer considered an environmental effect of the project.

Castilleja School Foundation submitted a project alternative that would avoid the two remaining significant and unavoidable impacts (which were both related to the project’s increase in daily traffic volumes on adjacent neighborhood streets, as measured by the Traffic Infusion in Residential Environments [TIRE] Index) and would better address community concerns. This Disbursed Circulation/Reduced Garage Alternative (Project Alternative 4) was presented to the City Council as the preferred project design in March 2021. The Final EIR found that Project Alternative 4 would not result in any significant and unavoidable impacts.

Following public hearings in 2020 and March 2021, Castilleja School Foundation prepare a series of potential revisions to the project design as presented in the Updated Garage Studies with Scheme E (November 2021). Of the set of revised project designs, these Findings address the Modified Dispersed Circulation/Reduced Garage Alternative – Scheme E.
V. PROJECT OBJECTIVES AND DESCRIPTION

Project Objectives

The Project Objectives of the project applicant are set forth in Draft EIR sections 1.3, 3.3, and 13.2, which is incorporated herein by reference. The Project Objectives listed herein are revised to reflect the site design presented in the Modified Dispersed Circulation/Reduced Garage Alternative – Scheme E. The project objectives include the following:

1. Maintain a single integrated campus for the middle and upper school with new structures that integrate state-of-the-art technology and teaching practices and retain flexibility.
2. Achieve better architectural and aesthetic compatibility with adjacent neighborhoods through building design and landscaping.
3. Increase enrollment to 540 students to allow more young women the unique opportunity to receive an all-girls education.
4. Increase on-site parking and reduce both parking visibility and surface parking.
5. Improve vehicular, pedestrian, and bicycle access for students and staff.
6. Ensure no increase in vehicle trips to and from the campus during AM peak hours; reduce the number of service deliveries; and provide noise screening for delivery truck and solid waste/recycling truck activities to decrease nuisance effects to neighbors.
7. Improve the campus's sustainability and energy efficiency.
8. Phase construction to allow continued operation of Castilleja School during construction and to reduce impacts on the neighborhood.

Project Description

Under the Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E, Castilleja School Foundation has requested an amendment of their existing CUP to increase the enrollment cap, and approval for building demolition, new building construction, and construction of a below-grade parking structure. Construction of proposed physical improvements would occur in four phases. These include constructing a below-grade parking structure, constructing a temporary campus, relocating the existing pool, and demolishing the existing Campus Center and classroom buildings and replacing them with a single Academic building. The project also includes implementation of an expanded Transportation Demand Management plan and a Sustainability Road Map.

The Disbursed Circulation/Reduced Garage Alternative as proposed by the project applicant is provided in Final EIR Master Response 4. Additional description of the Modified Dispersed Circulation/Reduced Garage Alternative – Scheme E is provided in the Castilleja School Project – Environmental Effects of Scheme D and Scheme E Memorandum (March 2022). Site plans of the proposed campus, including the parking garage, as well as technical data and information regarding this project alternative are shown in the following documents:

- Kellogg Modifications Study (February 4, 2022);
• Updated Garage Studies with Scheme E (November 2021);
• ARB Resubmission (November 2021); and
• At Grade Delivery Noise Report (September 2021).

VI. RECORD OF PROCEEDINGS

In accordance with CEQA section 21167.6(e), the record of proceedings for the City’s decision on the Castilleja School project includes, without limitation, the following documents:

♦ The NOP and all other public notices issued by the City in conjunction with the project;
♦ All comments submitted by agencies or members of the public during the comment period on the NOP (provided in Appendix A of the Draft EIR);
♦ The Draft EIR (July 2019) for the project;
♦ All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
♦ All comments and correspondence submitted to the City with respect to the Project, in addition to timely comments on the Draft EIR;
♦ The Final EIR (July 2020) for the project, including comments received on the Draft EIR and responses to those comments;
♦ The Castilleja School Project – Environmental Effects of Scheme D and Scheme E Memorandum (March 2022)
♦ Documents cited or referenced in the Draft and Final EIRs and the Castilleja School Project – Environmental Effects of Scheme D and Scheme E Memorandum;
♦ The project MMP;
♦ All findings and resolutions adopted by the City in connection with the project and all documents cited or referred to therein;
♦ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City’s compliance with the requirements of CEQA and with respect to the City’s action on the project;
♦ All documents submitted to the City (including the HRB, ARB, PTC, and City Council) by other public agencies or members of the public in connection with the project;
♦ Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the project;
♦ Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;
♦ The City of Palo Alto Comprehensive Plan and all environmental documents prepared in connection with the adoption of the Comprehensive Plan;
♦ The City of Palo Alto Environmental Impact Ordinance and Zoning Ordinance (City of Palo Alto Municipal Code, Title 11 and Title 18), and all other City Code provisions cited in materials prepared by or submitted to the City;

♦ Any and all resolutions and/or ordinances adopted by the City regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;

♦ Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;

♦ Any documents cited in these findings, in addition to those cited above; and

♦ Any other materials required for the record of proceedings by CEQA section 21167.6(e).

The City Council has relied on all of the documents listed above in reaching its decision on the project, even if not every document was formally presented to the City Council, PTC or City Staff as part of the City files generated in connection with the project. Without exception, any documents set forth above not found in the project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the City Council was aware in approving the Castilleja School Project. (See City of Santa Cruz v. Local Agency Formation Commission (1978) 76 Cal.App.3d 381, 391-392; Dominey v. Department of Personnel Administration (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to City staff or consultants, who then provided advice to the City Council. For that reason, such documents form part of the underlying factual basis for the City Council’s decisions relating to approval of the Castilleja School Project. (See Public Resources Code section 21167.6(e)(10); Browning-Ferris Industries c. City Council of City of San Jose (1986) 181 Cal.App.3d 852, 866; Stanislaus Audubon Society, Inc. v. County of Stanislaus (1995) 33 Cal.App.4th 144, 153, 155.)

The official custodian of the record is the Planning and Community Environment Director, 250 Hamilton Avenue, Palo Alto, CA 94301.

VII. LIST OF IMPACTS OF THE PROPOSED PROJECT DETERMINED TO BE LESS THAN SIGNIFICANT OR NO IMPACT WITHOUT IMPLEMENTATION OF MITIGATION MEASURES

The City Council agrees with the conclusions in the Final EIR with respect to all impacts initially identified as “no impact” or “less than significant” that do not require implementation of mitigation measures. This includes consideration of the project’s potential to have a significant contribution to cumulative impacts. The impacts determined to be less than significant or no impact without implementation of mitigation measures include:

Impacts Evaluated in the Draft EIR

Land Use and Planning
Impact 4-4 Substantially contribute to cumulative land use impacts.

Aesthetics
Impact 5-1 Substantially degrade the existing visual character or quality of the site and its surroundings.
Impact 5-2  Substantially shadow public open space (other than public streets and adjacent sidewalks).

Impact 5-4  Substantially contribute to cumulative impacts to the visual character of the region.

**Cultural Resources**

Impact 6-2  Disturb any human remains, including those interred outside of dedicated cemeteries.

Impact 6-3  Contribute to a cumulative loss of cultural resources.

**Transportation**

Impact 7-2  Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways.

Impact 7-3  Result a change in air traffic patterns, including either an increase in traffic levels or a change in location resulting in substantial safety risks.

Impact 7-6  Conflict with adopted policies, plans, or programs supporting alternative transportation or otherwise decrease the performance or safety of such facilities.

**Noise**

Impact 8-4  Expose people to noise levels that exceed established noise standards or generate a substantial permanent increase in ambient noise levels in cumulative plus project conditions.

**Air Quality**

Impact 9-2  Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Impact 9-4  Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

**Greenhouse Gas Emissions**

Impact 10-1  Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Impact 10-2  Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.

Impact 10-3  Make a cumulatively considerable contribution to emissions of greenhouse gases in the cumulative scenario.
Energy
Impact 11-1 Result in wasteful, inefficient, or unnecessary consumption of energy.
Impact 11-2 Conflict with existing energy standards and regulations.

Geology, Soils, Seismicity and Paleontology
Impact 12-3 Substantial erosion or loss of topsoil.
Impact 12-6 Substantially contribute to cumulative impacts associated with geology, seismicity, soils and paleontological resources.

Impacts Evaluated in the Initial Study

Agriculture and Forestry Resources
Impact II.a Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
Impact II.b Conflict with existing zoning for agricultural use, or a Williamson Act contract.
Impact II.c Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).
Impact II.d Result in the loss of forest land or conversion of forest land to non-forest use.
Impact II.e Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

Biological Resources
Impact IV.b Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
Impact IV.c Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
Impact IV.d Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
Impact IV.f Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
Geology and Soils

Impact VI.e Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water

Hazards and Hazardous Materials

Impact VIII.d Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

Impact VIII.e For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.

Impact VIII.f For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.

Impact VIII.h Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Hydrology and Water Quality

Impact IX.a Violate any water quality standards or waste discharge requirements.

Impact IX.b Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

Impact IX.c Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.

Impact IX.d Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

Impact IX.e Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Impact IX.f Otherwise substantially degrade water quality.

Impact IX.g Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
Impact IX.h  Place within a 100-year flood hazard area structures which would impede or redirect flood flows.

Impact IX.i  Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

Impact IX.j  Inundation by seiche, tsunami, or mudflow.

**Land Use and Planning**

Impact X.c  Conflict with any applicable habitat conservation plan or natural community conservation plan.

**Mineral Resources**

Impact XI.a  Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

Impact XI.b  Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

**Noise**

Impact XII.e  For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

Impact XII.f  For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

**Population and Housing**

Impact XIII.a  Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure.

Impact XIII.b  Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

Impact XIII.c  Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

**Public Services**

Impact XIV.a  Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: Fire protection; Police protection; Schools; Parks; Other public facilities.
Recreation
Impact XV.a  Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Impact XV.b  Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Utilities and Service Systems
Impact XVIII.a  Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Impact XVIII.b  Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Impact XVIII.c  Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Impact XVIII.d  Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Impact XVIII.e  Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?

Impact XVIII.f  Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?

Impact XVIII.g  Comply with federal, state, and local statutes and regulations related to solid waste?

VIII. FINDINGS FOR SIGNIFICANT AND POTENTIALLY SIGNIFICANT IMPACTS REDUCED TO LESS THAN SIGNIFICANT WITH IMPLEMENTATION OF MITIGATION MEASURES

The City Council agrees with the characterization in the Final EIR with respect to all impacts initially identified as “significant” or “potentially significant” that are reduced to less than significant levels with implementation of the mitigation measures identified in the Final EIR. In accordance with CEQA Guidelines §15091(a), a specific finding is made for each impact and its associated mitigation measures in the discussions below. Mitigation measures are summarized below and are presented in full in the EIR and the MMP, which are incorporated herein by reference. This section includes findings specific to the project’s potential to result in a significant contribution to cumulative impacts.
Land Use and Planning

Impact 4-1: Conflict with land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Summary: As discussed in Final EIR Master Response 4 and the Castilleja School Project – Environmental Effects of Scheme D and Scheme E Memorandum, the Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E would result in similar impacts as the originally proposed project that were evaluated in Draft EIR Impact 4-1. Specifically, the Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E could result in conflicts with the City’s land use plans, policies, and regulations by increasing the intensity of the existing educational use through potential increases in special events; removing trees and reducing tree canopy in the project vicinity; potential increases in traffic associated with increased enrollment; and generating noise levels that could exceed the Municipal Code standards during project construction and during use of the pool.

Finding: Changes in the project to avoid or substantially lessen the significant environmental effect as identified in the EIR are required. Implementation of Mitigation Measures 4a, 4b, 7a, 7b, 8a, and 8b will ensure that the potential for the project to result in new land use incompatibilities or exacerbate existing land use incompatibilities would be reduced to a less-than-significant level.

Explanation: These mitigation measures will substantially lessen the project’s environmental effects by establishing requirements for special events (Mitigation Measure 4a, which includes defining a maximum number of special events, identifying restrictions on event size and timing, and identifying requirements for parking, ensuring that the level of special event activity would be slightly less than currently occurs); requiring tree protection and replacement consistent with the City’s Tree Preservation and Management Regulations (Mitigation Measure 4b); identifying performance standards that must be attained through implementation of an enhanced TDM program (Mitigation Measure 7a); requiring vegetation management to ensure adequate lines of sight are maintained at site driveways (Mitigation Measure 7b), and establishing noise performance standards that must be met by the loudspeaker system at the pool and during construction (Mitigation Measures 8a and 8b).

Significance After Mitigation: Less Than Significant.

Impact 4-2: Create land use incompatibility or physically divide an established community

Summary: As discussed in Final EIR Master Response 4 and the Castilleja School Project – Environmental Effects of Scheme D and Scheme E Memorandum, the Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E would result in similar impacts as the originally proposed project that were evaluated in Draft EIR Impact 4-2. Specifically, the Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E would result in a land use compatibility conflict due to the potential to exacerbate existing land use conflicts between the school and its residential neighborhood. The analysis identifies potentially
significant impacts that would result from any increases in special events that could increase disturbance to neighbors and generating noise levels that could exceed the Municipal Code standards during project construction and from use of the pool.

**Finding:** Changes in the project to avoid or substantially lessen the significant environmental effect as identified in the EIR are required. Implementation of Mitigation Measures 4a, 8a and 8b will ensure that the potential for the project to result in new land use incompatibilities or exacerbate existing land use incompatibilities would be reduced to a less-than-significant level.

**Explanation:** These mitigation measures will substantially lessen the project’s environmental effects by establishing requirements for special events (Mitigation Measure 4a, which includes defining a maximum number of special events, identifying restrictions on event size and timing, and identifying requirements for parking, ensuring that the level of special event activity would be slightly less than currently occurs), and establishing noise performance standards that must be met by the loudspeaker system at the pool and during construction (Mitigation Measures 8a and 8b).

**Significance After Mitigation:** Less Than Significant.

**Impact 4-3:** Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

**Summary:** As discussed in Final EIR Master Response 4 and the Castilleja School Project – Environmental Effects of Scheme D and Scheme E Memorandum, the Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E would result in similar but slightly reduced impacts as the originally proposed project that were evaluated in Draft EIR Impact 4-3. Specifically, the Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E would result in tree removal and encroachment of construction activities into tree protection zones but would decrease the amount of tree removal and encroachment into tree protection zones compared to the originally proposed project and the Disbursed Circulation/Reduced Garage Alternative as described in the Final EIR.

**Finding:** Changes in the project to substantially lessen the significant environmental effect as identified in the EIR are required. Implementation of Mitigation Measure 4b will ensure that the potential for the project to result in significant tree loss would be reduced to a less-than-significant level.

**Explanation:** Mitigation Measure 4b will substantially lessen the project’s environmental effects associated with tree loss and adverse effects to retained trees by establishing requirements for tree protection during and after construction and tree replacement, consistent with the City’s Tree Preservation and Management Regulations and the City’s Tree Technical Manual.

**Significance After Mitigation:** Less Than Significant.
Aesthetics

**Impact 5-3:** Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

**Summary:** As discussed in Master Response 4 and in Draft EIR Impact 5-3 and the Castilleja School Project – Environmental Effects of Scheme D and Scheme E Memorandum, the Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E would create new sources of light that could adversely affect day or nighttime views in the area, and tree removal associated with the project could increase the potential for outdoor lighting to shine on adjacent property. The Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E project plans (as identified in Section V of these findings) identify that lighting fixtures for the project would include bollards and ground-level fixtures along walkways and near building entrances, building-mounted lighting around building perimeters and at entrances, ground-level lighting in bicycle parking areas, and wall mounted lighting on steps and planter walls. The potential for windows to result in glare would be minimized with roof overhangs, tree retention and planting, and fencing that would reduce direct solar exposure on windows and reduce the potential for light reflecting off windows to create glare for drivers on adjacent streets. The project does not propose use of highly reflective surfaces, such as mirrored glass, black glass, or metal building materials and thus would not create potentially significant impacts associated with glare.

**Finding:** Changes in the project to avoid the significant environmental effect as identified in the EIR are required. Implementation of Mitigation Measure 5a will ensure that the potential for the project to create substantial light spillover onto the adjacent public right-of-way or private property would be reduced to a less-than-significant level.

**Explanation:** Mitigation Measure 5a requires the project applicant to develop a lighting plan for each development phase and requires that the lighting plans demonstrate attainment of the performance standards identified in the Palo Alto Municipal Code, which requires that lighting be installed such that no light source within the project site generates a light level greater than 0.5 foot-candle on any off-site residential property.

**Significance After Mitigation:** Less Than Significant.

Cultural Resources

**Impact 6-1:** Cause a substantial adverse change in the significance of a historical or archeological resource.

**Summary:** No archeological resources were identified through record searches and surveys, however, there are known archeological resources in the project region and thus there is a potential for earth-moving activities to disturb previously unknown archeological resources, if any occurred on site. The project also has the potential to indirectly or accidentally affect the existing historic resources onsite and adjacent to the site during construction by exposure to dust, debris, and accidental contact with construction equipment. The analysis in Draft EIR Chapter
8 demonstrates that vibration associated with project construction is not anticipated to adversely affect any adjacent historic resources.

**Finding:** Changes in the project to avoid the significant environmental effect as identified in the EIR are required. Implementation of Mitigation Measures 6a and 6b will ensure that the potential for the project to adversely affect significant below-grade archeological resources or cause damage to historic resources onsite and adjacent to the site during construction would be reduced to a less-than-significant level.

**Explanation:** Mitigation Measure 6a requires development and approval of a preservation protection plan for each phase of construction to ensure that historic buildings within and adjacent to the site are not adversely affected by dust, debris, and/or damage from accidental contact with construction equipment. Mitigation Measure 6b requires education of construction workers on archeological resources and the steps to take in the event of the discovery of any previously unrecorded resource.

**Significance After Mitigation:** Less Than Significant.

**Transportation**

**Impact 7-1** Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel

**Summary:** The Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E includes three drop-off/pick-up locations for Castilleja students. The project applicant proposed assigning a certain percentage of students to each of the three locations. As discussed in Master Response 4, the proposed percentage assignments would create an impact under the TIRE Index by increasing daily traffic volumes on two segments of Bryant Street and could result in vehicle queues that exceed capacity for the Bryant Street drop off location.

**Finding:** Changes in the project to avoid or substantially lessen the significant environmental effect as identified in the EIR are required. Implementation of Mitigation Measure 7a will ensure that the potential for the project to create a substantial increase in traffic volumes on Bryant Street or cause vehicle queues that extend into the public right-of-way would be avoided, thus the impact would be reduced to a less-than-significant level.

**Explanation:** Mitigation Measure 7a requires adjustments to the percent of students assigned to each drop-off/pick-up location, consistent with the recommendations of the Transportation Impact Analysis prepared for this project and Final EIR Table MR4-2. It also includes a requirement that the drop-off assignments be reassessed through routine monitoring to balance traffic flows sufficient to avoid a significant TIRE Index increase in the project vicinity and maintain appropriate vehicle queues. Further, Mitigation Measure 7a identifies performance standards that must be attained by the school’s enhanced TDM program and establishes requirements for monitoring and reporting on the effectiveness of the TDM program.
**Significance After Mitigation:** Less Than Significant.

**Impact 7-4:** Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)

**Summary:** Draft EIR Impact 7-4 evaluates whether the proposed project could introduce new roadway hazards by creating vehicle queues that extend into the public right-of-way or providing inadequate sight distance at driveways where vehicles exit the site and enter the public right-of-way. As discussed in Master Response 4 and the Castilleja School Project – Environmental Effects of Scheme D and Scheme E Memorandum, the Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E would result in vehicle queues for the Bryant Street drop-off location that exceed the available storage and would extend into Bryant Street under the proposed allocations to each of the three drop-off locations. Additionally, sight distance could be constrained by landscaping and/or on-street parking at the project site driveways. These conditions would result in significant impacts.

**Finding:** Changes in the project are required to avoid the significant environmental effect as identified in the EIR. Implementation of Mitigation Measures 7a and 7b will ensure that the potential for the project to substantially increase transportation hazards would be reduced to a less-than-significant level.

**Explanation:** Mitigation Measure 7a requires adjustments to the percent of students assigned to each drop-off/pick-up location, consistent with the recommendations of the Transportation Impact Analysis prepared for this project and Final EIR Table MR4-2 to ensure that vehicle queues do not extend into the public right-of-way. It also includes a requirement that the vehicle queue lengths be monitored and drop-off assignments be reassessed to ensure that appropriate vehicle queues are maintained. Mitigation Measure 7b stipulates that a minimum of 150 feet of sight distance must be maintained through vegetation trimming and prohibiting on-street parking adjacent to each driveway.

**Significance After Mitigation:** Less Than Significant.

**Impact 7-5:** Result in inadequate emergency access.

**Summary:** The project would not create traffic congestion or changes in roadway configurations that could interfere with emergency response or substantially lengthen response times but could result in interference with emergency response in the project vicinity if vehicle queues at the drop-off/pick-up locations extend into the public right-of-way.

**Finding:** Changes in the project are required to avoid the significant environmental effect as identified in the EIR. Implementation of Mitigation Measure 7a will ensure that the potential for the project to cause vehicle queues that extend into the public right-of-way would be avoided, thus the impact would be reduced to a less-than-significant level.
Explanation: Mitigation Measure 7a requires that the drop-off/pick-up location assignments be assessed through routine monitoring and adjusted to balance traffic flows sufficient to maintain appropriate vehicle queues.

Significance After Mitigation: Less Than Significant.

Impact 7-7: Contribute to a cumulative increase in traffic that conflicts with adopted policies and plans.

Summary: The City’s traffic model anticipates that background traffic volumes will continue to increase over time, but Castilleja traffic is expected to remain constant or decrease because the school would be required under the TDM plan and Mitigation Measure 7a to maintain a maximum daily trip rate of 2.4 trips per student. The project's contribution to cumulative impacts would be less than significant for all roadways in the study area except the segments of Bryant Street between Embarcadero Road and Churchill Avenue.

Finding: Changes in the project are required to substantially lessen the significant environmental effect as identified in the EIR. Implementation of Mitigation Measure 7a will ensure that the potential for the project to create a substantial increase in traffic volumes on Bryant Street would be avoided, thus the impact would be reduced to a less-than-significant level.

Explanation: Mitigation Measure 7a requires adjustments to the percent of students assigned to each drop-off/pick-up location, consistent with the recommendations of the Transportation Impact Analysis prepared for this project. It also includes a requirement that the drop-off assignments be reassessed through routine monitoring to balance traffic flows sufficient to avoid a significant TIRE Index increase in the project vicinity. Further, Mitigation Measure 7a identifies performance standards that must be attained by the school’s enhanced TDM program and establishes requirements for monitoring and reporting on the effectiveness of the TDM program.

Significance After Mitigation: Less Than Significant.

Noise

Impact 8-1: Expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

Summary: Nighttime outdoor special events and use of amplified sound during pool events has the potential to expose people to or generate noise levels in excess of the standards established in the Comprehensive Plan and Municipal Code. The project would not create significant noise impacts associated with vehicle traffic because it would not result in a doubling of traffic volumes on any roadway segments. The project would not create significant noise impacts associated with truck and bus activity because it would relocate delivery and trash...
pickup activity to a below-grade loading zone and would relocate bus loading to the interior of the project site.

**Finding:** Changes in the project are required to substantially lessen the significant environmental effect as identified in the EIR. Implementation of Mitigation Measures 4a and 8a will ensure that the potential for the project to create a substantial increase in noise levels associated with special events would be avoided, thus the impact would be reduced to a less-than-significant level.

**Explanation:** Mitigation Measure 4a, as identified in Draft EIR Chapter 4, Land Use, will ensure that excessive nighttime noise is not generated by special events by requiring that athletic competitions end by 8 p.m. Mitigation Measure 8a establishes a performance standard that must be attained at the time that the loudspeaker system for the pool area is designed, which must be demonstrated in a noise assessment prepared by a qualified acoustical consultant.

**Significance After Mitigation:** Less Than Significant.

**Impact 8-2:** Create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the proposed project

**Summary:** The project could generate substantial periodic increases in noise during nighttime outdoor special events and use of amplified sound during pool events and project construction activities could generate substantial temporary increases in noise.

**Finding:** Changes in the project are required to substantially lessen the significant environmental effect as identified in the EIR. Implementation of Mitigation Measures 4a, 8a, and 8b will ensure that the potential for the project to create substantial periodic or temporary increases in noise levels associated with special events and construction would be avoided, thus the impact would be reduced to a less-than-significant level.

**Explanation:** Mitigation Measure 4a, as identified in Draft EIR Chapter 4, Land Use, will ensure that excessive nighttime noise is not generated by special events by requiring that athletic competitions end by 8 p.m. Mitigation Measure 8a establishes a performance standard that must be attained at the time that the loudspeaker system for the pool area is designed, which must be demonstrated in a noise assessment prepared by a qualified acoustical consultant. Mitigation Measure 8b will ensure that noise levels during construction remain below the City’s standards for maximum instantaneous noise levels and for the amount by which construction noise levels exceed ambient noise conditions by requiring for each construction phase that Castilleja School submit to the City an inventory and schedule of the construction equipment proposed to be used during that phase, a technical analysis of the noise levels that could be generated during construction, and recommended measures to ensure that noise levels during construction meet the City’s standards.

**Significance After Mitigation:** Less Than Significant.
**Impact 8-3:** Expose people to or generate excessive ground borne vibrations or ground borne noise levels

**Summary:** Construction of the Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E would involve use of a variety of heavy equipment, which could cause ground borne vibration. None of the residential structures in the project vicinity would be exposed to vibrations that could cause vibration damage, but the onsite Administration/Chapel building could be subject to ground borne vibration damage during demolition of the adjacent academic building. The project does not include any operational activities that would result in groundborne vibration or noise that would be perceptible off site.

**Finding:** Changes in the project are required to avoid the significant environmental effect as identified in the EIR. Implementation of Mitigation Measure 6a will ensure that the potential for the project to cause excessive ground borne vibration would be avoided, thus the impact would be reduced to a less-than-significant level.

**Explanation:** Mitigation Measure 6a, as presented in Draft EIR Chapter 6, Cultural Resources, requires that a protection plan be implemented for the Administration/Chapel Theater building that documents the specific nature of demolition activities that would occur on any portion of the building that touches or is within 25 feet of the Administration/Chapel Theater building and provides recommendations for equipment usage and demolition techniques that will avoid adverse effects to the Administration/Chapel Theater building by ensuring that continuous vibrations remain below approximately 0.25 in/sec.

**Significance After Mitigation:** Less Than Significant.

**Air Quality**

**Impact 9-1:** Conflict with or obstruct implementation of the applicable air quality plan.

**Summary:** Construction of the project is not expected to result in average daily emissions of criteria air pollutants that exceed the BAAQMD thresholds. However, the project could conflict with or obstruct implementation of the 2017 Clean Air Plan if the BAAQMD basic control measures for reducing construction emissions of coarse particulate matter are not implemented, as required by the Comprehensive Plan.

**Finding:** Changes in the project are required to avoid the significant environmental effect as identified in the EIR. Implementation of Mitigation Measure 9a will ensure that the potential for the project to conflict with or obstruct implementation of the 2017 Clean Air Plan would be avoided, thus the impact would be reduced to a less-than-significant level.

**Explanation:** Mitigation Measure 9a requires that the City of Palo Alto ensure that site plan notes include requirements for the construction contractor to implement the BAAQMD Basic Construction Emission Control Measures and perform visual inspections during construction. With implementation of Mitigation Measure 9a, project construction would be consistent with the 2017 Clean Air Plan and the City's requirements for limiting construction emissions.
Significance After Mitigation: Less Than Significant.

Impact 9-3 Expose sensitive receptors to substantial pollutant concentrations

Summary: As discussed in Final EIR Master Response 4 and the Castilleja School Project – Environmental Effects of Scheme D and Scheme E Memorandum, the Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E would result in similar impacts as the originally proposed project as discussed in Impact 9-3. As discussed under Draft EIR Impact 9-3, demolition of structures built prior to 1980 could result in the release of contaminated materials and hazardous substances that may be present in the buildings, such as lead-based paint or asbestos. Other construction activities would not expose students, workers, or neighbors to substantial air pollutant concentrations. Vehicle traffic during operation of the proposed project would not be expected to create carbon monoxide hotspots that could expose sensitive receptors to substantial concentrations of hazardous emissions.

Finding: Changes in the project are required to avoid the significant environmental effect as identified in the EIR. Implementation of Mitigation Measure HAZ-1 will ensure that the potential for the project to expose sensitive receptors to substantial pollutant concentrations would be avoided, thus the impact would be reduced to a less-than-significant level.

Explanation: Mitigation Measure HAZ-1, as identified in the Initial Study (Final EIR Appendix A), requires that prior to issuance of a demolition permit, the project applicant shall retain a qualified professional to complete a survey of the building proposed for demolition to determine if lead-containing materials, asbestos containing materials, and/or polychlorinated biphenyls are present; retaining a contractor trained and qualified to conduct lead- or asbestos-related construction work to carry out any demolition activities likely to disturb such materials; and following regulatory protocols for handling and disposal of these materials.

Significance After Mitigation: Less Than Significant.

Significant and Unavoidable Impacts

The City Council agrees with the characterization in the Final EIR and the Castilleja School Project – Environmental Effects of Scheme D and Scheme E Memorandum that all of the significant and potentially significant impacts that could result from the Modified Disbursed Circulation/Reduced Garage Alternative - Scheme E would be reduced to less-than-significant levels and thus the project would not result in any significant and unavoidable environmental impacts.

IX. PROJECT ALTERNATIVES FINDINGS

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such project(s).” When a lead agency finds, even after the adoption of all feasible mitigation measures, that a project will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, it must, prior to
approving the project as mitigated, first determine whether there are any project alternatives that are feasible and that would substantially lessen or avoid the project’s significant impacts. As stated in Section VIII above, there are no significant and unavoidable impacts associated with the proposed project. However, an alternatives analysis was completed and included in the Final EIR.

**Reasonable Range of Project Alternatives**

CEQA Guidelines §15126.6(f) states that the range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. Further, CEQA Guidelines §15126(a) requires that an EIR describe a reasonable range of alternatives that would “feasibly obtain most of the basic project objectives” but would avoid or substantially lessen any of the significant environmental effects of the project and evaluate the comparative merits of the alternatives. Thus, the project objectives presented in the EIR provided the framework for defining the possible alternatives. Based upon guidance contained in the CEQA Guidelines and applicable case law as well as the project objectives, the Final EIR provides the following analysis regarding project alternatives:

- The Draft EIR identified six alternatives that were preliminarily considered but rejected from detailed analysis because they were incapable of meeting most of the basic project objectives, would not reduce or avoid any of the project’s significant effects, and/or would require speculation to evaluate. These include: offsite alternative – relocate full campus, partial offsite alternative (relocate a portion of the student body and staff to a new second campus), other offsite options (relocate sports and special events to other locations), surface parking, modified circulation routes, and minimum enrollment increase.

- The Draft EIR provided detailed analysis of three project alternatives: the No Project Alternative (as required by CEQA), the Moderate Enrollment Increase Alternative, and the Moderate Enrollment Increase with Reduced Parking Alternative.

- In response to comments received on the Draft EIR, the Final EIR evaluated the Disbursed Circulation/Reduced Garage Alternative.

- In response to recommendations and direction provided by the City’s HRB, ARB, PTC, and City Council, an additional five variants of the Disbursed Circulation/Reduced Garage Alternative have been developed and reviewed by the City. The environmental effects of two of these additional variants were evaluated in the Castilleja School Project – Environmental Effects of Scheme D and Scheme E Memorandum; and the Modified Disbursed Circulation/Reduced Garage Alternative – Scheme E has replaced the proposed project.

- The Final EIR also considered the one additional alternative – the No Garage Alternative – and provided additional discussion of the alternatives that were preliminarily considered in the Draft EIR but rejected from detailed analysis as described above. These included consideration of various alternative enrollment caps, creating a split campus or a second campus, and relocating the school.

The City Council finds that that a good-faith effort was made to evaluate a reasonable range of potentially feasible alternatives in the EIR that are reasonable alternatives to the project and could feasibly obtain
most of the basic objectives of the project, even when the alternatives might impede the attainment of the project’s objectives and might be more costly.

Feasibility of Project Alternatives

Although an EIR must evaluate a range of potentially feasible alternatives, an agency decision-making body may ultimately conclude that a potentially feasible alternative is actually infeasible. (California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 1001-1002.) CEQA Guidelines §15126.6(f)(1) provides that among the factors that may be taken into account when addressing the feasibility of alternatives are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.”

Grounds for a conclusion of infeasibility might be the failure of an alternative to fully satisfy project objectives deemed to be important by decision-makers, or the fact that an alternative fails to promote policy objectives of concern to such decision-makers. (Id. at pp. 992, 1000-1003.) It is well established under CEQA that an agency may reject alternatives based on economic infeasibility. (Foundation for San Francisco’s Architectural Heritage v. City and County of San Francisco (1980) 106 Cal.App.3d 893, 913-914; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656, 774; Association of Irritated Residents v. County of Madera (2003) 107 Cal.App.4th 1383, 1399-1400; Sierra Club v. County of Napa (2004) 121 Cal.App.4th 1490, 1510.) In addition, the definition of feasibility encompasses “desirability” to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors supported by substantial evidence. (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410; 417.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of a proposed project as mitigated, the decision-makers may reject the alternative for such reasons.

Analysis of Project Alternatives

No Project Alternative

The No Project Alternative assumes that the proposed Castilleja School Project would not be constructed and that no changes to the existing Conditional Use Permit would be made. Castilleja would be restricted to a maximum enrollment of 415 students each year. No demolition or construction would occur within the campus, and no changes would be made to the school’s special event schedule or provisions for student, staff, and visitor parking. The EIR concluded that this alternative would have reduced impacts associated with land use, aesthetics, cultural resources, transportation, noise, and air quality; however the No Project Alternative would not meet any of the proposed project objectives and would not achieve the project’s aesthetic benefits associated with enhancing the site architecture, landscaping, and fencing and the project’s noise benefits of reducing neighbors’ exposure to noise associated with use of the pool.

No Project Alternative Findings: The City Council finds that this alternative is infeasible in that it meets none of the project objectives. Specifically, it does not support the project objectives of increasing enrollment, increasing the campus’s sustainability and energy efficiency, increasing on-site parking, and improving architectural compatibility with the surrounding neighborhood. For all of the foregoing
reasons, and for any of them individually, the City Council determines that the No Project Alternative is infeasible and is hereby rejected.

**Moderate Enrollment Increase Alternative**

This alternative considered a maximum enrollment of 506 students, which is 34 students fewer than proposed. The Moderate Enrollment Increase Alternative would include construction of the new academic building to include 30 classrooms, construction of the below-grade parking structure with 117 parking spaces (as contemplated in the original Castilleja School Project proposal), demolition of the two residential structures on Emerson Street (as contemplated in the original Castilleja School Project proposal), and a reduction in the number of parking spaces in the proposed surface parking lot at Emerson Street and Kellogg Avenue.

The Moderate Enrollment Increase Alternative was found to slightly reduce potential land use and transportation impacts compared to the originally proposed project but would increase those impacts compared to the Disbursed Circulation/Reduced Garage Alternative. This alternative would result in similar aesthetic impacts as either the originally proposed project or the Disbursed Circulation/Reduced Garage Alternative because building scale, massing, materials, colors, and details as well as landscaping and fencing would be generally the same. The Moderate Enrollment Increase Alternative would also result in similar impacts associated with cultural resources, noise, air quality, greenhouse gas emissions, energy, and geology and soils as the proposed project because it would involve a similar level of construction and project site redevelopment.

**Moderate Enrollment Increase Alternative Findings:** While the alternative may be feasible and capable of meeting most of the basic project objectives, this alternative does not substantially reduce impacts compared to the proposed project, and would increase the potential land use and transportation impacts compared to the Disbursed Circulation/Reduced Garage Alternative. Therefore, under CEQA, the Moderate Enrollment Increase Alternative is not environmentally superior to the proposed project.

**Moderate Enrollment Increase with Reduced Parking Alternative**

The Moderate Enrollment Increase with Reduced Parking Alternative would establish a maximum enrollment of 506 students and would reduce the on-site parking to the minimum required by code by reducing the size of the below-grade parking structure to 58 spaces and increasing surface parking within the project site. This alternative would require two fewer classrooms and 46 fewer parking spaces than the proposed project.

The Moderate Enrollment Increase with Reduced Parking Alternative was found to slightly reduce potential land use and transportation impacts compared to the originally proposed project but would increase those impacts compared to the Disbursed Circulation/Reduced Garage Alternative. This alternative would result in a slight reduction in aesthetic impacts as either the originally proposed project or the Disbursed Circulation/Reduced Garage Alternative because building scale and massing would be slightly reduced, while building materials, colors, and details as well as landscaping and fencing would be generally the same. The Moderate Enrollment Increase with Reduced Parking Alternative would also result in similar impacts associated with cultural resources, noise, air quality, greenhouse gas emissions, energy, and geology and soils as the proposed project because it would involve a similar level of construction and project site redevelopment.
**Moderate Enrollment Increase with Reduced Parking Alternative Findings:** While the alternative may be feasible and capable of meeting most of the basic project objectives, this alternative does not substantially reduce impacts compared to the proposed project, and would increase the potential land use and transportation impacts compared to the Disbursed Circulation/Reduced Garage Alternative. Therefore, under CEQA, the Moderate Enrollment Increase with Reduced Parking Alternative is not environmentally superior to the proposed project.

**No Garage Alternative**

The No Garage Alternative eliminates the parking garage from the project while accommodating a slightly reduced level of redevelopment in other areas of the project. A surface parking lot would be created along Emerson Street, in place of the two existing residential structures. This alternative would use a similar disbursed circulation plan as the Disbursed Circulation/Reduced Garage Alternative, with drop-off/pick-up occurring at the Bryant Street loop driveway, the Kellogg Avenue loop driveway, and the Emerson Street surface parking lot. Based on the space available for the Emerson Street surface parking lot, the No Garage Alternative also includes a reduction in classroom space and a commensurate reduction in the enrollment cap. The No Garage Alternative would provide 92 parking spaces, allowing for construction of a total of 29 classrooms and accommodating an enrollment cap of 489 students.

The No Garage Alternative would result in the following potential changes in the project’s environmental effects:

- Increased potential for loss of community character by replacing landscaped residential lots (current condition) or a landscaped passive park setting (proposed project) with a surface parking lot. Landscaping and fencing could be used to shield public views of the parking lot, keeping this effect at a less than significant level.

- Increased amount of tree removal in the parking lot location, but this impact would be reduced to a less-than-significant level with implementation of Mitigation Measure 4b, and thus, impacts would not be increased in comparison to the Disbursed Circulation/Reduced Garage Alternative.

- Reduced potential transportation impacts due to the reduction in student enrollment, however the alternative would result in a potential for TIRE Index impacts on Bryant Street and for vehicle queues to extend into the public right-of-way. These impacts would be reduced to a less-than-significant level with implementation of Mitigation Measure 7a.

- Potential for increased noise impacts to residences on Emerson Street associated with use of the surface parking lot for special event parking. During daytime special events, noise effects from use of the parking lot would be mitigated with an appropriate setback and noise barrier constructed along the northern boundary of the parking lot. During evening special events, when the City’s noise standards are lower to reflect the higher noise sensitivity in nighttime hours, it may be necessary to restrict parking within the northernmost portion of the surface parking lot to ensure that noise exposure for the adjacent residence remains at acceptable levels. This could result in additional on-street parking during evening events compared to the proposed project, however parking demand would not be greater than under existing conditions and thus this does not indicate that this alternative would result in a new significant impact.

- Similar impacts associated with cultural resources, air quality, greenhouse gas emissions, energy, and geology and soils as the proposed project because it would involve a similar level of construction and project site redevelopment.
No Garage Alternative Findings: This alternative would require a substantial reduction in the proposed enrollment level. Thus, this alternative would impede attainment of one of the primary project objectives. Additionally, this alternative has the potential to increase some project impacts, although the impacts would be reduced to less-than-significant levels with implementation of mitigation measures. Further, this alternative does not substantially reduce impacts compared to the proposed project. Therefore, under CEQA, the No Garage Alternative is not environmentally superior to the proposed project.

X. GROWTH INDUCEMENT FINDINGS

Growth can be induced in a number of ways, such as through the elimination of obstacles to growth, through the stimulation of economic activity within the region, or through the establishment of policies or other precedents that directly or indirectly encourage additional growth. Induced growth would be considered a significant impact if it can be demonstrated that the potential growth would directly or indirectly have a significant effect on the environment.

New employees from commercial or industrial development and new population from residential development represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area. A project could indirectly induce growth by reducing or removing barriers to growth, or by creating a condition that attracts additional population or new economic activity.

Construction of the Castilleja School Project would create short-term construction jobs. These are anticipated to be filled by workers who, for the most part, already reside in the surrounding area. Therefore, project construction is not expected to induce other growth in the City or region.

The proposed increase in student enrollment would require add an additional 10 employees at full project buildout. The existing school currently employs 122 full time employees. These new employees could indirectly induce a small amount of economic growth in the City to the extent that the employees might seek housing and would be expected to purchase food and services in the area. However, the potential for growth inducement due to the increase in employees is not considered substantial because the scale of the expected increase in employment is insufficient to trigger noticeable changes in the housing market or demand for local goods and services, as evaluated in Draft EIR Section 14.4.

Finding: The Castilleja School Project would not induce substantial growth in the project area or region.

Explanation: The potential for growth inducement due to project construction and the increase in student enrollment is not considered substantial. The increase in employment opportunities associated with the project (10 new employees) would provide would be insufficient to trigger noticeable changes in the housing market or demand for local goods and services. In addition, construction of the proposed project would be temporary and these short-term construction jobs are anticipated to be filled by workers who, for the most part, reside in the surrounding area.
XII. CONCLUSION

The mitigation measures listed in conjunction with each of the findings set forth above, as implemented through the MMP, will eliminate or reduce to a less than significant level all adverse environmental impacts of the Castilleja School Project – Modified Disbursed Circulation/Reduced Garage Alternative - Scheme E.

Taken together, the Final EIR, the mitigation measures, and the MMP provide an adequate basis for approval of the Castilleja School Project – Disbursed Circulation/Reduced Garage Alternative - Scheme E.
Ordinance No.____
Ordinance of the Council of the City of Palo Alto Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Amend the Gross Floor Area Definition for Low Density Residential Zones

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

SECTION 1. Subsection (a)(65) (Gross Floor Area) of Section 18.04.030 (Definitions) of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the Palo Alto Municipal Code (“PAMC”) is amended to read as follows (additions underlined and deletions struck through; omissions noted with [. . .] represent unchanged text):

(a) Throughout this title the following words and phrases shall have the meanings ascribed in this section.

[. . .]

(65) “Gross floor area” is defined as follows:

[. . .]

(C) Low Density Residential Inclusions and Conditions: In the RE and R-1 single-family residence districts and in the R-2 and RMD two-family residence districts, “gross floor area” means the total covered area of all floors of a main structure and accessory structures greater than one hundred and twenty square feet in area, including covered parking and stairways, measured to the outside of stud walls, including the following:

[. . .]

(iii) Carports and garages, and below grade parking facilities, except as excluded in subsection (a)(65)(D)(viii), shall be included in gross floor area.

[. . .]

“(D) Low Density Residential Exclusions: In the RE and R-1 single-family residence districts and in the R-2 and RMD two-family residence districts, “gross floor area” shall not include the following:

[. . .]

(viii) Below-grade parking facilities that: (1) are accessory to nonresidential uses; (2) are located on a parcel that is six acres or greater; and (3) are located on a parcel that contains
a listed historic resource; and 4) do not provide more than 50 percent of the base required on-site vehicle parking shall be excluded from the calculation of gross floor area. A below grade parking facility that does not meet all of these criteria shall be included in the calculation of gross floor area in its entirety.

SECTION 2. Any provision of the Palo Alto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

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

SECTION 4 The Council finds that the adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and 15305 because it constitutes minor adjustments to the City’s zoning ordinance. As such, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment.

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

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

__________________________________  __________________________________
City Clerk  Mayor

APPROVED AS TO FORM:

__________________________   __________________________
Assistant City Attorney  City Manager

__________________________  __________________________
Director of Planning & Development Services  

APPROVED:

__________________________

Packet Pg. 223
Ordinance No.___

Ordinance of the Council of the City of Palo Alto Amending Title 18  
(Zoning) of the Palo Alto Municipal Code to Amend the Gross Floor Area  
Definition for Low Density Residential Zones

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

**SECTION 1.** Subsection (a)(65) (Gross Floor Area) of Section 18.04.030 (Definitions) of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the Palo Alto Municipal Code (“PAMC”) is amended to read as follows (additions underlined and deletions struck through; omissions noted with [. . .] represent unchanged text):

(a) Throughout this title the following words and phrases shall have the meanings ascribed in this section.

[. . .]

(65) “Gross floor area” is defined as follows:

[. . .]

(C) Low Density Residential Inclusions and Conditions: In the RE and R-1 single-family residence districts and in the R-2 and RMD two-family residence districts, “gross floor area” means the total covered area of all floors of a main structure and accessory structures greater than one hundred and twenty square feet in area, including covered parking and stairways, measured to the outside of stud walls, “(C) Low Density Residential Inclusions and Conditions: In the RE and R-1 single-family residence districts and in the R-2 and RMD two-family residence districts, “gross floor area” means the total covered area of all floors of a main structure and accessory structures greater than one hundred and twenty square feet in area, including covered parking and stairways, measured to the outside of stud walls, including the following:

[. . .]

(iii) Carports and garages, and below grade parking facilities, except as excluded in subsection (a)(65)(D)(viii), shall be included in gross floor area.

[. . .]

“(D) Low Density Residential Exclusions: In the RE and R-1 single-family residence districts and in the R-2 and RMD two-family residence districts, “gross floor area” shall not include the following:

[. . .]
(viii) Below-grade parking facilities shall be excluded from gross floor area to the extent that they: (1) are accessory to nonresidential uses; (2) are located on a parcel that is two acres or greater; and (3) do not provide more than the number of parking spaces specifically set forth in a conditional use permit approval, as determined by the City pursuant to section 18.76.013. A below grade parking facility that does not meet all of these criteria shall be included in the calculation of gross floor area in its entirety.

SECTION 2. Section 18.76.013 (Additional Findings for Exempt Below-Grade Parking in Low-Density Residential Zones) of Chapter 18.76 (Permits and Approvals) of Title 18 (Zoning) of the Palo Alto Municipal Code (“PAMC”) is added read as follows:

18.76.013 Additional Findings for Exempt Below-Grade Parking in Low-Density Residential Zones

(a) In the event an applicant for a conditional use permit seeks to exempt from Gross Floor Area the square footage of a below-grade parking facility in a low density residential zone, a conditional use permit shall not be granted unless it is found, in addition to the findings required by section 18.76.010, that:
(1) The size and capacity of the below-grade parking structure is appropriate to the context of the site and the proposed use.
(2) The provision of on-site parking in a below-grade parking structure will enhance conditions on the site and in the surrounding community, including ease and safety of multi-modal transportation to and from the property.
(b) The number of parking spaces that may be provided in the below-grade parking facility shall be set forth in the conditional use permit approval.

SECTION 3. Any provision of the Palo Alto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of 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 the adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and 15305 because it constitutes minor adjustments to the City’s zoning ordinance. As such, it can be seen with certainty
that the proposed action will not have the potential for causing a significant effect on the environment.

SECTION 6. This ordinance shall be effective on the thirty-first date 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 Planning & Development Services
SECTION 1. Background. The City Council of the City of Palo Alto ("City Council") finds, determines, and declares as follows:

A. On March 8 and 15, 2021, City Council held public hearings of the Architectural Review, Conditional Use Permit and Variance applications, and considered the Final Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program (MMRP) prior to certifying the adequacy of the EIR, as reflected in the Resolution (2022-0X), and

B. The Planning and Transportation Commission reviewed the DEIR and Final EIR and on September 9, 2020, recommended Council certify the EIR. The Final EIR, published July 29 and 30, 2020, responded to public review comments on the Draft Environmental Impact Report (DEIR) published July 17, 2019. The analyses included Project alternatives. The Commission’s five meetings included August 20, September 9, October 28, November 4, and November 18, 2020. On November 18, 2020, the Commission supported the four Variance findings to support the Gross Floor Area replacement, and the first of two CUP findings, with a split vote on the second CUP finding, to forward the CUP with modified approval conditions.

C. The ARB reviewed the Castilleja School Project during three hearings (August 20, October 1, 2020, and November 5, 2020), including the Final EIR, Architectural Review Findings and Approval Conditions, and recommended approval of the Architectural Review application for phased redevelopment at 1310 Bryant Street on November 5, 2020, in support of the updated Alternative Project Plans.

D. The City Council considered the EIR and discretionary applications on March 8, 15 and 29, 2021; Council remanded the project to the Architectural Review Board and Planning and Transportation Commission on March 29, 2021. Council directed staff to return with an ordinance to count a portion of below grade non-residential garages toward gross floor area if the parking within is more than 50% of the code-required parking spaces for the use, to reduce below grade parking to 50% of the code-required parking spaces, and to address additional direction.

E. The Architectural Review Board met twice after Council’s March 29, 2021 direction, focusing on parking options and building revisions responsive to Council direction; the ARB supported building changes and parking changes on December 2, 2021 and March 17, 2022, with a recommendation for hybrid designs combining Parking Options D and E, and Kellogg Façade Study components blended with the previously recommended design.

F. The Planning and Transportation Commission met five times after Council’s March 29, 2021 direction, on December 8, 2021, December 15, 2021, January 19, 2022, March 30, 2022 and April 20, 2022, focusing on staff and the applicant’s responses to Council direction along with components within its purview including the Conditional Use Permit, Variance, Ordinance, and...
Parking Adjustment. The PTC supported Parking Option E and the TDM program as addressing the Council direction, while other items of discussion remanded to the PTC by Council received only three votes of PTC members attending and therefore not a majority of the Commission.

SECTION 2. Environmental Review. The City, as the lead agency prepared a Draft Environmental Impact Report subject to the provisions of the California Environmental Quality Act (CEQA). The public notice period for the DEIR began on July 17, 2020 and concluded following a 60-day public review and comment period. Responses to comments received prior to the end of the public comment period were prepared and included with responses and evaluation of an additional project alternative in a Final EIR published July 30, 2020, for Council certification.

1. The environmental effects of the Project and Project Alternative have been analyzed in an Environmental Impact Report prepared in accordance with the requirements of the California Environmental Quality Act of 1970 (CEQA).

2. The Draft EIR identified one or more potentially significant effects of the Project and Project Alternative on the environment as well as mitigation measures that would, for the Project Alternative #4, reduce the significant effects to a less than significant level. The Project applicant, before public release of the Final EIR, submitted the ‘Disbursed Circulation/Reduced Garage Alternative’ (Project Alternative #4) which modifies the Project to mitigate the effects to a less than significant level and address many community concerns, as demonstrated through the Council certification of the Final EIR by Resolution, and adoption of the related Mitigation Monitoring and Reporting Program (MMRP).

3. The Director independently reviewed and considered the DEIR, together with public comments received during the public review process and other information in the record, prior to forwarding the recommendations from the HRB, ARB and PTC on the Final EIR to the City Council.

4. The EIR reflects and represents the independent judgment and analysis of the City of Palo Alto as lead agency.

5. Based on the whole record of proceedings, the City Council adopted by Resolution (###) findings that there is no substantial evidence the Project Alternative will have a significant effect on the environment, with implementation of the Mitigation Measures.

6. The Director of Planning and Development Services at the Director’s Office at 250 Hamilton Avenue, Palo Alto, California 94301 is the custodian of records and documents of proceedings on which this decision is based.


Finding #1: The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan and Zoning Code.

The Project Alternative #4 with Option E conforms to the following Comprehensive Plan Goals and Policies.
<table>
<thead>
<tr>
<th>Land Use and Community Design Element</th>
<th>The Comprehensive Plan land use designation for the site is Single Family Residential</th>
<th>Castilleja School has existed at this site since 1910 and has co-existed since 1960 via CUP with the surrounding Single-Family Residential uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy L-1.1:</strong> Maintain and prioritize Palo Alto’s varied residential neighborhoods while sustaining the vitality of its commercial areas and public facilities.</td>
<td>The school’s functionality will be enhanced for increased safety, sustainability, and programmatic space to better serve its student population. Project features are intended to minimize existing school-related disruptions on the surrounding neighborhood: below grade pool with sound-wall, and all but 2637 parking spaces are hidden below grade, the distributed drop off to avoid TIRE impact on Emerson; preservation of mature trees that are of value to the community.</td>
<td></td>
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<tr>
<td><strong>Policy L-1.5:</strong> Regulate land uses in Palo Alto according to the land use definition in this Element and Map L-6.</td>
<td>Schools are conditionally permitted uses in areas designated as Single-Family Residential. This is not a ‘grandfathered use’. No change to the land use designation is proposed.</td>
<td></td>
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<tr>
<td><strong>Policy L-1.6:</strong> Encourage land uses that address the needs of the community and manage change and development to benefit the community.</td>
<td>Existing school land use is single-gender, non-sectarian school. Schools are an important community need. Project expands enrollment gradually with as facilities are redeveloped for increased safety, sustainability, and programmatic space with enhanced TDM.</td>
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<tr>
<td><strong>Policy L-1.11:</strong> Hold new development to the highest development standards to maintain Palo Alto’s livability and achieve the highest quality development with the least impacts.</td>
<td>New building design utilizes high quality materials, results in net reduction of campus gross floor area (and thus, FAR). Based on the third-party report of existing GFA, total gross floor area reduced by 988 sf, 9,658 sf (or by 3,478 sf if the volumetric area proposed to be removed were deleted from the consideration of GFA to be removed). Increased area below grade. Building replaces over-height limit buildings with building meeting height limit. Temporary changes in campus-wide visual character will occur, via demolition, construction and associated tree removal. Overall, project would improve the site’s visual character its compatibility with the surrounding residential neighborhood compared to existing conditions by reducing the perceived building scale and massing.</td>
<td></td>
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<tr>
<td><strong>Policy L-2.11:</strong> Encourage new development and redevelopment to incorporate greenery and natural features such as green rooftops, pocket parks, plazas and rain gardens.</td>
<td>The site plan includes greater open space area (3,766 sf) (3,323 sf in Project Alternative #4 plans) than what exists. This new open space was reduced from 6,904 sf additional open space for Project Alternative noted in EIR (Existing open space at 140,390 sf; 143,713 sf, as amended post Council March 2021 147,294 sf, in Alternative #4). New porch at 3,513 sf reduces the increase in open space to 164 sf; however, the porch has 1,954 sf green roof. With 11 surface parking spaces added in Option E, the prior gain of 3,345 sf is reduced by 1,782 sf (11 spaces x 180 sf each) for a reduced total increase in open space of 1,541 sf. Circle to be smaller but retained. Project incorporates new planter areas, preserves most trees around the site’s perimeter, provides additional landscaping with trees, shrubs, grasses, vines, and groundcover, gardens adjacent to buildings, bioretention areas, and a green roof above subterranean parking facility.</td>
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<tr>
<td><strong>Policy L-2.8:</strong> When considering infill redevelopment, work to minimize displacement of existing residents.</td>
<td>The houses on Emerson Street are retained under Project Alternative #4. One house is used as a rental housing unit. Both of these R-1 properties are developable with second dwelling units to increase housing supply.</td>
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<tr>
<td><strong>Policy L-3.1:</strong> Ensure that new or remodeled structures are compatible with the neighborhood and adjacent structures.</td>
<td>The new academic building complies with the R-1 height limit and the revised Kellogg elevation shows the roofline/mass as second floor level broken to help the proposed building’s scale and massing to be more compatible with neighboring residences. Buildings would be slightly smaller in scale and mass than the existing buildings. Building design incorporates articulation and variety in material and colors to further break up the massing. Architectural features, fences and walls similar to those found in residential, rather than institutional, neighborhoods; examples: large roof overhanges with exposed wood beams, trellised patios, outdoor covered areas, use of exterior materials that are predominant in the neighborhood.</td>
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<tr>
<td><strong>Program L4.9.1:</strong> While preserving adequate parking to meet demand, identify strategies to reuse surface parking lots.</td>
<td>The existing surface parking lot next to the gym is to be reused as below-grade pool location; the size of the parking lot at Emerson/Kellogg is reduced and tandem spaces eliminated.</td>
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<tr>
<td><strong>Goal L-6:</strong> Well-designed Buildings that Create Coherent Development Patterns and Enhance City Streets and Public Spaces.</td>
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<tr>
<td><strong>Policy L-6.1:</strong> Promote high-quality design and site planning that is compatible with surrounding development and public spaces.</td>
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<tr>
<td><strong>Policy L-6.7:</strong> Where possible, avoid abrupt changes in scale and density between residential and nonresidential areas and between residential areas of different densities. To promote compatibility and gradual transitions between land uses, place zoning district boundaries at midblock locations rather than along streets wherever possible.</td>
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<tr>
<th><strong>Policy L-5:</strong> Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due their size and scale.</th>
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<tbody>
<tr>
<td><strong>Policy L-9.2:</strong> Encourage development that creatively integrates parking into the project, including by locating it behind buildings or Consistent. Analysis underground wherever possible, or by providing shared use of parking areas. Encourage other alternatives to surface parking lots that minimize the amount of land devoted to parking while still maintaining safe streets, street trees, a vibrant local economy, and sufficient parking to meet demand.</td>
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<tr>
<th><strong>Policy L-9.3:</strong> Treat residential streets as both public ways and neighborhood amenities. Provide and maintain continuous sidewalks, healthy street trees, benches, and other amenities that promote walking and “active” transportation.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy T-1.1:</strong> Take a comprehensive approach to reducing single-occupant vehicle trips by involving those who live, work and shop in Palo Alto in developing strategies that make it easier and more convenient not to drive.</td>
</tr>
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<tr>
<th><strong>Policy T-1.2:</strong> Collaborate with Palo Alto employers and business owners to develop, implement and expand comprehensive programs like the TMA to reduce single-occupant vehicle commute trips, including through incentives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy T-1.6:</strong> Encourage innovation and expanded transit access to regional destinations, multi-modal transit stations, employment centers and commercial centers, including those within Palo Alto through the use of efficient public and/or private transit options such as rideshare services, on-demand local shuttles and other first/last mile connections.</td>
</tr>
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<tr>
<th><strong>Policy T-1.3:</strong> Work with Palo Alto employers and business owners to develop, implement and expand comprehensive programs like the TMA to reduce single-occupant vehicle commute trips, including through incentives.</th>
</tr>
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<tbody>
<tr>
<td><strong>Policy T-1.4:</strong> As part of the proposed Sustainability Plan, Castilleja School will implement additional Transportation Demand Management strategies to reduce peak hour vehicle trips. This includes encouraging bicycling, walking, and carpooling and providing shuttle and bus service.</td>
</tr>
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<tr>
<th><strong>Policy T-1.5:</strong> As part of the proposed Sustainability Plan, Castilleja School will expand the school’s Transportation Demand Management program to meet the performance standards identified in Mitigation Measure 7a, which may include expanding shuttle and bus service.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy T-1.6:</strong> Encourage innovation and expanded transit access to regional destinations, multi-modal transit stations, employment centers and commercial centers, including those within Palo Alto through the use of efficient public and/or private transit options such as rideshare services, on-demand local shuttles and other first/last mile connections.</td>
</tr>
<tr>
<td>Policy T-1.16</td>
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<tr>
<td>---------------</td>
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<tr>
<td>Policy T-1.19</td>
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<tr>
<td>Program T5.12.1</td>
</tr>
</tbody>
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<tr>
<th>Policy T-4.6:</th>
<th>Require project proponents to employ the TIRE methodology to measure potential street impacts from proposed new development of all types in residential neighborhoods.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy T-5.1:</td>
<td>All new development projects should manage parking demand generated by the project, without the use of on street parking, consistent with the established parking regulations. As demonstrated parking demand decreases over time, parking requirements for new construction should decrease.</td>
</tr>
<tr>
<td>Policy T-5.6:</td>
<td>Strongly encourage the use of below-grade or structured parking and explore mechanized parking instead of surface parking for new developments of all types while minimizing negative impacts including on groundwater and landscaping where feasible.</td>
</tr>
<tr>
<td>Policy T-5.11:</td>
<td>Work to protect residential areas from parking impacts of nearby businesses and uses, recognizing that fully addressing some existing intrusions may take time.</td>
</tr>
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</table>

| Policy T-5.12: | To promote bicycle use, increase the number of safe, attractive and well-designed bicycle parking spaces available in the city, including spots for diverse types of bicycle and associated equipment, including bicycle trailers, prioritizing heavily travelled areas such as commercial and retail centers, employment districts, recreational/cultural facilities, multi-modal transit facilities and ride share |

| As part of the proposed Sustainability Plan, Castilleja School will implement additional Transportation Demand Management strategies to reduce peak hour vehicle trips and the daily trip rate per student as required in Mitigation Measure 7a. This includes encouraging bicycling, walking, and carpooling and providing shuttle and bus service. |
| The project will add new bicycle facilities on- consistent with the goals of the 2012 Palo Alto Bicycle + Pedestrian Transportation Plan; it will improve the bicycle parking capacity of the site and incentivize the use of bicycles as a mode of transportation to the site. |

- 140 bike spaces (94 long term spaces and 46 rack spaces) provided in three bike parking areas; 46 rack spaces at grade along the front of the proposed library; 52 long term spaces between the proposed pool and the parking garage exit ramp; 42 long term spaces near athletic building. |

- Castilleja increasing TDM efforts to meet a “no new AM or PM peak hour trips” standard (2016 TDM Plan and 2016 TDM Plan Supplement, EIR Appendix B). |

- Additional requirements and performance standards for the TDM plan are identified in Mitigation Measure 7a. |

- The building and site design will enhance the pedestrian and bicycling environment and access to the site overall. The parking lot adjacent to Bryant Street would be reconfigured, as amended by Option E, providing 43 parking spaces for visitors. Emerson and Kellogg parking lot would be repurposed as a staff parking lot with 43 parking spaces plus 4 additional spaces north of the new pool, per Option E. |

| EIR Chapter 7, Transportation and Circulation, includes analysis of the project’s effects using the TIRE methodology. Mitigation measure 7a recommends specific percentage distribution of drop offs to avoid TIRE impacts. |

| Most of the required on-site parking, per Option E, will be in a below-grade parking garage within the project site. Currently, the campus does not provide sufficient vehicle parking to meet the Municipal Code requirements. The original project’s on-site parking facilities would exceed the Municipal Code requirements; Project Alternative #4’s parking facilities would meet the Municipal Code requirements. Option E adds eleven surface spaces to the 26 spaces in Project Alternative 4 but reduces below grade parking spaces to 52 spaces to respond to Council direction in March 2021, associated with a parking adjustment request of 14.4% based on robust TDM plan. Further, the facilities would not improve the ratio of parking spaces to students, which would reduce the amount of on-street parking in the neighborhood. |

| The development of below-grade parking and improved TDM plan to meet ‘no net new trips’ requirement would reduce the use of on-street parking by students and parents and would therefore reduce the intrusion of campus vehicles on street parking in the residential neighborhood. |

| The 14.4% reduction is based on the project’s transportation and parking alternatives, where effective alternatives to automobile access are provided. The 14.4% reduction results in deletion of 15 on-site parking spaces of the 104 code-required spaces. This reduction is commensurate with the permanence, effectiveness, and the demonstrated reduction of off-street parking demand effectuated by the TDM program. |

<p>| The project includes provision of onsite bicycle parking and a bicycle repair station for students and staff. As part of the Transportation Demand Management Plan, the project would also provide for bicycle “fix-it” days to encourage bike riding. |</p>
<table>
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<tr>
<th><strong>Policy N-2.1:</strong> Recognize the importance of the urban forest as a vital part of the city’s natural and green infrastructure network that contributes to public health, resiliency, habitat values, appreciation of natural systems and an attractive visual character which must be protected and enhanced.</th>
<th>Adverse effects to the existing trees within and adjacent to the project site were studied; the proposed landscaping plan includes planting new trees throughout the campus. Project Alternative #4, as amended by Option E, would preserve 14115 trees, remove 1413 trees, including one protected trees and 4 street trees, and relocate 28 trees, including 2 protected trees. Project Alternative #4 retains the row of six redwoods next to Spieker Field and Option E increases the separation of the below grade garage wall from roots. The Tree Removal Management Program is intended to ensure the protection of existing trees and the survival of new and replanted trees. Replanting established trees causes significant impact which will require long term care plus mitigation for reduction of health and longevity. Mitigation Measure 4b requires replacement of protected trees, replacement of street trees, and additional tree planting to replace the tree canopy from trees that are not specifically protected. Additional measures recommended by City’s consulting arborist led to Option E, which retains tree 155 and improves conditions for trees 87, 89, and trees 102 and 115-120.</th>
</tr>
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<tr>
<td><strong>Policy N-2.4:</strong> Protect soils in both urban and natural areas as the foundation of a healthy urban forest. Recognize that healthy soils are necessary to filter air and water, sustain plants and animals and support buildings and infrastructure.</td>
<td>The evaluation considered effects due to encroachment into the soil area necessary to support healthy trees. Specifically, the Arborist Report and September 2020 landscape architect’s letter contains recommendations regarding provision and/or protection of adequate soil area to support healthy tree growth.</td>
</tr>
<tr>
<td><strong>Policy N-2.6:</strong> Improve the overall distribution of citywide canopy cover, so that neighborhoods in all areas of Palo Alto enjoy the benefits of a healthy urban canopy.</td>
<td>Mitigation Measure 4b requires Castilleja School to plant trees in landscape planters along public streets in the project vicinity. This will improve the canopy cover in the neighborhood.</td>
</tr>
<tr>
<td><strong>Policy N-2.8:</strong> Require new commercial, multi-unit and single-family housing projects to provide street trees and related irrigation systems.</td>
<td>The project would retain most of the existing street trees around the project site perimeter and would plant additional street trees in the vicinity as required by Mitigation Measure 4b.</td>
</tr>
<tr>
<td><strong>Policy N-2.9:</strong> Minimize removal of, and damage to, trees due to construction-related activities such as trenching, excavation, soil compacting and release of toxins.</td>
<td>Impact 4-3 evaluates the project’s potential to result in adverse effects to the existing trees within and adjacent to the project site, including consideration of effects due to encroachment into the soil area necessary to support healthy trees. The project alternative #4, as amended by Option E, would retain 14115 trees, remove 1413 trees and relocate 28 trees. Mitigation Measure 4b requires that the project applicant prepare and implement a Tree Protection, Removal, and Relocation Preservation Plan for each construction phase, subject to review and approval by the City’s Urban Forester. Further, this plan must include specific measures for the protection of retained trees from adverse effects associated with construction activities.</td>
</tr>
<tr>
<td><strong>Policy N-2.10:</strong> Preserve and protect Regulated Trees, such as native oaks and other significant trees, on public and private property, including landscape trees approved as part of a development review process and consider strategies for expanding tree protection in Palo Alto.</td>
<td>Impact 4-3 evaluates the project’s consistency with the City’s Tree Preservation and Management Regulations. Project Alternative #4, as amended by Option E, would remove 1344 trees, including one protected and 4 street trees, and relocate 28 trees, including 2 protected trees. The Tree Protection and Preservation Plan required under Mitigation Measure 4b, which is subject to review and approval by the City’s Urban Forester, must include specific measures for the protection of retained trees from adverse effects associated with construction activities, as set forth in the City’s consulting arborist report from September 2021.</td>
</tr>
<tr>
<td><strong>Policy N-6.7:</strong> While a proposed project is in the development review process, the noise impact of the project on existing residential land uses, public open spaces and public conservation land should be evaluated in terms of the increase in existing noise levels for the potential for adverse community impact, regardless of existing background noise levels. If an area is below the applicable maximum noise guideline, an increase in noise up to the maximum should not necessarily be allowed.</td>
<td>EIR Chapter 8, Noise, provides a detailed analysis of the potential noise impacts associated with the project. The proposed project could create a substantial increase in ambient noise levels for some neighbors during construction and associated with the use of amplified sound equipment at the proposed pool. However, implementation of Mitigation Measures 8a and 8b which require use of noise management measures during construction and modeling that demonstrates the sound system at the pool would be designed and installed such that noise levels remain in compliance with the City’s standards, would ensure that the proposed project would be compliant with Policy N-6.7.</td>
</tr>
<tr>
<td><strong>Policy N-6.8:</strong> The City may require measures to reduce noise impacts of new development on special events and truck activity and finds that impacts</td>
<td>EIR Chapter 8, Noise, identifies the anticipated noise levels associated with special events and truck activity and finds that impacts</td>
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adjacent properties through appropriate means including, but not limited to, the following:
- Orient buildings to shield noise sensitive outdoor spaces from sources of noise.
- Construct noise walls when other methods to reduce noise are not practical and when these walls will not shift similar noise impacts to another adjacent property.
- Screen and control noise sources such as parking lots, outdoor activities and mechanical equipment, including HVAC equipment.
- Increase setbacks to serve as a buffer between noise sources and adjacent dwellings.
- Whenever possible, retain fences, walls or landscaping that serve as noise buffers while considering design, safety and other impacts.
- Use soundproofing materials, noise reduction construction techniques, and/or acoustically rated windows/doors.
- Include auxiliary power sources at loading docks to minimize truck engine idling.
- Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.

<table>
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<tr>
<th>Policy N-6.11: Continue to prioritize construction noise limits around sensitive receptors, including through limiting construction hours and individual and cumulative noise from construction equipment.</th>
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<tbody>
<tr>
<td>EIR Chapter 8, Noise, identifies the general noise levels associated with construction and includes Mitigation Measure 8b requiring Castilleja School to submit detailed construction equipment and noise management plans for each construction phase.</td>
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<tr>
<th>Policy N-7.4: Maximize the conservation and efficient use of energy in new and existing residences and other buildings in Palo Alto.</th>
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<tbody>
<tr>
<td>As part of the proposed Sustainability Plan, Castilleja School will work towards achieving “zero net energy” use by using renewable energy generated onsite to meet the majority of energy demand. This may include photovoltaics, solar water heating, and/or wastewater heat recovery.</td>
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<tr>
<th>Policy N-7.5: Encourage energy efficient lighting that protects dark skies and promotes energy conservation by minimizing light and glare from development while ensuring public health and safety.</th>
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<tbody>
<tr>
<td>As part of the proposed Sustainability Plan, Castilleja School will work towards achieving “zero net energy” use by using renewable energy generated onsite to meet the majority of energy demand. This may include photovoltaics, solar water heating, and/or wastewater heat recovery.</td>
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<tr>
<th>Policy N-7.6: Support the maximum economic use of solar electric (photovoltaic) and solar thermal energy, both as renewable supply resources for the Electric Utility Portfolio and as alternative forms of local power generation.</th>
</tr>
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<tbody>
<tr>
<td>As part of the proposed Sustainability Plan, Castilleja School will work towards achieving “zero net energy” use by using renewable energy generated onsite to meet the majority of energy demand. This may include photovoltaics, solar water heating, and/or wastewater heat recovery. Castilleja’s Sustainability Road Map is to improve energy and water efficiency, reduce vehicle travel, prioritize use of environmentally sensitive materials, and reduce light pollution.</td>
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<th>Policy N-8.1: Take action to achieve target reductions in greenhouse gas emission levels from City operations and the community activity of 80 percent below 1990 levels by 2030.</th>
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<tr>
<td>The project would replace four buildings with new construction that is more energy efficient and water efficient than the existing structures which would help reduce greenhouse gas emissions. The project also includes implementation of a Sustainability Plan that would further reduce Castilleja School’s contribution to greenhouse gas emissions.</td>
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<tr>
<th>Policy S-2.5: Minimize exposure of people and structures to geologic hazards, including slope stability, subsidence and expansive soils, and to seismic hazards including ground shaking, fault rupture, liquefaction and landslides.</th>
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<tr>
<td>The geotechnical report for the proposed project demonstrates that the geologic and soil conditions at the site are suitable to support the proposed improvements.</td>
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The **Project Alternative** design complies with the City’s Zoning regulations; it will not increase the development area of the site regarding height (which will be reduced to meet the R-1 Zone height limit), gross floor area/floor area ratio (net loss of GFA, FAR above grade floor area), and setbacks. A Variance is requested to replace non-complying gross floor area that exceeds the maximum floor area ratio. On-site parking spaces will be increased to address the increased student enrollment.
parking facilities will be Zoning Code compliant with the required parking ratio based on the number of classrooms, but not ‘overparked’. The project will increase the number of bike parking spaces on the site to meet/exceed bike parking requirements. The applicant requests approval of a phased Architectural Review project, under Palo Alto Municipal Code Chapter 18.76.020 (g), for construction to take place over a three-year period, with associated enrollment increases at a rate not to exceed 22 students per year.

Finding #2: The project has a unified and coherent design, that:

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

Responses:
(a) The project’s new buildings and site improvements will enhance the pedestrian environment within and surrounding Castilleja School. The L-shaped Academic building will provide a desirable environment with a library and fine arts space located in the wing facing Bryant Street and the majority of the teaching stations, the cafeteria, offices and common areas in the wing facing Kellogg Avenue. The Academic Building design will be unified and coherent, an aesthetic improvement from the existing buildings to be replaced.

(b-1) The project retains and improves the existing Historic Resource Category 3 resource, the Gunn Administration Building, in a way that demonstrates compliance with the Secretary of the Interior Standards for Rehabilitation, by:

- Separating it from the Rhoades building to be demolished;
- Refinishing the exterior wall on the eastern façade with differentiated stucco on the first floor and wood shingles on the second floor, consistent with the existing building materials and finishes, and matching the existing exterior finishes in material, color and dimension; the refinishing plans would not alter the building dimensions;
- Adding new doors on the first and second floors and constructing new exterior stairs (with Condition for modifications to Option 1 retaining door proposal but capturing some of Option 2’s railing features – with review of final details for egress stairway to be reviewed by HRB subcommittee) to provide access to the second floor (with wood trim to match existing window trim);
- Maintaining and preserving distinctive finishes and character-defining features, including its stucco- and shingle-clad exterior walls, wood shingle roofing, and Craftsman style features;
- Enabling, upon project implementation, the Administration Center to continue to convey its distinctive features, finishes, construction techniques, and examples of fine craftsmanship.

(b-2) The Project Alternative #4, as amended by Option E, would preserve, respect and integrate existing natural features (trees) that contribute positively to the site, including the row of six Redwoods (trees #115-120) next to Spieker Field, by:

(i) retaining in place 114 trees (including 34 ‘protected’ trees, 35 street trees, and 45 ‘unregulated’ trees),

(ii) relocating 28 trees (2 ‘regulated’ and 26 ‘un-regulated’ trees) elsewhere on
appropriate conditions of approval to ensure survivability, and with the provision of additional trees to mitigate the potential for less robust tree growth in the relocated 
trees, 
(iii) removing 14 trees (6 ‘regulated’ trees including one oak (#140, 155) and 4 street trees (#23, 53, 66, 67)) and 8 ‘un-regulated/not protected trees.

(c) Not applicable (no context-based design criteria in the R1 zones)

(d) With Project Alternative #4’s retention of Castilleja’s two single-family houses on Emerson Street, the existing character of Emerson Street between Melville Avenue and Embarcadero Road will be retained. Character and quality are represented in the proposed harmonious fencing and landscaping. These will add to the residential and school character, to improve the transitions between uses; the character of the Bryant and Kellogg frontages will be improved with the new Academic Building. Temporarily, due to the proposed temporary campus, the character of Embarcadero Road frontage will be dramatically changed, but the proposed vegetation is intended to interrupt views of the proposed two-story portables.

(e) There are no living units on the Castilleja School campus. There are measures in the EIR that address protection of the adjacent historic resource at 1215 Emerson Street, under separate ownership, from damage during construction. Construction and the installation of the proposed temporary campus will be a nuisance to residents adjacent to the project for a certain period of time, after which construction will cease and the temporary campus would be removed.

The proposed below-grade pool’s stepped bleachers would face northwest (towards the interior of the campus); pool equipment would be in an area below grade under a portion of the bleachers and adjacent to the driveway ramp; a six-foot tall noise attenuation wall would be constructed at the setback from Emerson Street with a two foot kicker placed at the top, slanted inwards towards the pool, extending 3 feet towards the interior of the project site. These noise-reduction measures are supplemented by mitigation measures related to loudspeaker use.

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

The project includes materials which are durable and have high-quality finishes. The new Academic Building will be finished with cedar wood shingles and vertical cedar siding wall system in a board and batten pattern. Window, storefront and curtain wall glazed assemblies are proposed. Exterior metals include painted steel, steel plate and picket railings, anodized aluminum window and opening framing, zinc and anodized aluminum paneling. The design is intended to enhance the character of the site and update the existing conditions, with: board form finishing from foundation to roof, timber or composite metal decking topped in concrete, with an SBS flat roof system with overhangs and trellises to shade and reduce conditioned space, and with extensive photovoltaic panels.

The lighting plans were reviewed in the EIR and subject to mitigation measure implementation; ARB review to ensure lighting limits of 0.5 foot-candle, as measured at the abutting residential property line; with interior lighting to minimize nighttime glow; low intensity lighting for building exteriors, parking areas, and pedestrian ways; and directing pedestrian and security lighting downward.

Finding #4: The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building’s necessary operations (e.g. co-

vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).

**Bicycle parking:** The project will improve circulation for vehicle, bicycle, and pedestrian traffic and access to the project site.

- Bike parking increases from 102 surface level spaces to approximately 140 spaces, consistent with the proposed Sustainability Plan. These spaces would be provided in several bicycle parking areas.
  1. At grade along the front of the proposed library within the new Academic building, at site access driveway on Bryant Road (46 rack spaces).
  2. Surface-level bike area between the proposed pool and the parking garage exit ramp (52 rack spaces).
  3. Additional 42 bicycle parking spaces near the athletic building.
  4. Long-term bicycle parking would be located along the northern wall of the pool area and gymnasiurn and include four bicycle lockers as well as bicycle racks.

**Bicycle circulation and repairs:** The project includes a Bryant Street repair station for students to use for routine bicycle maintenance and minor repairs. Bicyclists would be directed to access the campus either from Emerson Street or the corner of Bryant Street and Kellogg Avenue. Bicyclists using Bryant Street would park in the short-term parking or walk their bicycles across the front of the Academic and Administration buildings and then along the Chapel Theater to the long-term parking area. Pedestrian access to the site would be provided from Bryant Street at the exit driveway for the Bryant Street loop and from the sidewalk along Emerson Street.

**Service delivery facilities:** These would be relocated below grade and away from the perimeter of the campus, accessed via a 26-foot wide paved vehicle ramp from Emerson Street into the basement area of the proposed Academic building, which would host a trash enclosure and service/loading area. With Option E, the service delivery facilities would be retained at the surface, with a new sound wall to buffer noise.

**Temporary campus on Spieker Field:** The temporary campus would contain 40 classrooms, restrooms, a kitchen and dining facilities, a library, a student-cubbies building, a storage building, several storage sheds, and a maintenance building. These would be placed on Spieker Field following construction of the garage. In the final construction phase, the temporary campus would be removed, and Spieker Field would be restored.

**Pedestrian tunnel:** The approximately 36-foot long underground pedestrian tunnel would provide access from the garage to the central part of the campus, between the athletic center and chapel. With a standard section of 12 feet by 11 feet (which would provide an inside dimension of 10 feet by 7.5 feet), the tunnel at both ends would include appropriate provisions for access required under the Americans with Disabilities Act. This tunnel is proposed as a permanent encroachment within the 25-foot PUE located along the old alignment of Melville Avenue through the campus; the PUE would shift 15 feet to the southeast to accommodate construction of the proposed below-grade garage. The garage walls would be placed a minimum of five feet from the existing sewer line (so the sewer line would not be affected).

**The Circle:** An open-space organizing feature of the campus to be reconstructed in a slightly smaller configuration and shifted easterly (with the Circle’s edge approximately 40 feet further from Bryant Street than the current Circle). A driveway would continue to provide access to the Circle from Emerson Street and continue around the perimeter of the Circle for on-site circulation of buses and...
other vehicles, as needed. The Circle would be surfaced with artificial turf requiring no irrigation.

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

Many of the existing trees will be preserved as noted in Finding 2, and there will be no net loss of tree canopy. All but one tree species (Queen Palm) will be native trees. The plant species will provide suitable habitats; and include flowering plants/trees suitable for wildlife. The different planting areas are appropriate to the functions and locations – perimeter plantings, interior garden, and bioretention swales. California natives, drought tolerant and habitat creating species are selected, with an appropriate variety of perennials, shrubs, grasses and trees that will complement the building design and site.

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

As part of the proposed Sustainability Plan, Castilleja School will work towards achieving “zero net energy” use by using renewable energy generated onsite to meet the majority of energy demand. This will include photovoltaics, solar water heating, and/or wastewater heat recovery. Castilleja’s Sustainability Road Map is to improve energy and water efficiency, reduce vehicle travel, prioritize use of environmentally sensitive materials, and reduce light pollution.

The project will comply with green building energy code requirements. The landscaping will include a significant amount of native or low to moderate water usage plants along with on-site water treatment (C3) that will reduce storm water runoff and allow water to enter the local aquifer.

When removal of an entire structure is proposed, it must be accomplished through a process of deconstruction rather than demolition, requiring careful disassembly of building components to maximize reuse and recycling. This approach is consistent with Castilleja School’s proposed Sustainability Road Map and their goal of attaining a LEED platinum.

The mechanical systems are primarily radiant heating and cooling distributed in a concrete topping slab over decks; this uses a center water cooled heat pump in the lower level of the new building. The system includes pumps, expansion tanks, air separators, chemical feed and VFDs. This will replace the existing on-site cooling tower that will then serve other buildings on site.

SECTION 4. Architectural Review Approval Granted. Architectural Review Approval is hereby granted for the Project by the City Council pursuant to Chapter 18.77 of the Palo Alto Municipal Code. Section 9 of this Record of Land Use Action contains Conditions of Architectural Review Approval associated with the Project (i.e. Project Alternative #4 as modified by hybrid Kellogg façade and Option E with 14.4% parking adjustment.)

SECTION 5. Plan Approval. The plans for the Castilleja School, Project Alternative (Disbursed Circulation/Reduced Garage Alternative) submitted for Building Permit shall be in substantial conformance with those plans prepared by WRNS and Archirender, entitled ‘ARB Resubmission #4 with supplementary information #3 dated 11.03.2021’ consisting of 116 pages and...
dated November 3, 2021, except as modified to incorporate the conditions of approval in Section 9. A copy of these plans is on file in the Department of Planning and Development Services.

**SECTION 6. Conditional Use Permit (CUP) Findings.**

The following findings for a Conditional Use Permit are made pursuant to PAMC Section 18.76.010 and subject to Conditions of Approval in this Record of Land Use Action:

1. *The proposed use at the proposed location will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience:*

   A. Castilleja is a private school, in existence in its current location since 1910, prior to the City’s requirement for CUP approvals for private schools in R-1 zones. Campus modifications and operations have been subject to CUPs issued since the 1960s, as follows:
   - **1960 CUP and Variance** for 41’ tall, three-story dormitory exceeding R1 height limit; classrooms, administrative offices, auditorium, library, dorm kitchen, dining room, social room, gymnasium, pool, tennis courts, caretaker quarters, shop, and garage.
   - **1970’s CUPs** traffic condition, chapel addition requiring 52 parking spaces, designated student pick-up and delivery areas, and compliance with prior CUP
   - **1990’s CUPs** sixth grade class added back, Melville Avenue abandonment, use of the abandoned area, creation of 28-space parking lot, multi-use field; TDM required; conversion of a dormitory into a library, classrooms and offices for a maximum of 385 students (154 middle school and 231 high school by the year 2000), requiring an amendment to exceed 385 students
   - **2000’s CUPs** increased the allowable enrollment to 415 students, implemented TDM program, added basement below the physical arts building (ARB)

   B. Over nine eight years of fall and spring TDM program monitoring, Castilleja has demonstrated the school is capable of reducing peak hour trips and maintaining these reductions. Since the monitoring began in 2012, Castilleja has achieved a reduction of 28% of the trips in the morning peak hour.

   C. In 2013 and 2017, the City began enforcement actions for violations of the 2000 CUP related to enrollment and events, respectively. Castilleja School has worked cooperatively with the City to gradually reduce enrollment and lessen the impact of events on the surrounding neighborhood.

   D. Project Alternative #4, as modified by site improvement plan and identified in the administrative record as Option E:
   
   a. Does not change the campus parcel size,
   b. Does not increase the degree of nonconformity with respect to maximum lot size within the R-1(10,000) zone;
   c. Proposes a replacement academic building to meet the R-1 Zone height limit of 30 feet, whereas the existing 34’8” tall building to be demolished in this location does not meet the R-1 Zone height limit;
   d. Expands usable (habitable) basement area within the Academic Building, and replaces and slightly reduces existing above ground Gross Floor Area (GFA), to decrease the degree of non-conformity with respect to campus GFA and Floor Area Ratio (FAR);
   e. Demolishes non-historic buildings and proposes site improvements and buildings that would be more compatible than the existing buildings with the residential character.
the area, given materials and landscaping relevant to the residential context; i.e., materials, colors, and details would be compatible with the remaining, existing structures on the site such that the overall campus would have a unified and coherent design.

f. Further improves the visual character of the site and its compatibility with the surrounding residential neighborhood compared to the existing conditions by:
   i. reducing the amount of at-grade parking, both on-street and off-street,
   ii. relocating bus loading and unloading to the Circle.

g. Includes pedestrian scale fencing and gates to provide several paths of ingress and egress for students, staff, and visitors, including convenient bicycle parking.

h. Incorporates elements that meet the City’s sustainability goals, such as rooftop photovoltaics, energy efficiency, and water-use efficiency, in addition to meeting current building and seismic codes;

i. Improves compliance with the City’s parking requirements, whereas the existing campus on-site automobile parking facilities do not meet the code requirements for on-site parking for private school facilities. The City Council directed the project to contain no more than 50% of code-required on-site parking spaces below grade, related to the robust TDM program with ‘no net new trips’ recommended by the Planning and Transportation Commission. Project Alternative #4’s proposed parking facilities, without implementation of Option E, would have met the required number of spaces: 104 non-tandem spaces - located in two surface lots (at 13 spaces each) and in one underground parking facility (78 spaces, non-tandem). Parking Option E, subject to approval of a Parking Adjustment, reduces below grade parking spaces by 26 spaces (to 52 spaces) with associated removal of 8,186 sf of basement area, and adds 11 surface spaces to the 26 surface spaces of Project Alternative #4 resulting in a total of 89 on-site spaces (a 15-space reduction in on-site spaces); this reduces on-site parking spaces by 14.4% associated with the proposed robust TDM program.

j. Improves bicycle parking spaces (an increase from 102 spaces to 140 spaces);

k. Does not increase the number of peak hour trips with implementation of the Enhanced TDM program and mitigation measures. Traffic to the proposed school will be conducted in an orderly and safe manner, with consequences for noncompliance (including enrollment reductions and CUP revocation);

l. Does not increase the existing number of average daily trips (1,198) as restricted by Council action (for Phase 2), increases the number of daily trips to 114 net new daily trips (after implementation of Mitigation Measure 7a), which does not represent a significant, adverse environmental impact.

E. The conditions of approval, mitigation measures and monitoring and reporting program are designed so that:

- Development and approval of a preservation protection plan is ensured for each phase of construction so as not to adversely affect nearby eligible cultural resources;
- Tree removals/relocations will be limited as per arborist recommendations in the 2016, 2020 and 2021 reports, and protection measures to ensure survival of trees to remain in place (including tree #155 as reflected in Option E), replacement trees, and relocated trees;
- The project will meet sustainability requirements and goals (including EV charging stations spaces provided and LEED standard green building);
- The enhanced TDM program will be monitored and enforcement measures will ensure less than significant impacts to traffic, vehicle circulation, queuing
The noise from construction and pool activity will be mitigated and the surface trash pickup and delivery area, with Option E site improvements, will be screened and buffered with a new, solid acoustic fence placed along the Emerson Street setback to address trash pick-up and delivery noise.

The conditions of approval for the project are intended to address these issues by placing limitations on school hours, the number, frequency, and type of events, and enforcing ongoing performance standards and the TDM program.

Performance standards include the requirement to have a designated point of contact for all complaints, provision of events and construction information, traffic data and reports on the School website, and provision of funds to enable the City to retain a 3rd party to assist the City evaluate, monitor, and enforce compliance with conditions and mitigation measures.

Enforcement of the TDM program and events will be assured, including coordination of the School to troubleshoot issues and handle complaints in a timely manner.

A TDM Oversight Committee is required to provide the City with guidance, should Castilleja School submit a report that contains trip count exceedances.

Therefore, with implementation of the EIR mitigation measures as outlined in the MMRP and the conditions of project approval as amended in 2022 associated with Option E and Parking Adjustment, the proposed CUP amendment will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.

2. The proposed use will be located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of the Zoning Ordinance, in that:

The School Use is an existing, Conditionally Permitted use within Palo Alto’s R-1 Zone, consistent with the underlying R-1 (10,000) zoning designation (PAMC Section 18.12, Table 1, Private Educational Facilities are listed as a use allowed with a CUP) and Comprehensive Plan designation of Single Family Residential. The project is consistent with the applicable development standards of PAMC Chapter 18.12 and parking standards of PAMC Chapter 18.52 with Parking Adjustment approval pursuant to 18.52.050 and GFA replacement (and reduction) variance. The planning Director supports a 14.4% Parking Adjustment as (i) consistent with the purposes of Chapter 18.52, (ii) it will not create undue impact on existing or potential uses adjoining the site or in the general vicinity, and (iii) will be commensurate with the reduced parking demand created by the development, including for visitors and accessory facilities where appropriate.

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>R-1(10,000) Zoning</th>
<th>Existing Property</th>
<th>Project Alternative #4 with Option E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>10,000 – 19,999 sf</td>
<td>268,783 sf existing campus</td>
<td>268,783 sf (no change)</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>0.45 first 5,000 sf of lot size; 0.30 square footage in excess of 5,000 sf</td>
<td>1310 Bryant existing 0.43–0.51</td>
<td>Proposed: 0.425</td>
</tr>
</tbody>
</table>

Table 4-1: Zoning Ordinance Policy Consistency Analysis
The project conforms to relevant Comprehensive Plan policies cited in the project EIR. The EIR Mitigation Measures are intended to improve upon the existing TDM measures with performance monitoring and enforcement and impose clear special event restrictions; conditions of approval related to the CUP provide additional clarity for operations in a manner that is consistent with the intent and provisions of the Comprehensive Plan and the purposes of the Zoning Ordinance. The underground parking facility of Project Alternative #4 is in accord with the Zoning Ordinance because PAMC 18.52.030(g) requires parking to be located on the same site as the use being supported, unless a parking adjustment is granted. A 14.4% Parking Adjustment (removing 15 on-site parking spaces) is associated with Option E and includes 89 on-site parking spaces. The project does not propose a residential use and underground parking is not prohibited for non-single family residential use in accordance with PAMC 18.12.060(e). The underground parking facility is also supported by Comprehensive Plan Policies L-9.2 that “encourage[s] development that creatively integrates parking into the project, including by locating it behind buildings or underground wherever possible, or by providing for shared use of parking areas” as well as T-5.6 that “strongly encourage[s] the use of below-grade or structured parking and explore mechanized parking instead of surface parking for new developments of all types while minimizing negative impacts including on groundwater and landscaping where feasible”. The Gross Floor Area for the project is in accord with the Zoning Ordinance by approval of the Variance pursuant to PAMC Section 18.76.030 and 18.77.060 granted in this Record of Land Use Action.

### SECTION 7. Variance Findings

The following findings for a Variance allowing replacement of existing, above grade gross floor area are made pursuant to PAMC Section 18.76.030 and are subject to the Conditions of Approval in this Record of Land Use Action.

<table>
<thead>
<tr>
<th>Gross Floor Area (non-residential uses and including volumetric area where applicable)</th>
<th>81,379 GFA</th>
<th>138,345 GFA</th>
<th>128,687 GFA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exempt Below Grade Area</td>
<td>Exempt from floor area ratio (FAR) and floor area calculation for qualifying basements</td>
<td>41,406 SF</td>
<td>79,357 SF</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>30 feet standard; 33 feet for buildings with a roof pitch of 12:12 or greater</td>
<td>34 feet 6 inches</td>
<td>30 feet</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emerson</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Kellogg</td>
<td>20 feet</td>
<td>27 feet 9 inches</td>
<td>20 feet</td>
</tr>
<tr>
<td>Bryant</td>
<td>20 feet</td>
<td>22 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Embarcadero</td>
<td>24 feet</td>
<td>108 feet 6 inches</td>
<td>Above grade: 108 feet 6 inches (no change above grade); Below grade meets special setback</td>
</tr>
<tr>
<td>Maximum site coverage, multiple-story development</td>
<td>35% (100,374 sf)</td>
<td>24.3% (65,273 sf)</td>
<td>25.3% 68,071 sf 67,894 sf</td>
</tr>
<tr>
<td>Vehicle Parking</td>
<td>2 spaces per middle grade teaching station, 4 spaces per upper grade teaching station</td>
<td>74</td>
<td>40489 spaces with 14.4% parking adjustment</td>
</tr>
<tr>
<td>Bicycle Parking</td>
<td>1 space for every 5 students</td>
<td>95</td>
<td>140</td>
</tr>
</tbody>
</table>
1. Because of special circumstances\(^1\) applicable to the subject property, including (but not limited to) size, shape, topography, location, or surroundings, the strict application of the requirements and regulations prescribed in this title substantially deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district as the subject property.

The Castilleja School campus is found to have special circumstances, in that the parcel is unique both in terms of size and insofar as it has historically hosted private school facilities that exceed current development standards:

- **FAR limitations and maximum lot size (19,999 sf) would not support the physical space requirements of a private school and were not created with conditionally permitted private school uses in mind.**

- **The property is unique in many respects: it is the largest R-1 lot in the City and the property has housed a private school for over a century, and the majority of existing structures were constructed well before the enactment of modern development standards.**

- **The size of the campus (at 268,765 sf) is substantially greater than any other lot in the R-1(10,000) zone (where most surrounding lots are 8,000 to 12,000 sf) resulting in a maximum floor area ratio that disproportionately constrains the campus compared to neighboring properties; the formula calculates FAR at .45 for the first 5,000 sf and 0.30 for the remaining sf.**

- **As recently as 2006, square footage on the parcel was permitted in excess of current development standards through the issuance of a conditional use permit, without a variance.**

- **There currently exists on the parcel 138,345 square feet of legal, countable, building square footage (gross floor area or “GFA”) including volumetric GFA (i.e. floor area that is double- or triple-counted due to high ceilings). Almost all of the volumetric GFA is located in the gym, which was approved in 2006 and is not being modified. The GFA to be demolished is 87,079 sf, including volumetric GFA.**

- **The proposed project will reduce GFA on the site compared to existing conditions. Proposed total GFA is 128,687 sf comprised of the new academic building, at 77,420 sf, the administration/chapel/theater at 17,754 sf, and the existing gym with 33,513 sf (which includes 17,346 sf of volumetric floor area). The total GFA reduction would be 9,658 sf.**

Because of these special circumstances, strict application of the City’s current FAR limitations would require the proposed campus modernization to remove over 55,000 square feet of gross floor area. This would effectively deprive the School of the ability to modernize its outdated structures.

2. The granting of the application shall not affect substantial compliance with the regulations or

\(^1\) Special circumstances expressly excluded from consideration are: (A) The personal circumstances of the property owner, and (B) Any changes in the size or shape of the subject property made by the property owner or his predecessors in interest while the property was subject to the same zoning designation.
constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district as the subject property.

Except for the requested Floor Area Ratio standard, the Project Alternative #4 complies with all other R-1(10,000) development standards including building height, setbacks, site coverage, and parking requirements as met with a 14.4% parking adjustment.

- **Whereas** the allowable lot coverage for the campus parcel is **1040,374 sf** (35% of the campus) and a total of **67,894 sf 72,240 sf** of coverage (25.37% of the campus parcel) is proposed.
- The allowable height is 30 feet (flat roof) and 33 feet for pitched roofs over 12:12 pitch and the proposed height of the academic building is 26’11-1/2” from established grade to top of parapet (24’ 8-1/2” from finished floor to top of parapet) on Section 3 as ARB recommended, and 30 feet from established grade to top of parapet on Sections 1 and 2 (27’9” from finished floor to top of parapet) as ARB recommended.
- The required setbacks are 24 feet from the Embarcadero Road frontage and 20 feet from the other three street frontages; the proposed setbacks are 24 feet to wall of below grade garage that is parallel with the Embarcadero Road frontage, 20 feet to the acoustic fence running along the Emerson setback, 20 feet from Bryant Street and Kellogg Avenue to the Academic Building for portions of the building, and greater setbacks to this building from Emerson Street and to portions of this building from Bryant Street and Kellogg Avenue.
- The required on-site parking is 104 parking spaces and the proposed on-site parking spaces proposed in Alternative #4 with Option E is 89 parking spaces.

Whereas the existing gross floor area on the campus parcel is **116,297sf** (FAR of 0.43:1) a total of **113,667 sf** is proposed on the campus (FAR of 0.42:1) which is the new Academic Building at 81,942 sf plus the buildings to be retained, at 31,725 sf. The request is not to increase the gross floor area on campus, but to retain and slightly decrease the existing of above-grade gross floor area, which is most visually impactful on neighboring properties. The School facilities will be modified to provide appropriate programmatic space for learning environments, and for seismic safety. The removal of outdated buildings and reconstruction of gross floor area does not constitute a special privilege.

The project would improve the campus open space characteristics, create code-compliant and sustainable buildings with deep roof overhangs and solar shading screens, renewable energy solar panels, high efficiency and noise mitigation glazing, natural lighting via skylights for teaching stations, durable and sustainable siding materials, locally sourced interior finishes, water efficient plumbing fixtures, graywater irrigation, and extensive landscaping.

Including **volumetric GFA**, the existing FAR is **0.51:1** and the proposed FAR is **0.48:1** (excluding volumetric GFA, the existing FAR is **0.42:1** and the proposed FAR is **0.41:1**). Although the proposed FAR exceeds the maximum FAR for the district, this is not inconsistent with the limitations on other properties in the vicinity or the zone district because the subject property is unique in its size and historical use. The removal of outdated buildings and reconstruction of gross floor area, with GFA reduction, does not constitute a special privilege.
3. The granting of the application is consistent with the Palo Alto Comprehensive Plan and the purposes of the Zoning Ordinance.

As noted in the CUP findings above, EIR Table 4-1 provides an exhaustive list of the Comprehensive Plan policies relevant to the project review and analysis. As noted in CUP Finding #2: The School Use is an existing, Conditionally Permitted use within Palo Alto’s R-1 Zone, consistent with the underlying R-1 (10,000) zoning designation (PAMC Section 18.12, Table 1, Private Educational Facilities are listed as a use allowed with a CUP) and Comprehensive Plan designation of Single Family Residential. The project is consistent with the applicable development of PAMC Chapter 18.12 and parking standards of PAMC Chapter 18.52. The project conforms to relevant Comprehensive Plan policies cited in the project EIR on Table 4-2 of the final EIR related to Project Alternative #4. The EIR Mitigation Measures are intended to improve upon the existing TDM measures with performance monitoring and enforcement and impose clear special event restrictions; conditions of approval related to the CUP provide additional clarity for operations in a manner that is consistent with the intent and provisions of the Comprehensive Plan and the purposes of the Zoning Ordinance. The underground parking facility is in accord with the Zoning Ordinance because PAMC 18.52.030(g) requires parking to be located on the same site as the use being supported the project does not propose a residential use, and PAMC 18.12.060(e) does and 18.12.090(a) do not apply to non-residential uses. The underground parking facility is also supported by Comprehensive Plan Policies L-9.2 and T-5.6 that strongly encourage the use of below-grade or structured parking...instead of surface parking for new developments of all types while minimizing negative impacts including on groundwater and landscaping where feasible. The GFA replacement/reduction/FAR reduction for the project is in accord with the Zoning Ordinance by approval of the Variance pursuant to PAMC Section 18.75.030 and 18.77.060 granted in this Record of Land Use Action.

a. are not included in Gross Floor Area (GFA) because of the defined inclusions and exclusions from GFA in the R-1 zone (PAMC 18.04.030(a)(65)(C) and (D)), they most closely align with the definition of “basement.”

i. PAMC 18.04.030 Definitions (15) “Basement” means that portion of a building between the lowest floor and the ceiling above, which is fully below grade or partly below and partly above grade, but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling.

ii. PAMC 18.04.030(a)(65)(D) and 18.12.090(b) provide that basements shall not be included in the calculation of gross floor area.

iii. Although Carports and Garages are included in GFA for the R-1 zone, PAMC 18.04.030(a)(24.5) and (59) define carports and garages to be parking facilities accessory to a residential use.

4. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity will not be detrimental to the public health, safety, general welfare, or convenience.
The replacement of gross floor area variance would enable construction of a seismically safe building, with a lower GFA and FAR than the existing buildings being removed, designed to be visually compatible with the neighborhood character, with increased open space and provision of all required parking spaces provided on site, and sustainability measures. The variance is associated with a slight reduction in above-grade floor area and modernization of facilities, improving on existing conditions. The location of the Academic Building would allow bus drop-off and pick-ups to move internal to the site, and enable loading, delivery and trash functions to move off City streets and onto the school property below grade, to reduce neighborhood congestion and noise while enhancing neighborhood safety. Mature tree preservation and canopy retention and replacement is prioritized, and site landscaping and fencing is carefully designed for neighborhood compatibility.

SECTION 8. Conditions of CUP Approval.

Conditions of approval for the Conditional Use Permit for the Disbursed Circulation/Reduced Garage Project Alternative (‘Project Alternative’ #4 in the Environmental Impact Report (EIR)). Alternative #4 includes the reduced and reconfigured below grade parking facility, retains the two residential structures on Emerson Street and the stand of Redwoods next to Spieker Field, utilizes three drop-off/pick-up locations to disburse traffic around the campus. This approval incorporates Option E places only 52 parking spaces below grade and increases surface spaces, for a total of 89 parking spaces on site with approval of a Parking Adjustment. Option E preserves tree 155 and improves upon protections for tree 89.

CUP APPROVAL:
1. This conditional use permit incorporates all relevant conditions of approval from prior conditional use permits (00-CUP-23 and 06-PLN-15) and replaces those prior approvals. Upon the effective date of this entitlement, Castilleja School (‘School’) will be governed by this conditional use permit and other related City actions associated with the subject application.

2. The School shall operate in accordance with Project Alternative #4 documented in the project environmental impact report (EIR Alternative #4), as detailed in the administrative record and as modified by Option E and these conditions.

3. Any future request by the School to change or modify the CUP conditions of approval shall require a noticed public hearing before the Planning and Transportation Commission and Council action in accordance with PAMC Section 18.77.060 (e) Hearing and Recommendation by the Planning and Transportation Commission.

ENROLLMENT:
4. The School may enroll a maximum of 540 students in accordance with the following schedule:
   a. Student enrollment for the 2020-21 2022-23 academic year and subsequent years, except as modified below, shall not exceed the current enrollment of 4262 students.
b. Upon approval of the CUP, the School may begin the process to enroll 450 students, completion (issuance of a certificate of occupancy) of the non-residential underground parking facility (Phase I), and starting with the next academic year, enrollment may begin to increase up to a maximum of 490 students.

c. Upon completion of all project construction (issuance of a final certificate of occupancy for all new buildings and facilities) and removal of all portable/temporary modular buildings, enrollment may begin to increase to a maximum 540 students.

c. Thereafter, student enrollment shall not increase by more than 25 students per academic year based on the lesser of the School’s actual or permitted enrollment as documented by the School’s independent auditor.

d. No enrollment increase may occur unless the School has achieved the performance standards of Condition #22 for the preceding three consecutive reporting periods prior to the School’s sending enrollment agreements to prospective students (typically mid-March). For example, the ability to increase enrollment for the 2023-2024 academic year will require review, in early 2023, of one reporting period from the 2022-2023 academic year and two reporting periods from the 2021-2022 academic year.

5. Prior to March 1st each year, the School shall provide the Director of Planning and Development Services a letter from an independent auditor attesting to the number of students enrolled at the School, at the time of the audit, for that academic year.

**EVENTS:**

6. The School may schedule up to a maximum of 5 Major Events (may exceed 500 persons) and 50 Special Events (exceeding 50 persons) each (academic year) calendar year starting August 1st. A special event is defined as one that includes more than 50 attendees as defined in Mitigation Measure 4a included in the Mitigation Monitoring Reporting Program (MMRP). A special event includes, but is not limited to student performances, showcase or social events; parent group meetings; admission, orientation, alumni and donor events; athletic competitions; celebrations, or other activity that brings parents of enrolled students or non-enrolled students to the campus. A special event does not include individual parent meetings or Co-curricular Programming (i.e., activity associated with the School’s daily educational programming). Special events are subject to the following additional restrictions:

a. Thirty-seven (37) of the maximum allowed special events may exceed 100 attendees, including five (5) major special events that may exceed 500 attendees.

b. Inclusive of all special events, the maximum number of weekday evening special events, after 6pm, shall not exceed 32 events.

c. Inclusive of all special events, the maximum number of Saturday special events, after 6pm, shall not exceed 5 events.

d. No special events are permitted on Sunday.

e. No special event during the weekday shall begin prior to 8am, or 9am on Saturday.

f. Those special events that extend past 6pm must end by 8pm, except for student
performances, dances and major events, which shall end no later than 10pm.
g. The School shall have special events on no more than two consecutive evenings and shall minimize the number of special events occurring on consecutive days and, for larger events, occurring on consecutive weekends.
h. All special events are subject to the requirements of Mitigation Measure 4a included in the MMRP.
i. A list of all special events for the upcoming academic year shall be provided to the Director of Planning and Development Services before school begins and posted on the School’s website for the duration of the academic year. The number of expected event attendees and applicable parking plan required in Mitigation Measure 4a shall be similarly posted. The purpose of this condition is to provide a reasonable expectation when such events are anticipated and ensure the maximum number of events is not exceeded or occur during restricted hours. Occasional adjustments to the event schedule or minor exceedances to the ending time of an event during the academic year shall not constitute a violation of this condition of approval provided other applicable restrictions are met.
j. All special events shall comply with the approved transportation demand management.

7. The Director of Planning and Development Services may approve a request to use the School’s campus by the Palo Alto Unified School District, up to five times per academic year, without the need for a Temporary Use Permit or counting as special event as defined in Condition #6. The School shall provide traffic management for any such events. This condition is intended to support and encourage continued collaboration between PAUSD and Castilleja in a manner that is minimally intrusive to the Castilleja neighborhood and may allow some of the School’s larger events to occur off campus. The Director may impose conditions deemed necessary to address impacts of PAUSD events on Castilleja campus. Nothing in this condition is intended to preclude the School from applying for a Temporary Use Permit in accordance with Palo Alto Municipal Code section 18.42.050.

**OPERATIONS-RELATED:**

8. Standard School hours are Mondays through Fridays 7am to 6pm. Co-curricular Programming involving fewer than 50 students the number of students in one upper school grade level and confined to indoor spaces may occur outside of these hours.

9. Summer school programs shall be subject to all conditions and restrictions that apply to school year programs, except that summer use of the playing fields or the pool shall not occur before 9:00am. The School shall provide a minimum one-week student break between the school year and the summer program(s). The School is prohibited from renting or loaning the campus to another summer school program, organization or group provider. The summer enrollment shall be the same level of enrollment as the academic year ending just prior to commencement of the summer school program. Each summer camp session will not exceed maximum enrollment permitted during prior school year.
10. Following construction of the Academic Building, all deliveries and bus pickups and drop offs shall be accomplished within the below grade parking garage or designated pickup/drop off areas on campus accessed from the driveway from Kellogg Avenue.

11. Removal of the temporary campus on Spieker Field shall commence within six months of the City’s issuance of a final occupancy permit for the Academic Building.

12. At all times the School shall comply with the City’s Noise Ordinance. Except for swimming pool-related activity, which is subject to Mitigation Measure 8b, Major Events, and emergencies, including drills, no outdoor amplified sound equipment shall be used on the campus without approval of a noise exception permit from the City. For the purposes of this permit, “amplified sound equipment” includes bull horns, air horns, loudspeakers, or similar noise-generating equipment. Amplified outdoor sound associated with the swimming pool shall be prohibited between 8pm and 7am. The School shall take reasonable efforts to mitigate School-related noise complaints from nearby residents. If noise complaints are not satisfactorily resolved, the Director of Planning and Development Services may require the placement of noise monitors to collect data and determine compliance with this condition. Any consultant costs, installation, monitoring or remedial action and staff time required to address noise-related complaints shall be paid for by the School.

The School is also subject to requirements of Mitigation Measure 8a related to pool loudspeakers and 8b related to construction and pool use. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

13. The School’s adjacent Emerson Street residential properties shall not be used for any School related purpose, including but not limited to, additional parking, storage or staging of materials or equipment, deliveries or student pick-up or drop-off. These parcels do not have City approval for use or activity supporting the School and are limited to residential and accessory uses customarily incidental to single family residential uses.

14. Outdoor athletic practices and games shall be limited to daylight hours only. No field lighting shall be installed. This does not preclude lighting for safety, landscaping and pathways approved by the City.

15. The following restrictions apply to the School’s gym operations in accordance with prior City approvals:
   a. Activities are not permitted in the lower basement level of the Physical Arts Building that would cause the number of occupants to exceed 500.
   b. Ventilation equipment for the gym is not to be operational from 9 pm to 6 am. However, the ventilation equipment may be operational until 10 pm when the gym is used for evening events as listed on the School’s event calendar.
COMMUNITY ENGAGEMENT:

16. The School is required to provide the following information on its website to serve as a resource to nearby residents and provide access to certain documents and information. This information shall be posted on the school website prior to the start of the 2021-2022 academic year and updated annually prior to the start of each academic year to include the following:

   a. A signed copy of the Record of Land Use Action authorizing the School’s use and expansion project along with the mitigation monitoring and reporting program and transportation demand management plan.
   
   b. A list of all planned special events in accordance with Condition #6.
   
   c. Information on the maximum number of students authorized by this conditional use permit and the actual student enrollment figures for each academic year as soon as they are available, but no later than November 1 each year. Prior to March 1st each year, the School shall post the findings of an independent auditor attesting to the number of enrolled students for that academic year as required by Condition #5.
   
   d. All monitoring and reporting documents required by these conditions of approval, including but not limited to transportation demand management program monitoring reports and the annual landscape maintenance contract (Mitigation Measure 7b).
   
   e. The School shall provide regular construction updates to inform nearby residents of the status, schedule and upcoming construction activity, information on lane closures, when heavy truck traffic is expected or use of particularly noisy equipment or vibration causing equipment. The website shall include an opportunity for the public to opt-in to receive twice monthly construction news updates by email.

17. Commencing prior to the 2021-2022 academic year, the School shall establish and maintain a dedicated phone number and email address to be answered by someone affiliated with the School who will immediately respond to complaints regarding noise, special events, academic athletic competitions, traffic and parking or other neighborhood disturbances. Prior to the start of each academic year, the School shall send notice to all property owners and tenants within 600 feet of the School’s property boundaries informing occupants of this dedicated phone number and a link to find these conditions of approval on the School’s website.

18. The School shall host regular neighborhood meetings to report on school operations, receive feedback, and attempt to problem solve any identified issues. A minimum of two meetings shall be scheduled each academic year, one in the fall semester and another in the spring semester. The School shall provide a summary of the topics discussed and any follow up action to Director of Planning and Development Services staff within 30 days of
the meeting.

19. The School shall communicate with the parents of enrolled students the rules and expectations of the School and these conditions of approval. The School shall distribute a transportation and parking handbook that institutionalizes and encourages good neighbor parking and driving behavior detailed in Condition 25.

TRANSPORTATION DEMAND MANAGEMENT:

20. Sixty (60) days following the effective date of the Council’s action on this application, the School shall prepare a final version of the complete transportation demand management (TDM) plan that compiles all applicable transportation-related requirements of this Record of Land Use Action into a cohesive, well-organized and indexed document. The TDM plan shall be submitted to the Director of Planning and Development Services for approval. The intent of the TDM plan is to reduce vehicle trips to, and parking demand at, the school for the purpose of minimizing School-related disruptions and intrusions into the nearby residential neighborhoods. The TDM plan shall also serve as a publicly available resource to inform interested residents of the School’s transportation-related expectations and requirements and, therefore, may include performance standards or operational conditions of approval not typically associated with a TDM plan. As required below, the TDM plan shall incorporate requirements from several source documents. The TDM plan required by this condition does not need to be a verbatim restatement of the transportation management requirements but shall include specific performance measures and criteria where appropriate and generally document the implementation strategies to effectuate the intent of these provisions. Where a dispute between the City and School is unresolved regarding implementation of this condition, the Director shall schedule a hearing before the Planning and Transportation Commission for a recommended resolution to the City Council. The TDM plan shall apply to the 2021-2022 academic school year and every year thereafter, however real time monitoring infrastructure will be in place by November 2022.

21. The TDM plan shall incorporate all transportation-related provisions from the following source documents:

   a. All components of the School’s current transportation demand management plan (on file with the City of Palo Alto), including but not limited to: implementation of an incentive program for faculty, staff and students for carpooling and using alternative means of transportation; annually posting and reporting on special events; and, bi-annual communications with parents reminding them of the importance/purpose of the School’s TDM strategies.

   b. All applicable Mitigation Measures from the Certified Final EIR and particularly Mitigation Measures 4a and 7a (on file with the City of Palo Alto and attached to this document).

   c. All applicable conditions included in this Record of Land Use Action.

   d. Reference to applicable sections of the Palo Alto Municipal Code regarding TDM
programs, monitoring, reporting and penalties.

e. The TDM supplement submitted by the applicant and prepared by the transportation firm Nelson Nygaard, dated June 17, 2019, which includes updated monitoring report requirements and introduces new TDM strategies (on file with the City of Palo Alto and temporarily available online: https://www.cityofpaloalto.org/civicax/filebank/documents/77808).

22. The following additional performance measures and requirements shall be incorporated into the TDM Plan:

a. Average Daily Trips (ADT) Standard: The School’s Average Daily Trips (ADT) shall not exceed 1198 trips.

b. Data from permanent driveway counters placed at all entrance and exit driveways will be used to calculate ADT. Refer to condition 24 regarding the monitoring report for the ways ADT shall be calculated. A violation of the ADT target occurs when the average daily trip for a reporting period exceeds 1198 trips. One of the ADT measures using driveway counts exceeds the trip target.

c. AM Peak Trips Standard: The School’s AM Peak trips shall not exceed 383 trips.

d. Data from permanent driveway counters placed at all entrance and exit driveways will be used to calculate AM Peak Trips. Refer to condition 24 regarding the monitoring report for the ways ADT shall be calculated. A violation of the AM Peak Trips target occurs when the average AM Peak trip for a reporting period exceeds 383 trips. Measures using driveway counts exceeds the trip target.

e. The School shall install permanent vehicle counter devices at the entrance/exit of all drop off locations on campus, surface parking lots, and the subterranean garage to count the number of vehicle trips arriving to the campus and exiting each day. The data collected by these devices shall be provided to the City upon request, in addition to data provided with TDM monitoring reports pursuant to Condition #24, at the end of each month showing the unmodified counts for every 15-minute interval from each location. The School will preserve count data electronically for a period not less than three years. The vehicle counting devices shall be kept in working order. Malfunctioning devices shall be promptly fixed. A device that is out of order or provides inaccurate data for more than 10 consecutive days shall be considered a violation of this condition. It is the intent of this condition to also record vehicle trips during the construction phase of the project.

f. The School shall provide real time driveway counter data to the City, as directed by the Director or the Office of Transportation.

g. The School, in consultation with the Director of Planning and Development Services,
shall install temporary vehicle counter devices in the public right of way at locations determined by the Director for each TDM monitoring report required by these conditions of approval. Data shall be collected for no less than seven (7) consecutive days, determined by the Director, for each reporting period. The data collected by the counters shall be included in the TDM monitoring reports and used for ongoing monitoring and not to determine a violation of this conditional use permit. However, the data collected may inform future action regarding possible adjustments to the TDM plan to further minimize neighborhood traffic impacts.

h. The School shall provide roundtrip shuttle service to appropriate Caltrain stations that coincide with the School’s arrival and dismissal schedule and available to students, faculty and staff. The School shall determine the appropriate frequency of roundtrip shuttle service to maximize this incentive, but no less than two roundtrips for each schedule shall be provided.

i. Special event provisions in the School’s TDM plan shall apply to special events. In addition, the School shall provide roundtrip shuttle service for all special events to encourage participants to use transit or a park and ride service. The shuttle pickup/drop off location(s) and schedule shall be included with other event information shared with potential attendees and shall also include a parking plan for each special event.

j. The School shall routinely monitor and reassess drop-off/pick-up assignments to balance traffic flows in accordance with the expectations set forth in the Mitigation Monitoring and Reporting Plan. The actual and target distribution percentages shall be included in TDM monitoring reports.

23. Notwithstanding Palo Alto Municipal Code Section 18.52.050 (d) (1), TDM monitoring reports shall be prepared by the School and submitted to the Director of Planning and Development Services three times per academic year until the school has reached maximum enrollment, or within 5 students below maximum enrollment, for two consecutive years and has consistently met the average peak hour and average daily trip rate standards required by these conditions. At that time, only two monitoring reports per year shall be required. After 15 years of monitoring, the Planning and Transportation Commission shall review whether this condition is still necessary. Monitoring reports shall be provided to the City in accordance with the following schedule:

a. Reporting Three Times / Year
   i. Report due by January and December 15 and covers the academic period from August July through November October.
   ii. Report due by May April 15 and covers the academic period from December November through March February.
   iii. Report due by September August 15 and covers the academic period from
March April through June July.

b. Reporting Twice / Year
   iv. Report due by February 15 and covers the period from July through December.
   v. Report due by August 1 and covers the academic period from January through June.

24. Required TDM monitoring reports shall include the following components:
   a. Describe in full the requirements of the recurring Monitoring Report, including TDM Plan goals and performance measure targets and data collected.
   b. Include the following data and metrics:
      i. Driveway volume counts by 15-minute increments (raw counter data);
      ii. The total average weekday AM peak trips and average weekday daily trips for the monitoring period, excluding construction trips, Special Event and Major Event dates and non-school days; summer school shall be separately reported and not averaged with the academic year.
      iii. The total average daily weekday trips and AM weekday peak trips during the weeks per monitoring period that the campus frontage street segments are evaluated by the City;
      iv. The average daily weekday traffic volumes on the campus frontage City street segments (except Embarcadero) per these conditions – raw data to be provided by the City according to the reporting schedule.
      v. The dates and number of times the average weekday daily trips and/or AM weekday peak trips exceeded AM weekday peak and/or ADT exceedance threshold, including any special, limited circumstances such as trips during construction.
      vi. Rates of use of alternative transportation (% of mode split between bicycle, pedestrian, shuttles, etc.).
      vii. Parking conditions (number of spaces within the garage used, number of spaces within surface lots used, extent (counts) of on-street parking adjacent to the school and in the expanded parking study area).
      viii. Bicycle parking counts (supply and demand) and dates, times, & attendance of bicycle repair clinics.
      ix. Student drop-off/pick-up location counts and percentages by driveway.
      x. An electronically transmitted appendix to the report containing the raw data from the driveway counting devices for the monitoring period.
   c. Describe how and where counts were conducted. Describe any off-site data collected by an independent traffic engineering company.
   d. Driveway Counting Device: Describe installation, calibration methods, function and proposed maintenance of permanent traffic counting devices. Describe how records of traffic counts are to be preserved electronically and frequency of posting of this data to the School’s website for accessibility to City officials and the public.
   e. Include a detailed explanation of the pick-up and drop-off process as well as target
pick-up/drop-off distribution percentages.

f. Include the number of daily (while school is in session) onsite traffic attendants.

g. Describe the use of traffic safety warning devices.

h. Provide a map of each parking study area, and description of methodology employed to capture off-campus parking.


j. Identify scope and breadth of TDM measures utilized (i.e. programs that encourages walking/biking/transit, Auto trip reduction strategies, etc.).

k. Describe other programs provided by the school in detail (i.e. organized vans, shuttles, transit subsidies) and how the mode split data was collected (survey, website, etc.).

l. Provide the number of enrolled students for the period covered by the report.

m. List the dates of special events that occurred in the period covered by the report, including times, attendance, and parking/traffic management efforts and results.

n. Provide copies of mailings to families regarding the parking/traffic/pick-up/drop-off policy, including traffic management for special events.

o. Include a list of disciplinary consequences for students and parents who do not cooperate with the parking requirements

p. Provide the TDM Monitoring Report in a simplified, easy to read compliance review matrix format.

q. In addition to the TDM Monitoring Report, the School shall provide real time driveway counter data to the City, as directed by the Director or the Office of Transportation.

25. The School shall update its transportation and parking handbook and distribute it annually to the parents of enrolled students in advance of the upcoming academic year. The handbook shall be incorporated into the Castilleja School long range planning efforts and made part of the Board Policies and Procedures Manual. The handbook shall include the following policies and any applicable provisions from these conditions of approval:

a. At the beginning of each school year an updated parking/traffic/pick-up/drop-off policy shall be communicated to parents to remind them of the importance of the Parking and Traffic policy. Regular newsletters to parents will include a TDM section with any relevant updates to the TDM Policy. The parking/traffic/pick-up/drop-off policy shall include:

i. Parents shall be instructed not to double-park on street nor drop-off or pick-up students in undesignated areas.

ii. Traffic monitors will direct cars to maintain a constant flow of traffic to avoid queueing on public streets.

iii. Parents shall be instructed not to make left turns in or out of driveways at peak times. Signs shall be posted to indicate these turning rules.

iv. Castilleja School shall continue to provide traffic monitors during peak drop-
off, pick-up and for special events. The traffic monitors shall educate students and parents and enforce the circulation related conditions of approval to keep surrounding streets clear of congestion. Traffic monitors will be identified by wearing a highly visible safety vest.

v. Once per day, School personnel shall monitor parking onsite and on surrounding public streets. The School shall notify any violators that they must move their car(s).

vi. Castilleja students, faculty, staff, and parents shall be instructed to park exclusively either on campus, at designated off-site lots made available for School use, or on the School side of adjacent streets where parking is permitted. Daily monitoring of parking shall be conducted, and offenders shall be instructed where to park.

vii. The School shall develop clear disciplinary consequences for students and parents who do not cooperate with the parking requirements.

viii. Oversight for the Transportation Demand Management Plan shall be the responsibility of the Head of School. Other staff may be assigned responsibilities regarding the daily operation and enforcement of the plan. As the designated person or persons could change each year as job responsibilities are redefined, at the beginning of each year Castilleja shall provide neighbors and the City of Palo Alto with a list of individual contacts with emails and phone numbers. Head of School shall ensure all personnel fully understand and are trained to complete their responsibilities: A log shall be kept of all communication (i.e. email, telephone calls) and the expressed concerns which are received. School staff shall review the log for trends and respond to remedy any problems. If any neighbor feels their concern was not properly responded to, they should contact the number the School publishes for complaints (condition #19).

ix. At the beginning of every school year Castilleja shall set aside scheduled time for all faculty and staff to register their cars, receive an I.D. tag and review the traffic and parking policies.

x. At the beginning of each semester Castilleja shall register all student cars, distribute I.D. tags, and review the traffic and parking policies with student drivers.

xi. For special events, Castilleja School shall utilize the area on Spieker Field for overflow parking, as needed.

xii. Castilleja shall continue its major transportation campaign with families to emphasize carpools and use of Castilleja buses and shuttles, Caltrain and other alternative means of transportation. Every Castilleja family shall receive information promoting carpooling and providing information to facilitate car/vanpooling in their immediate geographic area.

xiii. Castilleja shall experiment with a plan for an assigned parking program with designated areas for certain types of parking (i.e. student, employee, visitor).
xiv. Castilleja shall designate a Visitor Parking Zone in the area of the Administration Building. Visitors shall register in the Administration Building. At that time, they shall be asked where they are parked and redirected to the visitor’s zones if necessary.

xv. Castilleja will continue to review its event calendaring process and develop procedures to more strategically plan school functions and their placement on the calendar so that functions with more than 100 attendees coming to campus do not become bunched on consecutive nights or weekends.

xvi. Castilleja has five major events each year (a start of year ceremony, back to school night, a community building event, Founder’s Day Luncheon, and Baccalaureate/Graduation) that will bring almost all students and parents to the Castilleja Campus. For these occasions Castilleja shall provide traffic monitors to make sure that all vehicles park legally and safely on all street parking. Castilleja shall maximize all on-site parking and use tandem parking and assisted or valet parking whenever feasible. Shuttles to Caltrain shall operate so that guests may attend without bringing a car to the campus area, and the shuttle schedule shall be published along with the parking plan for these events. A complete list of these events including date, time of event and number of expected attendees shall be published annually and distributed to neighbors and the City of Palo Alto.

xvii. The School shall review the parking/traffic requirements of each event and develop appropriate parking and shuttle service to Caltrain. Parking instructions and Caltrain shuttle schedules shall be included in event notifications. Castilleja shall provide traffic monitors for these events and shall direct as much traffic as possible onto the school site, using assisted tandem parking, and assisted or valet parking, allowing students to use all lots after hours, using the day-time loading zones for parking, and utilizing all resources to minimize impact to street parking. For certain events as needed, Castilleja shall make every effort to arrange off-site parking with nearby parking lots and provide shuttle service to the parking locations using school vehicles to transport people to and from the school. The availability of these lots is dependent on events and cooperation from lot owners.

xviii. For School committee meetings which bring volunteers to the campus, Castilleja shall coordinate a parking plan and shuttle schedule that will be communicated to all committee members. At the beginning of meetings, a reminder of parking policies shall be announced to all attendees. Anyone not following the policy shall be requested to move their car. When meeting notices are sent to committee members, a parking reminder and shuttle schedule shall be included.

xix. Castilleja shall give all summer camp families Castilleja written instructions for a drop-off/pick-up procedure at the beginning of each camp session. Drop- off and pick-up shall be conducted on-site. Castilleja personnel shall
facilitate getting campers into vehicles and ensure all policies are followed. It shall be the responsibility of the Director of Summer Camp to enforce the policies with parents.

xx. Parents shall be instructed to move out of the driveway if their daughter is not at the pick-up location and others are waiting.

xxi. Castilleja School shall develop a comprehensive incentive program for faculty, staff, and students for carpooling and using alternative means of transportation

After implementation of the TDM Plan, the Director of Planning and Development Services may, based on empirical data or other information that would reasonably impact the effectiveness of the TDM plan, determine that one or more of the above TDM strategies has become infeasible or ineffective. Upon such determination, the School shall propose an alternative measure(s) in consultation with the Director to achieve the intended performance of the replaced strategy or strategies.

26. From time to time, the City may require supplemental traffic counts or studies to be funded by the School to assess and possibly redistribute student drop-off/pickup to further limit impacts on surrounding streets.

ENFORCEMENT, COMPLIANCE AND REPORTING

27. **MMRPs incorporated into Conditions of Approval.** These Conditions of Approval (COAs) incorporate the Mitigation Monitoring and Reporting Program (MMRP), attached hereto, based on the 2019-2020 Environmental Impact Report (EIR) analysis prepared for the Castilleja School project. These COAs and the MMRP are in compliance with Section 15097 of the California Environmental Quality Act (CEQA) Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” These COAs and the MMRP list mitigation measures recommended in the project Final EIR dated July 30, 2020 and identify mitigation monitoring requirements. In addition, the City’s Standard Conditions of Approval were identified in the Draft EIR as measures that would minimize potential adverse effects that could result from implementation of the project. This Record of Land Use Action ensures the approval conditions are clear to enable City staff oversight, monitoring and enforcement. All mitigation measures and Conditions of Approval identified in the 2020 CEQA Analysis are included herein. To the extent that there is any inconsistency between the COA and Mitigation Measures, the more restrictive conditions shall govern; to the extent any mitigation measures and/or COA identified in the 2020 CEQA document were inadvertently omitted, they are automatically incorporated herein by reference.

28. **Violations and Enforcement.** Violation of any term, condition or Mitigation Measure relating to the approvals is unlawful, prohibited, and a violation of the Palo Alto Municipal Code pursuant to PAMC Section 18.01.080. The City of Palo Alto reserves the right to
initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these conditions/mitigation measures if it is found that there is violation of any of the conditions/mitigation measures or the provisions of the Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions, including but not limited to the imposition of administrative financial penalties. The project applicant shall be responsible for paying fees in accordance with the City’s Municipal Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the conditions of approval.

29. **Enrollment Suspension or Reduction as Remedy.** Upon written notice from the City of Palo Alto, increases to student enrollment may be suspended and/or reduction required. In addition to the remedies available under Condition 28, the City may require that the School suspend enrollment increases or reduce maximum enrollment when it finds the School is found to be in violation of any conditions of approval, including but not limited to the approved transportation demand management plan, anticipated student drop off distribution, or environmental mitigation measures, subject to the following criteria:

a. Following initial notice of a violation, the School shall be given 45 days to take corrective action and demonstrate compliance to avoid a suspension in enrollment.

b. Any determination to reduce or suspend increases in enrollment from the Director of Planning and Development Services shall be made within 60 days of the initial notice. This determination may be appealed in writing within 14 days, in accordance with PAMC Chapter 18.78 and subject to applicable fees.

c. A final determination to suspend increases to or reduce enrollment made after the start of the academic year and prior to March 1 shall apply to the next academic year. Final determinations made on or after March 1 but before the start of the next academic year shall apply to the following academic year regardless of whether the School has remedied any violation(s) that were the cause of the suspended enrollment. The term final determination used in this context includes the time to process an appeal, if filed.

d. Violations of Average Daily Trips (ADT) and AM Peak trips performance standards may also be enforced pursuant to Mitigation Measure 7a and Conditions of Approval #4 and #3435.

30. The School shall deposit $15,000 with the City of Palo Alto to cover all City costs associated with periodic review of the school’s compliance with these conditions of approval, the cost of the City’s consultant review of School-generated technical reports required by these conditions (including reports analyzing raw traffic data in accordance with these conditions), and handling of community complaints of alleged violations. The deposit amount shall be replenished within 30 days after receiving notice from the City that deposit balance is $5,000 or less.
31. Before the start of each academic year, the School shall fund the City’s installation of temporary vehicle traffic counter devices, for each TDM plan monitoring report required by these conditions for the corresponding academic year. The counting devices shall be placed on street segments identified in MM7a (Emerson, Bryant, and Kellogg). After 15 years of monitoring, the Planning and Transportation Commission shall review whether this condition is still necessary.

32. Prior to issuance of a building permit, the School shall deposit funds with the City of Palo Alto in the amount provided on the City’s municipal fee schedule to cover the full costs of independent technical review, monitoring and inspection to ensure compliance with the Mitigation Monitoring and Reporting Program.

33. Reserved. TDM Oversight Committee

The TDM Plan performance shall be subject to review by an advisory TDM Oversight Committee (TDMOC) comprised of two Castilleja representatives and two community representatives. The community representatives shall be appointed by the Director of Planning and Development Services and shall reside include at least one member of the community residing within 500 feet of the School. The resident members shall serve for two-year terms. The TDMOC shall have these duties:

- If Castilleja submits a monitoring report to the City that contains exceedance of any required metric as outlined in condition of approval #22, Castilleja shall convene a meeting of the TDMOC within 30 days of the date of such report and notify the City of the date the TDMOC will meet.

- The TDMOC will review the report, determine if the exceedance is likely to continue based on the circumstance of the exceedance.

- The TDMOC will provide any recommendations to the Planning and Development Services Director and Chief Transportation Official within 14 days of the TDMOC’s meeting.

- If the TDMOC is unable to convene within the timelines above, the Chief Transportation Official and Planning and Development Services Director may act without the recommendations of the TDMOC.

34. In addition to the enforcement measures contained in Mitigation Measure 7a and conditions #28-30, the School shall be subject to the following for violation of conditions #21-24:

   a. During the construction period Between CUP approval and attainment of the maximum enrollment, or within 5 students below maximum enrollment, for two consecutive years, violation of the average AM Peak or ADT thresholds provided in Condition #22 shall be subject to the following schedule:
i. For each of the 1st monitoring report two consecutive showing reporting periods where the average AM Peak or ADT thresholds are exceeded, additional TDM measures shall be required as determined by the School, determined by the Director of Planning and Development Services in consultation with the Chief Transportation Official.

ii. For the 2nd consecutive report showing the average AM Peak or ADT thresholds are exceeded, additional TDM measures shall be required as determined by the Director of Planning and Development Services in consultation with the Chief Transportation Official.

iii. If there are three consecutive reporting periods (and for each consecutive violation thereafter) during which average AM Peak or ADT thresholds are exceeded, reduce enrollment by at least five (5) students or more as reasonably determined necessary by the Director of Planning and Development Services in consultation with Chief Transportation Official to ensure attainment in the next admission cycle shall scale back the student enrollment level until the TDM program is operating in compliance with the targets; To restore student enrollment reduced by enforcement of this condition, Castilleja must demonstrate compliance with average AM Peak and ADT thresholds established in these conditions for three consecutive reporting periods. Upon successful compliance, the restoration schedule shall be determined by the Director of Planning and Development Services and shall not exceed the lesser of 25 students or the total number of number of student enrollment positions reduced through enforcement of this condition. Following restoration of enrollment, enrollment increases may proceed as provided in Condition #4.

b. In the event the Director reduces the enrollment level, the enrollment level cannot be increased until the School is successful in meeting the targets for two consecutive reporting periods. Following attainment of the maximum enrollment or within 5 students below maximum enrollment, for two consecutive years, violation of the average AM Peak or ADT thresholds provided in Condition #22 shall be subject to the following schedule:

i. For the 1st monitoring report showing the average AM Peak or ADT thresholds are exceeded, additional TDM measures shall be required as determined by the Director of Planning and Development Services in consultation with the Chief Transportation Official.

ii. For the 2nd consecutive report showing the average AM Peak or ADT thresholds are exceeded, TDM measures shall be required as determined by the Director of Planning and Development Services in consultation with the Chief Transportation Official.

iii. If there are three consecutive reporting periods (and for each consecutive violation thereafter) during which average AM Peak or ADT thresholds are exceeded, reduce enrollment by at least five (5) students or more as...
reasonably determined necessary by the Director of Planning and Development Services in consultation with Chief Transportation Official to ensure attainment in next admission cycle. To restore student enrollment reduced by enforcement of this condition, Castilleja must demonstrate compliance with average AM Peak and ADT thresholds established in these conditions for three consecutive reporting periods. Upon successful compliance, the restoration schedule shall be determined by the Director of Planning and Development Services and shall not exceed the lesser of 25 students or the total number of number of student enrollment positions reduced through enforcement of this condition. Following restoration of enrollment, enrollment increases may proceed as provided in Condition #4.

iv. If one report in a calendar year (February 15 or August 1) showed an exceedance of either average AM peak hour or ADT thresholds and one or two reports in the next calendar year show an exceedance of average AM peak hour or ADT thresholds, implement more intensive TDM measures as determined by the Director of Planning and Development Services in consultation with the Chief Transportation Official.

v. If one report in a calendar year (February 15 or August 1) showed an exceedance of either average AM peak hour or ADT thresholds and three consecutive reports in the next two calendar years (February 15, August 1 and February 15) show an exceedance of average AM peak hour and ADT thresholds, reduce enrollment by up to 5% in the next admission cycle or by up to 10% over the next two admission cycles combined as reasonably determined by the Director of Planning and Development Services in consultation with Chief Transportation Official to ensure attainment of the average daily AM peak hour and average daily trip counts standards. The parties will meet and confer to determine whether and how to reasonably effectuate a reduction beyond the above percentages. To restore student enrollment reduced by enforcement of this condition, Castilleja must demonstrate compliance with average AM Peak and ADT thresholds established in these conditions for three consecutive reporting periods. Upon successful compliance, the restoration schedule shall be determined by the Director of Planning and Development Services and shall not exceed the lesser of 25 students or the total number of number of student enrollment positions reduced through enforcement of this condition. Following restoration of enrollment, enrollment increases may proceed as provided in Condition #4.

c. Construction trips shall be excluded from the trip counts for AM Peak and ADT.

d. Violation of TDM program requirements or transportation conditions other than average AM Peak and ADT thresholds may result in penalties as provided in Conditions #28-30.

INDEMNIFICATION/SEVERABILITY:
35. To the extent permitted by law, the School 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.

36. Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions and/or mitigations, and if one or more of such conditions and/or mitigations is found to be invalid by a court of competent jurisdiction this approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the same purpose and intent of such approval.

SECTION 9. Conditions of AR Approval.

PLANNING AND DEVELOPMENT SERVICES AR CONDITIONS

1. ARCHITECTURAL, HISTORIC RESOURCES AND PUBLIC ART REVIEW:
   a. Any exterior modifications to the building or property shall require submittal of an application for Architectural Review, including for any new signs. The following items are subject to Subcommittee Review prior to submittal of Building Permit applications:
   a. An HRB Subcommittee shall review final designs for the exit stair on the Gunn Building.
   b. An ARB Subcommittee shall review the final design for placement of rooftop equipment.
   c. The ARB Subcommittee, comprised of two ARB members, shall review these details:
      i. Green tile patterning detail— including the tile size and how tile pattern will be implemented (Note: provided in set for ARB 12-2-21)
      ii. Detail of the cap on the Kellogg shingled wall—to show how this will be finished (Note: provided in set for ARB 12-2-21)
      iii. A larger scale cut-sheet of landscape lights on Kellogg Avenue; (Note: This item has been addressed, shown on sheet LTB100).
      iv. Consideration for adding transparent sound barrier (panel) at Kellogg balcony per acoustician’s recommendation to achieve a 5 dB reduction, describing projected sound mediation; (Note: This may be detrimental to façade design so the ARB can revisit this.)
      v. A small level of additional study of the basement lighting using walkable light wells/skylight (Note: provided in set for ARB 12-2-21)
      vi. Full scale interior courtyard façade elevations — scale @ 1/18” on reduced size paper. Include in drawings shingle/brand covering over sheer wall shown at hearing (Note: provided in set for ARB 12-2-21)
vii. Detail of work near Tree #89 to reconfigure staircase as per the proposed arborist recommendation (Note: provided in set for ARB 12-2-21).

C. Kellogg Façade: One section of the Academic Building shall reflect the November 2021 plan set, enabling larger windows and prior proposed height for classrooms. The middle portion of the façade shall reflect the Kellogg Study (2-4-22), to retain a new open trellis and planter extension, and allow restoration of building height. The final design details shall be subject to review by the ARB Ad Hoc Committee.

d. Garage Design Option E: The ARB prefers a hybrid design (69-space underground parking facility shown in Option D, along with the Option E shift of Castilleja's proposed swimming pool and removal of the delivery and trash ramp/below grade service area of Project Alternative #4). However, Council March 29, 2021 motion to allow only 50% of required spaces below grade makes Option E the staff recommended option as responsive to the City Council’s direction. Details of Option E’s six staff-designated parking spaces on the Emerson side must reflect protections for bicycle parking and pedestrians.

e. Prior to the issuance of a building permit, the applicant will have to complete an interim and final review with the PAC, including review and approval of their finalized artwork and budget. Should the applicant plan to spend less than the 1% allocation on artwork, the remaining amount will be paid to the public art fund as an in-lieu contribution.

2. TREE PROTECTION, REMOVAL AND RELOCATION:
All but three of the existing street trees shall be protected during construction (street trees 53, 66, and 57 are proposed for removal). Two protected trees (trees 6 and 13) are to be relocated. The tree protection measures must be approved by the City of Palo Alto Urban Forester and shall be in place prior to any demolition or construction. The School shall comply with Mitigation Measure 4b, which requires that, prior to the issuance of demolition, grading, and/or building permits for each construction phase, the School submit to the City’s Urban Forester a Tree Protection and Preservation Plan meeting the requirements of the Tree Technical Manual Sections 2.10 and 6.30 and the specific requirements of Mitigation Measure 4b.

- Protected trees 140 and 155 identified in the tree list as updated in 2020 https://www.cityofpaloalto.org/civicax/filebank/documents/78617 and located within the parcel’s building area as defined in PAMC Chapter 8.10, may be removed as part of this approval pursuant to PAMC 8.10.050(b)(2). Protected tree 102 shall be protected to the maximum extent feasible and its removal, if required, shall be subject to the provisions of these conditions.

- The School shall provide justification to the Urban Forester with any request to remove protected trees. If the Urban Forester determines any tree is unlikely to survive the construction process, and therefore meets allowances of Palo Alto Municipal Code, Section 8.10.050 (b), a tree removal permit may be issued to the School, with the associated mitigations previously identified in Mitigation measure 4b.

- The School shall follow the recommendations related to the most recent tree protection plan dated August 28, 2020 https://www.cityofpaloalto.org/civicax/filebank/documents/78616. This plan includes specific measures for irrigation for all trees to be preserved, for excavation for utilities, for
reporting damage to trees, for root buffer in locations where work is done inside the tree protection zone, for installation of fencing warning signs, for tree pruning, and to ensure:

a. the scheduling of demolition inside any tree protection zone shall occur well in advance so that the project arborist can be present. Demolition within the tree protection zone as required by these conditions shall not occur without the project arborist being present on site.

b. the project arborist shall remain on site during the excavation of the first five feet of soil for the new Garage near Trees #115-120 to confirm any cut roots two inches in diameter or larger are sealed and the stub ends are cut cleanly and sealed to prevent desiccation.

c. use of a “Soil Nail Wall” for the wall nearest Trees #115-120; as such, an over cut would not be required.

d. the face of the soil cut meets the following minimum distances:
   i. protect Redwoods #115-120 with a 12-foot excavation setback from trunk bark,
   ii. protect Coast Live Oak #113 with an 18-foot excavation setback from trunk bark,
   iii. protect tree #126 with a 15-foot excavation setback from trunk bark,
   iv. protect trees #123, #124 with an 11-foot excavation setback from the trunk bark,
   v. protect tree #157 with a 12-foot excavation setback from the trunk bark,
   vi. protect tree #122 with a 15-foot excavation setback from the trunk bark,
   vii. protect tree #137 with a 4-foot excavation setback from the trunk bark.

e. protection of tree #89 during demolition of pavement, during which time the project arborist shall remain on site; further, the School shall adhere to recommendations for tree #89 in the September 4, 2020 project landscape architect memo https://www.cityofpaloalto.org/civicax/filebank/documents/78331 including:
   i. reconfiguring the stairwell down to the pool with a switch back, to minimize excavation within 20’ of the trunk,
   ii. providing irrigation over the entire root zone during construction,
   iii. constructing the transformer pad and DG paving on top of existing grades with minimal subgrade compaction, and
   iv. placing utility line boring under roots at a minimal depth of 48” to protect the root zone or “Air Spading” the utility line at the proposed location.

OFFICE OF TRANSPORTATION AR CONDITION

3. Compliance with the following shall be verified prior to the issuance of a building permit

   a. Include a product specification for the long and short-term bicycle parking fixtures. Ensure proposed products meet performance criteria listed in Chapter 18.54.
   b. An eight-foot wide, shared-use path for bicycles and pedestrians shall be provided alongside the gym, chapel, administration building, and Bryant drop off driveway The School shall provide signs and pavement markings on the shared-use path to guide the bicyclists as they enter and exit the shared-use path. Proper signage and monitoring shall be provided to keep bicyclists and pedestrians separated from the vehicle circulation path.
c. School employees shall constantly monitor the parking garage operations during peak hours. The School shall add traffic control and safety signs to guide visitors and to enable smooth and safe site circulation. Traffic control and safety signs shall include, but not be limited to, Stop or Yield sign, pavement marking, shared-use path sign, and marking, speed limit sign, traffic direction sign, drop-off/pick-up area markings.

d. Applicant shall include parking dimensions and aisle width in the building permit application plans.

e. The drop-off and pick-up area length shall be maintained in Scheme E as approved in the school’s traffic management plan.

f. Parking stalls 65 to 69 shall remain restricted during pick-up and drop-off.

g. Proposed parking changes shall not reduce the proposed number of bike parking spaces and its location.

h. Six parking spaces near Emerson St shall be reserved for employees only to reduce the vehicle movements.

i. Delivery and trash pick-up trucks shall not back out on the public street.

**PUBLIC WORKS ENGINEERING CONDITIONS OF APPROVAL (Note updated 4-15-22)**

The following comments are required to be addressed prior to any future related permit application and are not required to be addressed prior to the Planning entitlement approval:

4. **C.3 STORM WATER TREATMENT:** This project shall comply with the storm water regulations contained in provision C.3 of the NPDES municipal storm water discharge permit issued by the San Francisco Bay Regional Water Quality Control Board (and incorporated into Palo Alto Municipal Code Chapter 16.11).

5. **C.3 THIRD-PARTY CERTIFICATION:**

   Applicant shall provide certification from a qualified third-party reviewer that the proposed permanent storm water pollution prevention measures comply with the requirements of Provision C.3 and Palo Alto Municipal Code Chapter 16.11.

   The third-party reviewer shall provide the following documents to Public Works prior to building permit approval:

   a. Stamped and signed C.3 data form from SCVURPPP.

   b. Final stamped and signed letter confirming which documents were reviewed and that the project complies with Provision C.3 and PAMC 16.11.

6. **C.3 STORMWATER AGREEMENT:** The applicant shall enter into a Stormwater Maintenance Agreement with the City to guarantee the ongoing maintenance of the permanent storm water pollution prevention measures. The City will inspect the treatment measures yearly and charge an inspection fee. The agreement shall be executed prior to building permit approval.

   **PRIOR TO ISSUANCE OF THE BUILDING PERMIT:** The applicant shall provide the signed and notarized Stormwater Agreement to the City. Any changes to the C.3 stormwater pollution
prevention measures that are necessary to facilitate installation of said measures will be addressed in the agreement and the accompanying exhibits, executed by the City, and recorded with the County.

7. C.3 FINAL THIRD PARTY CERTIFICATION PRIOR TO OCCUPANCY: 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, the third-party reviewer shall submit to the City a certification verifying that all the permanent storm water pollution prevention measures were installed in accordance with the approved plans.

8. UTILITIES AND BIO-RETENTION AREAS: Due to maintenance and inspection requirements associated with the bioretention areas, utilities that are not associated with the bio-retention design, shall not be installed within the bio-retention areas. It’s not clear if there are any existing or proposed utilities within the bio-retention areas. Plot and label any existing lines and proposed lines to determine if these lines should be relocated or relocate the treatment areas if necessary.

9. LOGISTICS PLAN: The contractor must submit a logistics plan to the Public Works Department prior to building permit demolition. The logistics plan must address 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. Plan shall include the following, but not limited to, construction fence, construction entrance and exit, stockpile areas, equipment and material storage area, workers parking area, construction office trailer, temporary bathroom, measures for dewatering if needed, crane location, working hours, contractor’s contact information, truck traffic route, setbacks from environmentally sensitive areas, erosion and sediment control measures to be implemented during construction.

10. PROJECT PHASING / LOGISTICS PLAN: As the applicant has demonstrated the intent to phase this project, multiple logistics and erosion control plans will be required to adequately demonstrate construction logistics and erosion control for each phase. In addition, applicant will be required to provide a proposed schedule to accompany all logistics plans. Finally, each phase will require separate C.3 certification if permits are not issued concurrently.

11. STORM WATER HYDRAULICS AND HYDROLOGY: Plans provided do not show if the existing site drainage has a direct discharge into the existing system. Provide an analysis that compares the existing and proposed site runoff from the project site. Runoff shall be based on City of Palo Alto Drainage Design Standards for 10-year storm event with HGL’s 0.5 foot below inlet grate elevations and 100-year storm with HGL not exceeding the street right-of-way. Please provide the tabulated calculations directly on the conceptual grading and drainage plan. This project may be required to replace and upsize the existing storm drain system to handle the added flows and/or depending on the current pipe condition. The IDF tables and Precipitation Map for
Palo Alto is available County of Santa Clara County Drainage Manual dated October 2007. The proposed project shall not increase runoff to the public storm drain system.

12. 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. The sheet is available here: http://www.cityofpaloalto.org/civicax/filebank/documents/2732

13. 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. Provide the WDID # directly on the Grading and Drainage Plan.

14. CONNECTION INTO THE CITY STORM SYSTEM. As applicant is proposing a direct connection into the City storm system, they will be required to provide a video of that storm lateral and main to demonstrate that the storm line is in good condition. Any repairs or replacements required shall be completed by this project applicant.

15. DEMOLITION PLAN: Place the following note adjacent to an affected tree on the Site Plan and Demolition Plan: “Excavation activities associated with the proposed scope of work shall occur no closer than 10-feet from the existing street tree, or as approved by the Urban Forestry Division contact 650-496-5953. Any changes shall be approved by the same”.

16. SIDEWALK, CURB & GUTTER: As part of this project, the applicant must replace all existing sidewalk, curbs, gutters and driveway approaches in the public right-of-way along the frontages of the property. The site plan submitted with the building permit plan set must show the extent of the replacement work (at a minimum all curb and gutter and sidewalk along the project frontage). 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 Street Work Permit from Public Works at the Development Center.

17. 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(s). Call the Public Works’ arborist at 650-496-5953 to arrange a site visit so he can determine what street tree work, if any, will be required for this project. The site plan submitted with the building permit plan set must show the street tree work that the arborist has determined, including the tree species, size, location, staking and irrigation requirements, or include a note that Public Works’ arborist has determined no street tree work is required. 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 from Public Works’ arborist (650-496-5953).
18. GRADING PERMIT: The site plan must include an earthworks table showing cut and fill volumes. If the total is more than 100 cubic yards, a grading permit will be required. An application and plans for a grading permit are submitted to Public Works separately from the building permit plan set. The application and guidelines are available at the Development Center and on our website.

19. GRADING & DRAINAGE PLAN: Provide a separate Grading and Drainage Plan prepared by a qualified licensed engineer, surveyor or architect. Plan shall be wet-stamped and signed by the same. Plan shall include the following: existing and proposed spot elevations, earthwork volumes (cut and fill in CY), pad, finished floor, garage elevation, base flood elevation (if applicable) grades along the project conforms, property lines, or back of walk. See PAMC Section 16.28.110 for additional items. Projects that front directly into the public sidewalk, shall include grades at the doors or building entrances. Provide drainage flow arrows to demonstrate positive drainage away from building foundations at minimum of 2% or 5% for 10-feet per 2013 CBC Section 1804.3. Label the downspouts, splash-blocks (2-feet long min) and any site drainage features such as swales, area drains, bubble-up locations. Include grate elevations, low points and grade breaks. Provide dimensions between the bubblers and property lines. In no case shall drainage across property lines exceed that which existed prior to grading per 2013 CBC Section J109.4. In particular, runoff from the new garage shall not drain into neighboring property. For additional grading and drainage detail design, see Grading and Drainage Plan Guidelines for Residential Development. http://www.cityofpaloalto.org/civicax/filebank/documents/2717

20. ROUGH GRADING PLAN. Provide a Rough Grading Plan for the work proposed as part of the Grading and Excavation Permit application. The Rough Grading Plans shall include the following: pad elevation, basement elevation, elevator pit elevation, ground monitoring wells, shoring for the proposed basement, limits of over excavation, stockpile area of material, overall earthwork volumes (cut and fill), temporary shoring for any existing facilities, ramps for the basement access, crane locations (if any), etc. Plans submitted for the Grading and Excavation Permit, shall be stand-alone, and therefore the plans shall include any conditions from other divisions that pertain to items encountered during rough grading for example if contaminated groundwater is encountered and dewatering is expected, provide notes on the plans based on Water Quality’s conditions of approval. Provide a note on the plans to direct the contractor to the approved City of Palo Alto Truck Route Map, which is available on the City’s website.

21. GROUNDWATER: Due to high groundwater throughout much of the City and Public Works prohibiting the pumping and discharging of groundwater, perforated pipe drainage systems at the exterior of the basement walls or under the slab are not allowed for this site. A drainage system is, however, required for all exterior basement-level spaces, such as lightwells, patios or stairwells. This system consists of a sump, a sump pump, a backflow preventer, and a closed pipe from the pump to a dissipation device onsite at least 10 feet from the property line, such as a bubbler box in a landscaped area, so that water can percolate into the soil and/or sheet flow across the site. The device must not allow stagnant water that could become mosquito.
habitat. Additionally, the plans must show that exterior basement-level spaces are at least 7-3/4” below any adjacent windowsills or doorsills to minimize the potential for flooding the basement. Public Works recommends a waterproofing consultant be retained to design and inspect the vapor barrier and waterproofing systems for the basement.

22. EXCAVATION SHORING: Shoring for the basement excavation, including tiebacks, must not extend onto adjacent private property or into the City right-of-way.

23. DEWATERING: Proposed underground garage excavation may require dewatering during construction. Public Works only allows groundwater drawdown well dewatering. Open pit groundwater dewatering is not permitted. Dewatering is only allowed from April 1 through October 31 due to inadequate capacity in our storm drain system. The geotechnical report for this site must list the highest anticipated groundwater level; if the proposed project will encounter groundwater, the applicant must provide all required dewatering submittals for Public Works review and approval prior to grading permit issuance. Public Works has dewatering submittal requirements and guidelines available at the Development Center and on our website http://www.cityofpaloalto.org/gov/depts/pwd/forms_and_permits.asp

24. WORK IN THE RIGHT-OF-WAY: The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a Street Work Permit from Public Works at the Development Center. If a new driveway is in a different location than the existing driveway, then the sidewalk associated with the new driveway must be replaced with a thickened (6” thick instead of the standard 4” thick) section. Additionally, curb cuts and driveway approaches for abandoned driveways must be replaced with new curb, gutter and planter strip.

25. IMPERVIOUS SURFACE AREA: The project will be creating or replacing 500 square feet or more of impervious surface. Accordingly, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The Impervious Area Worksheet for Land Developments form and instructions are available at the Development Center or on our website.

26. PAVEMENT: Applicant will be required to resurface (grind and overlay) the full street width (curb to curb) on all four project frontages (Embarcadero, Bryant, Emerson, Kellogg). The extents of resurfacing may be increased or decreased based on the condition of the road following construction.

27. EASEMENT BENEFICIARY APPROVALS. Applicant shall obtain approval from all easements beneficiaries for any gates blocking access to any existing or proposed easements and provide that approval to the City before grading permit or building permit issuance.
28. EASEMENT RELOCATION: Applicant shall relocate the existing 25-foot Public Utility Easement (PUE) to be within the boundaries of the driveway that is proposed near the Emerson Street and Melville Avenue intersection. Prior to Building Permit submittal, Applicant shall submit plat and description of easement modification to the Real Estate Division for review and recordation.

PUBLIC WORKS URBAN FORESTRY CONDITIONS OF APPROVAL (Note: UPDATED 3/3/22)
The School shall address the following conditions prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, as further described below. In the event the mitigation measure 4b or planning architectural review conditions of approval #2, 70 or 71 are more stringent than below conditions, the more restrictive condition or measure applies.

29. TREE CANOPY AND TPZ. All tree canopy and Tree Protection Zone (TPZ) dimensions must be added to all site plans (esp. site, demolition, grading & drainage, foundation, irrigation, tree disposition, utility sheets, etc.).

30. FINAL DESIGN OPTION. Option E is the most comprehensive design scheme relative to the protection of the greatest number of protected trees on the campus. Urban Forestry Staff considers option E the most responsive to the Council motion regarding tree preservation. The option E design must be included in any subsequent permit phase, or Urban Forestry planning approval is invalid.

31. FINAL UTILITY/FEATURE PLACEMENT. At building permit submittal, plan drawings must reflect the least intrusive options within the TPZ for final infrastructure and utilities placements. Final locations must keep TPZ impacts to less than 25% TPZ disturbance. These options were discussed with the applicant and are itemized in the Nov 2021 Dudek memo (see table 2 on page 15 of 24).

32. GROUND PENETRATING RADAR ROOT MAPPING. Before applying for any subsequent permit, the applicant shall obtain, at their own cost, a Ground Penetrating Radar (GPR) root mapping survey for the area around tree #89. This GPR condition is in conjunction with the inclusion of option E. At a minimum this shall include the paved parking lot area surrounding tree #89. The data from this survey will supply the Project Arborist and Urban Forester with specific information regarding the exact location and distribution of roots for this tree. This information can be used by the applicant to tailor the final utility/feature placement and by the Project Arborist and Urban Forester to determine the final tree protection fencing placement to best protect this tree during construction. (Tree Technical Manual, Sec. 1.00, 36) Results from this GPR survey will be used to maximize tree protection measures but may not be used to propose major design changes outside of a discretionary review process.

33. TREE APPRAISAL & SECURITY DEPOSIT AGREEMENT. (Reference: CPA Tree Technical Manual, Section 6.25). Prior to the issuance of a grading or building permit, the applicant shall prepare and
secure a tree appraisal and security deposit agreement stipulating its duration and a monitoring program. The appraisal of the condition and replacement value of all trees to remain shall recognize the location of each tree in the proposed development. Listed separately, the appraisal may be part of the Tree Survey Report. For the purposes of a security deposit agreement, the monetary market or replacement value shall be determined using the most recent version of the “Guide for Plant Appraisal”, in conjunction with the Species and Classification Guide for Northern California. The appraisal shall be performed at the applicant’s expense, and the appraiser shall be subject to the Director’s approval.

a. SECURITY DEPOSIT AGREEMENT. Prior to grading or building permit issuance, as a condition of development approval, the applicant shall post a security deposit for 150% of the appraised replacement value of the following protected species trees:

- *Sequoia sempervirens* (#1 & #63)
- *Quercus agrifolia* (#’s 16, 38, 39, 54, 55, 56, 64, 87, 89, 100, 102, 113, 138 & 155)
- Transplant trees #6 (Quercus agrifolia 19.9” DBH) & #13 (Quercus agrifolia 17.4” DBH)

The total amount of the deposit for this project will be determined with updated appraisal values as outlined above. Using the 2017 appraisal numbers from the Michael Bench report, the estimated security deposit value for these 18 trees is $350,000. Due to the length of time that has passed, an updated appraisal is warranted. The security may be a cash deposit, letter of credit, or surety bond and shall be filed with the Revenue Collections/Finance Department or in a form satisfactory to the City Attorney.

b. SECURITY DEPOSIT & MONITORING PROGRAM. The project sponsor shall provide to the City of Palo Alto an annual tree evaluation report prepared by the project arborist or other qualified certified arborist, assessing the condition and recommendations to correct potential tree decline for trees retained, relocated, and trees planted. The monitoring program shall end five years from date of final occupancy, unless extended due to tree mortality and replacement, in which case a new five-year monitoring program and annual evaluation report for the replacement tree shall begin. Prior to occupancy, a report and assessment shall be submitted for City review and approval. The pre-occupancy report shall summarize the status of all trees on the project, documenting tree or site changes to the approved plans, update status of tree health and recommend specific tree care maintenance practices for the property owner(s). Prior to occupancy, the owner or project sponsor shall call for a final inspection by the Urban Forester or their designee.

c. SECURITY DEPOSIT DURATION. The security deposit duration period shall be five years from the date of final occupancy. Return of the security guarantee shall be subject to City approval of the final monitoring report. A tree shall be considered dead when the main leader has died back, 25% of the crown is dead or if major trunk or root damage is evident.
A new tree of equal or greater appraised value shall be planted in the same area by the property owner. Landscape area and irrigation shall be adapted to provide optimum growing conditions for the replacement tree. The replacement tree that is planted shall be subject to a new five-year establishment and monitoring program. The project sponsor shall provide an annual tree evaluation report as originally required.

d. FORFEIT OF DEPOSIT. The City may determine that trees which die (as defined above) or are not replaced will constitute a forfeit of the portion of the deposit equal to the appraised value. Any forfeit will be deposited into the Forestry Fund to plant new trees elsewhere. Issues causing forfeit of any portion of the deposit may also be subject to remedies described in Palo Alto Municipal Code.

e. TREE TRANSPLANTING. Tree transplanting is not equivalent to retention, therefore must be carefully considered. Destinations for transplanted trees must have adequate soil volume and site conditions to match the needs of the individual tree. Soil volume should be at least four times the size of the root ball and not less than 400 cubic feet for a species that is small stature at maturity, 800 cubic feet for a medium stature, and 1,200 cubic feet for a large stature. Newly planted trees must be compatible species and have adequate soil volume to mature to full stature.

Urban Forestry Conditions of Approval 34-39 below are provided for supplemental guidance, recommendation and/or best practices:

34. TREE PROTECTION COMPLIANCE. The owner and contractor shall implement all protection and inspection schedule measures, design recommendations and construction scheduling as stated in the TPR & Sheet T-1, and is subject to code compliance action pursuant to PAMC 8.10.080. The required protective fencing shall remain in place until final landscaping and inspection of the project. Project arborist approval must be obtained and documented in the monthly activity report sent to the City. The mandatory Contractor and Arborist Monthly Tree Activity Report shall be sent monthly to the City (pwps@cityofpaloalto.org) beginning with the initial verification approval, using the template in the Tree Technical Manual, Addendum 11.

a. TREE PROTECTION VERIFICATION. Prior to any site work verification from the contractor that the required protective fencing is in place shall be submitted to the Urban Forestry Section. The fencing shall contain required warning sign and remain in place until final inspection of the project.

b. STREET TREE PROTECTION VERIFICATION INSPECTION REQUIRED. Prior to any site work, contractor must call 650-496-6985 to schedule an inspection of any required protective fencing of street trees. The fencing shall contain required warning sign and remain in place until final inspection of the project.

c. CONSTRUCTION ACTIVITY. Construction activity (including demolition and temporary uses during phases of construction) is not allowed inside a tree protection zone (TPZ) unless approved
by the Urban Forester and reasonable treatments are proposed to offset potential impacts. The tree protection report must be updated to include specific treatment recommendations for all trees where construction activity will occur within the TPZ. Treatments should be considered such as enhancing soil conditions beyond the TPZ and outside the limits of construction so that root density and health improves. Tree protection fencing alignments should be considered to include treatment areas (beyond the TPZ), protect groups of trees where possible, and align on limits of construction (instead of idealized circles). Treatments should be scheduled before, during, and/or after construction as appropriate. The updated tree protection report should be included in the plan set as sheets T.2, T.3, T.4, etc. The project arborist must closely supervise construction activities within a TPZ, and treatments applied to offset those impacts.

35. **PLAN CHANGES.** When revisions and/or changes to plans before or during construction may impact a Regulated Tree, as determined by Urban Forestry staff, such changes shall be reviewed and responded to by the (a) project site arborist, or (b) landscape architect, who shall prepare a written letter of acceptance.

36. **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.

37. **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, except to implement tree preservation measures called for in the arborist report and/or mitigation plan. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.

38. **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 to be implemented by Contractor.

39. **PLANS TO SHOW PROTECTIVE TREE FENCING.** The Plan Set (esp. site, demolition, grading & drainage, foundation, irrigation, tree disposition, utility sheets, etc.) must delineate/show the correct configuration of Type I, Type II or Type III fencing around each Regulated Tree, using a bold dashed line enclosing the Tree Protection Zone (Standard Dwg. #605, Sheet T-1; City Tree Technical Manual, Section 6.35-Site Plans); or by using the Project Arborist’s unique diagram for each Tree Protection Zone enclosure.
PUBLIC WORKS RECYCLING CONDITIONS OF APPROVAL
The following conditions are required to be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc. as further described below.

41. WASTE CONTAINER LOCATIONS. The School shall present on the plan the locations and quantity for the internal and external three container waste stations. The three waste containers shall include recycle (blue container), compost (green container), and garbage (black container). Please refer to PAMC 5.20.108.

42. INTERNAL WASTE STATIONS (PAMC 5.20.108).
   a. Internal waste stations are required for common areas such as lunchrooms, conference rooms, cafeterias, and coffee stations. The waste station shall be comprised of three-color coded containers. Black for landfill waste, blue for recycling, and green for compostables. The green compostable container, if bags are used, shall be green compostable bags. The waste station containers shall also contain color coded signs. All dining area waste stations must have 3-sort color-coded labeled containers for garbage (black), recycling (blue) and compost (green). Any kitchen area must have the appropriate number of 3-sort color-coded labeled waste stations for garbage, recycling and compost.
   b. Restrooms that uses paper towels for hand drying must have color-coded labeled compost container for paper towels and it is recommended to have a labeled landfill container for the diaper changing stations.
   c. Signs can be obtained from GreenWaste of Palo Alto pacustomerservice@greenwwaste.com or call (650) 493-4894 to request signs.

43. EXTERNAL WASTE STATION (PAMC 5.20.108).
   a. If the School chooses to have refuse containers outside, they will need to be installed at convenient and appropriately selected locations. The waste station shall be comprised of three-color coded containers. Black for landfill waste, blue for recycling, and green for compostables. The green compostable container, if bags are used, shall use green compostable bags. The waste station containers shall also contain color coded signs. Signs can be obtained from GreenWaste of Palo Alto pacustomerservice@greenwwaste.com or call (650) 493-4894 to request signs.

44. COVERED DUMPSTERS, RECYCLING AND TALLOW BIN AREAS (PAMC 16.09.075(q)(2))
   a. Buildings that house FSEs shall include a covered area for all receptacles, dumpsters, bins, barrels, carts or containers used for the collection of trash, recycling, food scraps and waste cooking fats, oils, and grease (FOG) or tallow. The areas shall be designed to prevent water run-on to the area and runoff from the area. Drains that are installed within waste storage areas are optional. Any drain installed shall be connected to a grease containment device (GCD). If tallow receptacle(s) are to be stored outside then an adequately sized, segregated space for tallow

40. Reserved.
receptacle(s) shall be included in the covered waste storage area. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled or converted is related to the subject of the requirement.

45. DUMPSTERS FOR NEW AND REMODELED FACILITIES (PAMC 16.09.180(b)(10))
   a. New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a bin/dumpster. The area shall be adequately sized for all waste streams (garbage, recycling, and yard waste/compostables) and designed with grading or a berm system to prevent water run-on and runoff from the area.
   b. A recycling, compost, and garbage enclosure shall be required for the project.

46. REFUSE DISPOSAL AREA REQUIREMENTS (PAMC 18.23.020)
   a. The design of any new, substantially remodeled, or expanded building or other facility shall provide for proper storage, handling, and accessibility which will accommodate the solid waste and recyclable materials loading anticipated and which will allow for the efficient and safe collection.
      i. All solid waste bins (dumpsters) must be located in a trash enclosure.
      ii. A trash enclosure must be included in the plans.

47. GENERAL COMMENTS
   a. Refuse enclosure must be covered.
   b. Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. Adequate space must be provided for vehicle access.
   c. Weight limit for all drivable areas to be accessed by the solid waste vehicles (roads, driveways, pads) must be rated to 60,000 lbs. This includes areas where permeable pavement is used.
   d. Carts and bins must be able to roll without obstacles or curbs to reach service areas "no jumping curbs"
   e. Containers must be within 25 feet of service area or charges will apply.
   f. All service areas must have a clearance height of 20' for bin service.
   g. New enclosures should consider rubber bumpers to reduce wear-and-tear on walls.
   h. Service must be provided for garbage, recycling, and compost
   i. Project plans must show the placement of all three refuse containers, for example, within the details of the solid waste enclosures. Enclosure and access should be designed for equal access to all three waste streams – garbage, recycling, and compostables.

The following comments and/or standard Municipal Code requirements are provided for supplemental guidance, recommendation and/or best practices:
   a. Recommended Refuse Container Number and Sizes (for each refuse enclosure).

<table>
<thead>
<tr>
<th>Type</th>
<th>Size</th>
<th>Quantity</th>
<th>Pick-Up Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trash</td>
<td>4 CY</td>
<td>1</td>
<td>2-3x/wk</td>
</tr>
<tr>
<td>Recycling</td>
<td>4 CY</td>
<td>1 or 2</td>
<td>6x/wk</td>
</tr>
<tr>
<td>Compost</td>
<td>4 CY</td>
<td>1</td>
<td>4-5x/wk</td>
</tr>
</tbody>
</table>
PUBLIC WORKS WATERSHED PROTECTION CONDITIONS OF APPROVAL

The following comments are required to be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc.

48. DISCHARGE OF GROUNDWATER (PAMC 16.09.170, 16.09.040)
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 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.

49. UNPOLLUTED WATER (PAMC 16.09.055)
Unpolluted water shall not be discharged through direct or indirect connection to the sanitary sewer system. And PAMC 16.09.175 (b) General prohibitions and practices. Exterior (outdoor) drains may be connected to the sanitary sewer system only if the area in which the drain is located is covered or protected from rainwater run-on by berms and/or grading, and appropriate wastewater treatment approved by the Superintendent is provided. For additional information regarding loading docks, see section 16.09.175(k)

50. COVERED PARKING (PAMC 16.09.180(b)(9))
If installed, parking garage floor drains on interior levels shall be connected to an oil/water separator prior to discharging to the sanitary sewer system. The oil/water separator shall be cleaned at a frequency of at least once every twelve months or more frequently if recommended by the manufacturer or the superintendent. Oil/water separators shall have a minimum capacity of 100 gallons.

51. ARCHITECTURAL COPPER (PAMC 16.09.180(b)(14))
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 pre-patinated 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.

52. **LOADING DOCKS** (PAMC 16.09.175(k)(2))
   (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 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.

53. **LABORATORY SINKS** (PAMC 16.09.175(i))
Laboratory countertops and laboratory sinks shall be separated by a berm which prevents hazardous materials spilled on the countertop from draining to the sink.

54. **CONDENSATE FROM HVAC** (PAMC 16.09.180(b)(5))
Condensate lines shall not be connected or allowed to drain to the storm drain system.

55. **COPPER PIPING** (PAMC 16.09.180(b)(b))
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.

56. **MERCURY SWITCHES** (16.09.180(12))
Mercury switches shall not be installed in sewer or storm drain sumps.

57. **COOLING SYSTEMS, ETC** (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.

58. **STORM DRAIN LABELING** (PAMC 16.09.165(h))
Storm drain inlets shall be clearly marked with the words "No dumping - Flows to San Francisquito Creek," or equivalent.
59. REGULATION OF PCB MATERIAL – EFFECTIVE JULY 1st, 2019: New requirements regarding stormwater control during building demolition for polychlorinated biphenyls (PCBs) became effective starting July 1st, 2019, in accordance with the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP), Order No. R2-2015-0049. MRP Provision C.12.f. requires that San Francisco Bay Area municipalities develop a program to ensure that PCBs from building materials (e.g. caulk, paint, mastic) do not enter the storm drain system during building demolition. Palo Alto City Council adopted the PCBs regulation in May 2019. For specific questions about your project, please email CleanBay@cityofpaloalto.org, call 650-329-2122 or visit http://www.cityofpaloalto.org/pcbdemoprogram. The following conditions shall apply to ALL projects submitting for a Demolition Permit Application on or after July 1st, 2019:

a. The School shall complete and submit the “PCBs Applicant Package,” including any required sampling reports (per the Applicant Package instructions), with the demolition permit application. The Applicant Package will outline PCBs sampling and reporting requirements that must be met if the project meets ALL of the following conditions:
   • The project is a commercial, public, institutional, or industrial structure constructed or remodeled between January 1, 1950 and December 31, 1980. Single-family homes are exempt regardless of age.
   • The framing of the building contains material other than wood. Wood-frame structures are exempt.
   • The proposed demolition is a complete demolition of the building. Partial demolitions do not apply to the requirements.

b. If the project triggers polychlorinated biphenyls (PCBs) sampling as identified on the “PCBs Applicant Package,” then the project shall conduct representative sampling of PCBs concentration in accordance with the “Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (2018).”
   • If the representative sample results or records DO NOT indicate PCB concentrations ≥50 ppm in one or more “priority materials,” then the screening assessment is complete. Applicant submits screening form and the supporting sampling documentation with the demolition permit application. No additional action is required.
   • If the representative sample results or records DO indicate PCBs concentrations ≥50 ppm in one or more “priority materials,” then the screening assessment is complete, but the Applicant MUST also contact applicable State and Federal Agencies to meet further requirements. Applicant submits screening form and the supporting sampling documentation with the demolition permit application, and also must contacts the State and Federal Agencies as indicated on Page 3 of the “PCBs Screening Assessment Form.” IMPORTANT: ADVANCED APPROVAL FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) OR OTHER STATE AGENCIES MAY BE REQUIRED PRIOR TO BUILDING DEMOLITION. IT IS RECOMMENDED THAT APPLICANTS BEGIN THE PCBs ASSESSMENT WELL IN ADVANCE OF APPLYING FOR DEMOLITION PERMIT AS THE PROCESS CAN TAKE BETWEEN 1-3 MONTHS. C. The following conditions are required to be part of
any Planning application approval and shall be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc. as further described below.

PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT:

60. STORMWATER TREATMENT MEASURES
- All Bay Area Municipal Regional Stormwater Permit requirements shall be followed.
- Refer to the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Handbook (download here: http://scvurppp-w2k.com/c3_handbook.shtml) for details. For all C.3 features, vendor specifications regarding installation and maintenance should be followed and provided to city staff. Copies must be submitted to Pam Boyle Rodriguez at pamela.boylerodriguez@cityofpaloalto.org. Add this bullet as a note to the building plans.
- Staff from Stormwater Program (Watershed Protection Division) may be present during installation of stormwater treatment measures. Contact Pam Boyle Rodriguez, Stormwater Program Manager, at (650) 329-2421 before installation. Add this bullet as a note to building plans on Stormwater Treatment (C.3) Plan.

61. BAY-FRIENDLY GUIDELINES (rescapeca.org)
- Avoid compacting soil in areas that will be unpaved. Add this bullet as a note to the building plans.

62. STORMWATER QUALITY PROTECTION
Temporary and permanent waste, compost and recycling containers shall be covered to prohibit fly-away trash and having rainwater enter the containers.
- Drain downspouts to landscaping (outward from building as needed).
- Drain HVAC fluids from roofs and other areas to landscaping.
- Refuse enclosure areas shall include an interior floor drain with a fail-safe valve that is connected to the sanitary sewer.

63. GUIDANCE/BEST PRACTICE RECOMMENDATIONS: The following comments and/or standard Municipal Code requirements are provided for supplemental guidance, recommendation and/or best practices:

a. PAMC 16.09.170, 16.09.040 Discharge of Groundwater Prior approval shall be obtained from the city engineer or designee to discharge water pumped from construction sites to the storm drain. The city engineer or designee may require gravity settling and filtration upon a determination that either or both would improve the water quality of the discharge. Contaminated ground water or
water that exceeds state or federal requirements for discharge to navigable waters may not be discharged to the storm drain. Such water may be discharged to the sewer, provided that the discharge limits contained in Palo Alto Municipal Code (16.09.040(m)) are not exceeded and the approval of the superintendent is obtained prior to discharge. The City shall be compensated for any costs it incurs in authorizing such discharge, at the rate set forth in the Municipal Fee Schedule.

b. PAMC 16.09.180(b)(9) Covered Parking Drain plumbing for parking garage floor drains must be connected to an oil/water separator with a minimum capacity of 100 gallons, and to the sanitary sewer system.

c. 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.

d. 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 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.

e. PAMC 16.09.180(b)(5) Condensate from HVAC Condensate lines shall not be connected or allowed to drain to the storm drain system.

f. 16.09.215 Silver Processing Facilities conducting silver processing (photographic or X-ray films) shall either submit a treatment application or waste hauler certification for all spent silver bearing solutions. 650-329-2421.

g. PAMC 16.09.205 Cooling Towers No person shall discharge or add to the sanitary sewer system or storm drain system, or add to a cooling system, pool, spa, fountain, boiler or heat exchanger, any substance that contains any of the following:

  (1) Copper in excess of 2.0 mg/liter;
(2) Any tri-butyl tin compound in excess of 0.10 mg/liter;
(3) Chromium in excess of 2.0 mg/liter.
(4) Zinc in excess of 2.0 mg/liter; or
(5) Molybdenum in excess of 2.0 mg/liter.

The above limits shall apply to any of the above-listed substances prior to dilution with the cooling system, pool, spa or fountain water. A flow meter shall be installed to measure the volume of blowdown water from the new cooling tower. Cooling systems discharging greater than 2,000 gallons per day are required to meet a copper discharge limit of 0.25 milligrams per liter.

h. 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.

i. PAMC 16.09.175(j) Traps Below Laboratory Sinks Sewer traps below laboratory sinks shall be made of glass or other approved transparent materials to allow inspection and to determine frequency of cleaning. Alternatively, a removable plug for cleaning the trap may be provided, in which case a cleaning frequency shall be established by the Superintendent. In establishing the cleaning frequency, the Superintendent shall consider the recommendations of the facility. The Superintendent will grant an exception to this requirement for areas where mercury will not be used; provided, that in the event such an exception is granted, and mercury is subsequently used in the area, the sink trap shall be retrofitted to meet this requirement prior to use of the mercury.

j. PAMC 16.09.175(i) Laboratory Sinks Laboratory countertops and laboratory sinks shall be separated by a berm which prevents hazardous materials spilled on the countertop from draining to the sink.

k. 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.

l. PAMC 16.09.165(h) Storm Drain Labeling Storm drain inlets shall be clearly marked with the words "No dumping - Flows to Adobe Creek," or equivalent.

PUBLIC ART CONDITIONS OF APPROVAL
64. PUBLIC ART: The following conditions shall be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc. as further described below. If the School chooses to pay in-lieu of commissioning art on site, the funds must be paid prior to the issuance of a building permit.
• If the School chooses to commission art on site, then they must complete both final reviews and receive approval from the Public Art Commission prior to the issuance of a building permit.

• If the School chooses to pay a contribution into the Public Art fund in lieu of commissioning art on site, the contribution must be made prior to the issuance of a building permit.

• All information and application materials may be found at www.cityofpaloalto.org/publicart under “policies and documents” tab.

**UTILITIES ELECTRICAL ENGINEERING CONDITIONS OF APPROVAL**

The following comments are required to be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc.

**65. ELECTRICAL SERVICE:**

a. Industrial and large commercial customers must allow sufficient lead-time for Electric Utility Engineering and Operations (typically 8-12 weeks after advance engineering fees have been paid) to design and construct the electric service requested.

b. A completed Utility Service Application and a full set of plans must be included with all applications involving electrical work. The Application must be included with the preliminary submittal.

c. The School 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.

d. 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.

e. 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.

f. 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 checked for underground facility marking shall be delineated with white paint. All USA markings shall be removed by the customer or contractor when construction is complete.
g. 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 California 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.

h. 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.

i. All new underground conduits and substructures shall be installed per City standards and shall be inspected by the Electrical Underground Inspector before backfilling.

j. For services larger than 1600 amps, a transition cabinet as the interconnection point between the utility’s padmount transformer and the customer’s main switchgear may be required. See City of Palo Alto Utilities Standard Drawing SR-XF-E-1020. The cabinet design drawings must be submitted to the Electric Utility Engineering Division for review and approval.

k. For underground services, no more than four (4) 750 MCM conductors per phase can be connected to the transformer secondary terminals; otherwise, bus duct or x-flex cable 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.

l. The customer is responsible for installing all underground electric service conductors, bus duct, transition cabinets, and other required equipment. The installation shall meet the California Electric Code and the City Standards.

m. 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.

n. 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

o. For 400A switchboards only, catalog cut sheets may be substituted in place of factory drawings.

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

q. The follow must be completed before Utilities will make the connection to the utility system and energize the service:
   • All fees must be paid.
   • All required inspections have been completed and approved by both the Building Inspection Division and the Electrical Underground Inspector.
   • All Special Facilities contracts or other agreements need to be signed by the City and applicant.
   • Easement documents must be completed.

**UTILITIES WASTE GAS WATER CONDITIONS OF APPROVAL**
The following comments are required to be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc.

**66. PRIOR TO ISSUANCE OF DEMOLITION PERMIT**

a. 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.

b. 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.

c. The applicant shall submit plans showing all existing WGW utility. 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. Plans for new wastewater laterals and mains need to include new wastewater pipe profiles showing existing potentially conflicting utilities especially storm drain pipes (existing 6” DIP water main and 6” VCP sewer main are in the area of proposed underground parking garage). Plans for new sewer mains and laterals need to include profiles showing existing potential conflicts with gas, water, and other utility.

**67. FOR BUILDING PERMIT:**
a. The applicant shall submit a completed water-gas-wastewater service connection application - load sheet per parcel/lot for City of Palo Alto Utilities. 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).
b. 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. Plans for new wastewater laterals and mains need to include new wastewater pipe profiles showing existing potentially conflicting utilities especially storm drain pipes (existing 6" DIP water main and 6" VCP sewer main are in the area of proposed underground parking garage), electric and communication duct banks. Existing duct banks need to be day lighted by potholing to the bottom of the duct bank to verify cross section prior to plan approval and starting lateral installation. Plans for new storm drain mains and laterals need to include profiles showing existing potential conflicts with sewer, water and gas.

c. 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).

d. 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.

e. 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.

f. 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.

g. An approved reduced pressure detector assembly is required for the existing or new water connection for the fire system 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.

h. 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. Install an approved reduced pressure detector assembly – RPDA backflow preventor. The RPDA shall be installed on the owner’s property and directly behind the City’s fire service per City’s latest standard details or M-47C Drawing.

i. Existing wastewater laterals that are not plastic (ABS, PVC, or PE) may require to be replaced at the applicant’s expense.

j. 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.

k. 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.

l. A new water service line installation for domestic usage is required. For service connections of 4-inch through 8-inch sizes, the applicant’s contractor must provide and install a concrete vault with meter reading lid covers for water meter and other required control equipment in accordance with the utilities standard detail. Show the location of the new water service and meter on the plans.

m. If a new water service line installation for fire system usage is required. Show the location of the new water service on the plans. The applicant shall provide to the engineering department a copy of the plans for fire system including all fire department's requirements.

n. If a new gas service line installation is required. Show the new gas meter location on the plans. The gas meter location must conform to utilities standard details.

o. A new sewer lateral installation per lot is required. Show the location of the new sewer lateral on the plans.

p. The School shall secure a public utilities easement for any required facilities installed in private property. The School'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 (if required) as may be necessary to serve the development.

q. Where public mains are installed in private streets/PUEs "Public Utility Easements: If the City’s reasonable use of the Public Utility Easements, which are shown as P.U.E on the Map, results in any damage to the Common Area, then it shall be the responsibility of the Association, and not of the
City, to Restore the affected portion(s) of the Common Area. This Section may not be amended without the prior written consent of the City”.

r. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures.

s. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot 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’ or existing trees. Maintain 10’ between new trees and new water, gas and wastewater services/mains/meters.

t. 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.

u. All utility installations shall be in accordance with the City of Palo Alto current utility standards for water, gas & wastewater.

v. No new sewer lateral connection is allowed to the existing 8” PE sewer main within the 25’ wide public utilities easement.

w. The proposed underground tunnel shall maintain a minimum three-foot vertical clearance to the existing 8” sewer main.

x. The proposed water main disconnection/abandonment procedure per the latest edition of the CPA Utility Standards for Water, Gas and Wastewater, details drawing shall be provided to the School’s engineer during the Building Permit, Street Work Permit or related permits.

**FIRE DEPARTMENT CONDITION OF APPROVAL**

68. The Fire Department access roadway along the softball field is required to have a hardscape surface.

**PLANNING ADDITIONAL CONDITIONS**

69. Reserved.

70. The School shall adhere to the measures indicated in the Supplemental Information submitted February 2, 2021 (Plan sheets T3.2 through T3.5) that clarifies the School’s additional protection plan to provide positive treatment to reduce impact areas below 25% of the tree protection zones (TPZ) for the following seven protected trees:
a. Tree #89 (Coast Live Oak) with no more than 20% of the TPZ impacted, given proposed reconfiguration of stairwell, significant reduction of excavation, and intact central planter root zone.
b. Tree #102 (Coast Live Oak) with no more than 20% of the TPZ impacted, given proposed vertical shoring limiting excavation and supplemental root zone enhancements. See Planning AR condition #2 for further requirements.
c. Tree #120 (Redwood) with no more than 10% of the TPZ impacted, given vertical shoring limiting excavation and supplemental root zone enhancements.
d. Tree #14 (Coast Live Oak) with no more than 15% of the TPZ impacted, given increased planter size, plus root zone soil enhancements on both sides of planter.
e. Tree #16 (Coast Live Oak) with no more than 20% of the TPZ impacted, with increased planter size, plus root zone soil enhancements on both sides of planter.
f. Tree #38 (Coast Live Oak) with no more than 20% of the TPZ impacted, with significant reduction in excavation.
g. Tree #39 (Coast Live Oak) with no more than 20% of the TPZ impacted, with significant reduction in excavation.

71. The School shall adhere to the measures indicated in the Supplemental Information submitted February 2, 2021 (Plan sheets T3.2 and T3.3) that clarifies the School’s additional protection plan to provide positive treatment to reduce impact areas below 25% of the tree protection zones (TPZ) for the following six trees:
a. Tree #15 (Flowering Cherry) with no more than 15% of the TPZ impacted, with increased planter size, plus root zone soil enhancements on both sides of planter 
b. Tree #17 (American Sweet Gum) with no more than 20% of the TPZ impacted, with root zone enhancements in all landscape zones around the tree.
c. Tree #18 (American Sweet Gum) with no more than 15% of the TPZ impacted, with root zone enhancements in landscape areas, plus root zone soil enhancement under proposed paving.
d. Tree #30 (Trident Maple) with no more than 15% of the TPZ impacted, with significant reduction in excavation plus root zone soil enhancements.
e. Tree #31 (Copper Beech) with no more than 15% of the TPZ impacted, with significant reduction in excavation.
f. Tree #33 (Japanese Privet) with no more than 15% of the TPZ impacted, with significant reduction in excavation.

URBAN FORESTRY ADDITIONAL CONDITIONS

72. Trees #89, 102, and 120 have proposed construction activities in the tree protection zone that will result in the trees being “removed” by definition of Palo Alto Municipal Code, Chapter 8.10.020(k) and (i). This definition is expounded upon by the Tree Technical Manual, Section 1-2, to include: Excessive pruning may include the cutting of any root two (2) inches or greater in diameter and/or severing in excess of 25% of the roots. Based on these definitions compared to proposed construction activities, the applicant should show trees #89, 102, and 120 to be protected, but mitigated for because of the amount of construction activity. Provide replacement trees and/or in lieu payment to mitigate these “removals”. Alternately, design modifications (such as reducing the
limits of construction for underground parking) could reduce construction activity in the tree protection zones to tolerable (based on the health of the tree in comparison to the activities) and thereby adjusting the determination that the trees are “removed” by definition.

73. Show tree #114 to be removed instead of transplanted because excavating the root ball will compound the detrimental effects of proposed construction activities on the health of tree #102.

74. Verify consistency between sheets in the plan set. The information should be consistent on all sheets.

75. At Building Permit, include tree numbers and appraised values in the Security Deposit Agreement for all trees that will be transplanted and all trees with ANY construction activity (or a transplanted tree excavation) within a tree protection zone of a retained tree.

76. At Building Permit, show tree protection fencing that extends beyond the tree protection zone where the applicant is proposing “root baiting” as an offsetting treatment, amounting to an area equal or larger than the construction activity proposed.

SECTION 11. 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 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 own choice.

SECTION 12. Term of Approval.

All approvals shall be effective on the effective date of Ordinance No. XXXX, adopted concurrently herewith.

Architectural Review and Variance Approvals. These approvals shall expire three years from the original effective date, if construction has not commenced pursuant to the phased development proposal within that time, in accordance with Palo Alto Municipal Code Section 18.77.090.

Conditional Use Permit Approval. This approval shall expire 12 months from the original effective date if the proposed use has not commenced pursuant to the CUP Approval within that time, in accordance with Palo Alto Municipal Code Section 18.77.090.
PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS: ATTEST: APPROVED:

_________________________ ________________
City Clerk Director of Planning and Development Services

APPROVED AS TO FORM:

_________________________
Senior Asst. City Attorney

PLANS AND DRAWINGS REFERENCED:
CASTILLEJA SCHOOL PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM

Introduction

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires that, whenever a public agency approves a project based on an Environmental Impact Report (EIR), the public agency shall establish a mitigation monitoring or reporting program to ensure that all adopted mitigation measures are implemented.

This Mitigation Monitoring and Reporting Program (MMRP) is intended to satisfy this requirement of the CEQA Guidelines for the Castilleja School Project, as evaluated in the Castilleja School Project EIR, State Clearinghouse Number 2017012052. This MMRP will be used by City of Palo Alto (City) staff and mitigation monitoring personnel to ensure compliance with the mitigation measures included in the certified EIR (inclusive of those measures identified in the Initial Study provided in EIR Appendix A) during project implementation and operation.

The intent of the MMRP is to ensure effective implementation and enforcement of all adopted mitigation measures. The MMRP addresses the requirements for development of detailed plans, monitoring activities, and reporting regarding construction and operational activities authorized under the Castilleja School 2020 Conditional Use Permit. The mitigation measure numbering reflects the numbering used in the Castilleja School Project EIR.

Mitigation Monitoring and Reporting Program Overview

The MMRP includes three tables. Table 1 lists the full text of each mitigation measure and specific requirements for implementation, monitoring, and timing of each required action, as well as performance criteria by which the City can verify that each measure has been implemented effectively. Where a timing requirement is indicated as “in perpetuity,” these requirements shall remain in effect throughout all operational activities of Castilleja School at its current location at 1310 Bryant Street, unless modified by future amendments to the Conditional Use Permit.

Tables 2 and 3 are formatted to serve as checklists for the City to verify compliance with measures that apply only to construction activities (Table 2) and those that apply only to operational activities (Table 3). They repeat the mitigation measure text and performance criteria and include blank columns where the City can record actions taken to verify mitigation measure implementation and attainment of the identified performance criteria. These checklists will be incorporated into the project file maintained by the City’s Department of Planning and Community Environment and available for public review.
## Castilleja School Project MMRP

### Table 1
Castilleja School Project MMRP

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Implementation Responsibility, Monitoring Responsibility, and Timing</th>
<th>Performance Evaluation Criteria</th>
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<tbody>
<tr>
<td><strong>EIR MITIGATION MEASURES</strong></td>
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<tr>
<td><strong>LAND USE AND PLANNING</strong></td>
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**Mitigation Measure 4a:** The Castilleja School Conditional Use Permit shall include the following restrictions for onsite special events:

1. A special event is an event that is separate from the school’s daily educational programs and includes a minimum of 50 guests. When a special event is held during instructional hours and related school programming, students and staff already onsite are not considered guests. When a special event is held outside of instructional hours and related school programming, all attendees (including students and staff) are considered guests.

2. There shall be a maximum of 90 special events each year, which includes 5 Major Events, defined as events that bring almost all students and parents to the Castilleja campus.

3. No special events may occur on campus on Sundays.

4. Athletic competitions of any size may occur only on weekdays and shall be complete by 8 pm.

5. For special events that occur during instructional hours and related school programming and have between 50

**Implementation:**

- **City of Palo Alto** to ensure requirements included in Conditional Use Permit (CUP)
- **Castilleja School** to ensure special event schedules, sizes, and parking plans comply with the requirements

**Monitoring:** City of Palo Alto

**Timing:**

- **At time of CUP approval** – requirements included in CUP
- **In perpetuity** – adhere to special events requirements
- **In perpetuity** – parking plans submitted to City prior to onsite special events

- No more than 90 special events are held in any calendar year.
- No onsite events are held on Sundays
- All athletic competitions occur on weekdays and end by 8 p.m.
- A parking plan is prepared and submitted to the City prior to each event. A single parking plan may be prepared to apply to more than one event, when those events occur in similar time periods and have similar attendance (e.g., a single plan that applies to multiple events held during instructional hours and related school programming with between 50 and 80 guests; a separate single plan that applies to multiple events held outside of instructional hours and related school programing and have fewer than 160 guests). Such plan(s) would be submitted for City review.
<table>
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| and 80 guests, Castilleja shall prepare a parking plan identifying the amount of on-site parking not used by students and staff (in the below-grade parking garage, on Spieker Field, and within surface parking lots), the amount of on-street parking available around the project site’s frontage on Kellogg Avenue and Emerson Street, additional on-street parking opportunities in the neighborhood, and nearby park and ride parking lots that guests could use to facilitate ride sharing. | and approval once annually prior to the first event intended to be covered by that plan and thereafter applied to multiple events (with similar timing and attendance) without additional City review and approval. This does not preclude Castilleja from preparing additional plans for events with similar timing and attendance within the same calendar year. | ▪ Castilleja implements approved parking plan, utilizes traffic monitors, and provides shuttle service during events (if required based on the size and timing of the event)  
▪ City or third-party compliance monitor conducts occasional field inspections to verify adherence to conditions/restrictions of the CUP |
| 6. For events that occur during instructional hours and related school programing and have more than 80 guests, Castilleja shall prepare a parking plan identifying the amount of on-site parking not used by students and staff as well as use best efforts to park at one or more satellite parking locations, if available, sufficient to provide at least one parking space for every 1.3 guests and provide shuttle service for guests using those locations. Further, Castilleja shall retain traffic monitors to help direct event traffic to appropriate parking locations. |                                                                                                                                                                                                 |                                                                                                                                                                                                                                 |
| 7. For events that occur outside of instructional hours and related school programing and have fewer than 160 guests, all parking shall occur on-site. |                                                                                                                                                                                                 |                                                                                                                                                                                                                                 |
| 8. For events that occur outside of instructional hours and related school programing and have more than 160 guests, Castilleja shall prepare a parking plan identifying the amount of on-site parking not used by students and staff as well as use best efforts to park at one or more satellite parking locations, if available, sufficient to provide at least one parking space for every 1.3 guests and provide shuttle service for guests using those locations. |                                                                                                                                                                                                 |                                                                                                                                                                                                                                 |
### Table 1
**Castilleja School Project MMRP**

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| Further, Castilleja shall retain traffic monitors to help direct event traffic to appropriate parking locations. | **Implementation:** Castilleja School  
**Monitoring:** City of Palo Alto  
**Timing:**  
- Prior to issuance of demolition, grading, and/or building permits for each construction phase - submit Tree Protection and Preservation Plan meeting the requirements of the Tree Technical Manual Sections 2.10 and 6.30. This shall include an inventory of the species, size, and condition of all trees within 50 feet of the construction area. The Tree Protection, Removal, and Relocation Plan must identify the regulatory status of each tree based on the tree size at the time this plan is prepared for each construction phase. For the regulated trees to be retained in place, the Tree Protection and Preservation Plan must identify specific tree protection measures to be in place during construction, consistent with Section 8.10 of the Palo Alto Municipal Code. Tree protection measures for unregulated trees must also be identified.  
- For all trees to be removed, the Tree Protection and Preservation Plan must identify their species and size and identify specific locations where new tree planting would occur to replace the removed trees. For trees that are protected under the Municipal Code, replacement planting must include trees of the same species as the protected tree to be removed, and must include sufficient new trees to replace the tree canopy consistent with the replanting ratios identified in Tree Technical Manual Table 3-1 based on the size of the tree at the time of removal or relocation. For trees that are not protected under the Municipal Code, replacement planting must be sufficient to provide no net loss of tree canopy after 10 years. If it is not possible to plant all required replacement trees onsite, the requirements of Section 3.15 of the Tree Technical Manual shall apply, allowing for tree replacement using the Tree Value Replacement Standard in Tree Technical Manual.  
- All tree protection, removal, planting, and monitoring complies with the Tree Technical Manual.  
- Tree Protection and Preservation Plan submitted to City for review and approval for each construction phase.  
- All identified pre-construction tree protection measures are implemented, as documented in a Verification of Tree Protection Report submitted to City prior to issuance of a grading permit.  
- Routine inspections and monitoring are conducted throughout each construction phase and documented in Monthly Inspection Reports filed with the City.  
- All retained, relocated, and planted trees are monitored for five (5) years from completion of the construction phase; annual reports are filed.  
- Any trees that do not survive the initial five (5) year monitoring are replaced and monitored for five (5) years following completion of each construction phase - Monitor all trees (retained, relocated, newly planted) and submit annual reports.  
- Additional five years after subsequent replanting – for... | - All tree protection, removal, planting, and monitoring complies with the Tree Technical Manual  
- Tree Protection and Preservation Plan submitted to City for review and approval for each construction phase.  
- All identified pre-construction tree protection measures are implemented, as documented in a Verification of Tree Protection Report submitted to City prior to issuance of a grading permit  
- Routine inspections and monitoring are conducted throughout each construction phase and documented in Monthly Inspection Reports filed with the City  
- All retained, relocated, and planted trees are monitored for five (5) years from completion of the construction phase; annual reports are filed.  
- Any trees that do not survive the initial five (5) year monitoring are replaced and monitored for five (5) years following completion of each construction phase - Monitor all trees (retained, relocated, newly planted) and submit annual reports.  
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<tr>
<td>Manual Section 3.25, and for that sum of money to be used in the following order of preference, as approved by the Director: (1) to provide additional trees elsewhere on the site; (2) to add or replace street trees or other public landscaping in the vicinity, or (3) to add trees or other landscaping to other City property. For trees to be relocated, the Tree Protection and Preservation Plan must identify the specific methods for tree removal, storage, and replanting for each individual tree, including the location where the tree would be replanted and when that replanting would occur. Because tree relocation shortens a tree’s lifespan, replacement planting is required for all relocated trees consistent with the Tree Technical Manual Table 3-1 (and Section 3.15 if some replacement trees cannot be planted onsite). The relocated tree shall be included as one of the required replacement trees. For example, if the Tree Canopy Replacement Standard would require planting three trees, the applicant would replant the relocated tree and two new trees. Following City approval of the Tree Protection and Preservation Plan but prior to issuance of demolition, grading, or building permits, the project applicant shall implement all pre-construction tree protection measures identified in the approved plan (such as mulching, pruning, irrigation, and installation of tree protection fencing). The project arborist shall inspect and review the installed tree protection measures and submit to the City a Verification of Tree Protection Report, consistent with Tree Technical Manual Section 2.15B. Throughout all construction activities, the project arborist shall conduct routine inspections and monitoring to ensure all pre-construction tree protection measures are being maintained and all specific construction methods to minimize tree impacts are monitored additional replanting if needed</td>
<td>years from the date of planting; annual reports are filed</td>
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Table 1
Castilleja School Project MMRP

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Implementation Responsibility, Monitoring Responsibility, and Timing</th>
<th>Performance Evaluation Criteria</th>
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<tbody>
<tr>
<td>being implemented. The project arborist shall file a Monthly Inspection Report, as defined in the Tree Technical Manual. All retained, relocated, and newly planted trees shall be monitored for a period of five years after planting/replanting to ensure they have successfully established. Should any trees not survive, they shall be replaced and monitored for a period of five years. Mitigation Measures 7a and 7b (see Transportation section below) Mitigation Measures 8a and 8b (see Noise section below)</td>
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</table>

**Aesthetics**

**Mitigation Measure 5a:** Prior to issuance of building permits for each construction phase, Castilleja School shall submit a lighting plan that identifies the specific light fixtures to be used and their proposed locations. The lighting plan shall also identify the expected light levels within the property and at the property boundaries. The lighting plans must demonstrate compliance with the criteria identified in Palo Alto Municipal Code Section 18.23.030. This includes requirements such as spillover reduction; use of high pressure sodium and metal halide as permitted light sources; lighting limits of 0.5 foot-candle, as measured at the abutting residential property line; designing interior lighting to minimize nighttime glow; using low intensity lighting for building exteriors, parking areas, and pedestrian ways; and directing pedestrian and security lighting downward.

**Implementation:** Castilleja School

**Monitoring:** City of Palo Alto

**Timing:**
- Prior to issuance of building permits for each construction phase – lighting plan submitted
- Prior to issuance of certificate of occupancy – verification lighting installed in accordance with approved plan
- Lighting plans comply with Palo Alto Municipal Code Section 18.23.030
- Installed lighting comports with lighting plans
Table 1
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<table>
<thead>
<tr>
<th>CULTURAL RESOURCES</th>
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<tbody>
<tr>
<td><strong>Mitigation Measure 6a</strong>: A protection plan shall be implemented for the Administration/Chapel Theater building and the residence at 1215 Emerson Street during proposed new construction and renovation activities to prevent damage to these structures. A clear and concise preservation protection plan shall be developed to provide these details. The protection plan shall be prepared by a qualified historic preservation specialist and shall be appended to the final set of construction plans for each construction phase. At a minimum, the protection plan shall include the following:</td>
</tr>
<tr>
<td>- Protective fencing shall be installed approximately 15 feet from the perimeter of the Administration/Chapel Theater building and from the southern and eastern property lines of the residence at 1215 Emerson Street, or a lesser distance if recommended by a qualified historic preservation specialist. All construction workers shall be instructed to keep all people, materials, and equipment outside of the areas surrounded by protective fencing. The protective fencing shall consist of brightly-colored mesh fencing at least four feet in height. The mesh shall be mounted on six-foot tall poles, with at least two feet below ground, and spaced a maximum of six feet apart.</td>
</tr>
<tr>
<td>- Material and equipment delivery and stockpile areas shall be identified on the protection plan, and shall be located as far as practicable from the Administration/Chapel Theater building and the residence at 1215 Emerson Street.</td>
</tr>
<tr>
<td>- If cranes are used to install buildings or building components, no materials or structures shall be control within 25 feet of the Administration/Chapel building, and dust control.</td>
</tr>
<tr>
<td>- Known historic resources are not damaged during construction</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Implementation Responsibility, Monitoring Responsibility, and Timing</th>
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</thead>
<tbody>
<tr>
<td>Implementation: Castilleja School Monitoring: City of Palo Alto</td>
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<tr>
<td>Timing:</td>
</tr>
<tr>
<td>- Prior to issuance of grading, demolition, and/or building permits for each construction phase – Protection plan submitted for City review and approval</td>
</tr>
<tr>
<td>- During all construction activity – Protection plan implemented</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Performance Evaluation Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Protection plan identifies location and specifications for protective fencing, equipment delivery and stockpile areas, crane locations and usage controls, demolition equipment and control within 25 feet of the Administration/Chapel building, and dust control.</td>
</tr>
<tr>
<td>- Known historic resources are not damaged during construction</td>
</tr>
</tbody>
</table>
### Table 1
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<tr>
<td>suspended above or within 30 feet measured horizontally from the exterior walls of the Administration/Chapel Theater building and the residence at 1215 Emerson Street.</td>
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</tr>
<tr>
<td>• For demolition of the existing Classroom building, the protection plan shall document the specific nature of demolition activities that would occur on any portion of the building that touches or is within 25 feet of the Administration/Chapel Theater building and provide recommendations for equipment usage and demolition techniques that will avoid adverse effects to the Administration/Chapel Theater building.</td>
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</tr>
<tr>
<td>• The protection plan shall prescribe measures for containment of dust during demolition, excavation, and construction. This may include wetting soils and materials to prevent wind-blown dust; covering exposed materials, soil, and unfinished buildings; and use of temporary barriers to prevent any wind-blown dust from reaching historic structures.</td>
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</table>

**Mitigation Measure 6b:** Prior to initiation of construction for each construction phase, all construction crew members, consultants, and other personnel shall receive project-specific Cultural Resource Awareness training. The training shall be conducted in coordination with qualified cultural resource specialists and shall inform project personnel of the potential to encounter sensitive archaeological material. In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior’s Professional Responsibilities, is contacted. Verification that Cultural Resource Awareness training was provided to all construction crew members, consultants, and other personnel is provided to the City through submittal of training materials (videos and/or handouts) and dated attendance logs for each training session.

- Verification that Cultural Resource Awareness training was provided to all construction crew members, consultants, and other personnel is provided to the City through submittal of training materials (videos and/or handouts) and dated attendance logs for each training session.
- If any cultural resources are encountered, ground disturbance is...
### Table 1
Castilleja School Project MMRP

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| Qualification Standards, can evaluate the significance of the find and determine whether additional study is warranted. Prehistoric archaeological deposits may be indicated by the presence of discolored or dark soil, fire-affected material, concentrations of fragmented or whole marine shell, burned or complete bone, non-local lithic materials, or the characteristic observed to be atypical of the surrounding area. Common prehistoric artifacts may include modified or battered lithic materials; lithic or bone tools that appeared to have been used for chopping, drilling, or grinding; projectile points; fired clay ceramics or non-functional items; and other items. Historic-age deposits are often indicated by the presence of glass bottles and shards, ceramic material, building or domestic refuse, ferrous metal, or old features such as concrete foundations or privies. Depending upon the significance of the find under CEQA (14 CCR 15064.5(f); PRC Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted and would be implemented if recommended by the qualified archeologist. | construction phase – construction crew training  
- Throughout all ground disturbing activities – construction crew halts work to allow for evaluation of any discovered cultural resources | halted, the resource is evaluated, and any treatment recommendations made by a qualified archeologist are implemented |

### TRANSPORTATION

**Mitigation Measure 7a:** Castilleja School shall implement the proposed enhanced Transportation Demand Management (TDM) plan (Appendix B) to reduce the average daily trips and maintain a maximum peak hour trip volume. The measures currently listed in the TDM plan are expected to reduce daily traffic by between 12 and 22 percent. Through the ongoing monitoring and reporting described in this measure, Castilleja School and the City will identify the effectiveness of the TDM measures and any need to

<table>
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<th>Implementation: Castilleja School</th>
<th>Monitoring: City of Palo Alto</th>
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<tbody>
<tr>
<td>TDM plan is implemented during construction and in perpetuity</td>
<td>Driveway vehicle count equipment is installed prior to issuance of certificates of occupancy</td>
<td>Throughout construction, driveway counts and monitoring reports</td>
</tr>
</tbody>
</table>
**Table 1**

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<tr>
<td>modify their implementation and/or add new TDM measures sufficient to:</td>
<td>• During construction – install driveway vehicle count equipment</td>
<td>demonstrate that average AM peak hour traffic volumes are 440 trips or less, not including days on which special events are held</td>
</tr>
<tr>
<td>• maintain a maximum average daily trip count of 1,296 trips starting two years after construction of the Academic building is complete and through all subsequent years,</td>
<td>• In perpetuity beginning during construction – implement TDM plan, conduct monitoring and reporting, conduct active traffic management</td>
<td>• Throughout construction and for two years following completion of the Academic building, three monitoring reports are submitted to the City in each academic year (generally every 3 months, beginning approximately 3 months after the first day of school for that year)</td>
</tr>
<tr>
<td>• maintain a maximum average daily AM Peak Hour trip count of 440 trips, and</td>
<td></td>
<td>• Once full enrollment is reached for two consecutive years and the average peak hour and average daily trip standards are achieved, two monitoring reports are submitted to the City in each academic year (generally every 4.5 months, beginning approximately 4.5 months after the first day of school for that year)</td>
</tr>
<tr>
<td>• ensure that vehicle queues for each drop of location are fully contained within the project site such that no cars are queuing on or blocking the vehicle lane or the bike lane on any adjacent public street.</td>
<td></td>
<td>• Beginning at the start of the third academic year after completing the Academic building, driveway counts and monitoring reports demonstrate that average AM peak hour traffic volumes are 440 trips or less and average daily traffic volumes are</td>
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</tbody>
</table>

**Castilleja School shall conduct routine traffic monitoring and submit monitoring reports to the City three times per year until the school has reached its maximum enrollment for two consecutive years and has attained the average peak hour and average daily trip standards. After that time, only two monitoring reports per year shall be required. As part of the monitoring, Castilleja shall install traffic counting devices at each project site driveway and submit the raw data along with a data summary and analysis in the monitoring reports. The analysis shall also include reporting of drop-off lane discharge rates, and the average and maximum lengths of ingress and egress queues in the four 15-minute increments prior to the first bell for each grade level (start of the first class session of the day) and the 15-minute increment following the first bell for the grade level(s) with the latest start time each day.**

**Student enrollment at Castilleja School shall increase by no more than 27 students in any academic year. In the period between commencement of construction and attainment of the maximum**
### Table 1

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<td>enrollment level, if the peak hour standard is not achieved additional TDM measures shall be implemented as follows:</td>
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<td>1,296 trips or less, not including days on which special events are held</td>
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<tr>
<td>• 1st report showing an average daily AM peak hour trip count above 440 - add an additional TDM measure</td>
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<td>▪ If a monitoring report demonstrates that the average AM peak hour and average daily trip (when applicable) standards were exceeded during that monitoring/reporting period, additional TDM measures are implemented in the subsequent monitoring/reporting period</td>
</tr>
<tr>
<td>• 2nd consecutive report showing an average daily AM peak hour trip count above 440 – add a more intensive TDM measure</td>
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<td>▪ If applicable standards are exceeded in all three (or two, where applicable) monitoring/reporting periods, enrollment is reduced for the following academic year</td>
</tr>
<tr>
<td>• 3rd consecutive report showing an average daily AM peak hour trip count above 440 - reduce enrollment by at least 5 students, or more as determined necessary by the City to ensure attainment of the average daily AM peak hour standard, in next admission cycle.</td>
<td></td>
<td>▪ Active traffic management is implemented as identified in the Garage Circulation Plan, or subsequent plans approved by the City, during all drop-off and pick-up periods and during special events with more than 75 guests.</td>
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</table>

In the period between commencement of construction and two years following completion of the Academic building, daily trip counts shall be monitored and reported for informational purposes.

Beginning two years following completion of the Academic building, if the peak hour and daily trip standards are not achieved, additional TDM measures shall be implemented as follows:

- 1st report showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 - add an additional TDM measure
- 2nd consecutive report showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 – add a more intensive TDM measure
### Mitigation Measure

- 3rd consecutive report showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 - reduce enrollment by at least 5 students, or more as determined necessary by the City to ensure attainment of the average daily AM peak hour and average daily trip count standards, in next admission cycle.

- 1st and/or 2nd reports in the subsequent year showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 – implement more intensive TDM measures

- 3rd report in the subsequent year showing an average daily AM peak hour trip count above 440 and/or average daily trip count above 1,296 – reduce enrollment in the next admission cycle by at least 10% or more as determined necessary by the City to ensure attainment of the average daily AM peak hour and average daily trip count standards.

Castilleja School shall conduct active traffic management as identified in the Garage Circulation Plan (Figure 3-12), or subsequent plans approved by the City, during all drop-off and pick-up periods and during special events with more than 75 guests. This includes having 7 school staff members stationed along the drop-off/pick-up queues to direct vehicle and pedestrian movements into, within, and exiting the garage. Traffic entering or exiting the project site driveways on Bryant Street shall be restricted to right-turns; traffic exiting the parking garage onto Emerson Street shall also be restricted to right-turns. Traffic management staff shall direct vehicles to loop around the school if they are approaching a project site driveway where there is a

### Implementation Responsibility, Monitoring Responsibility, and Timing

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<td>Item 1</td>
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<td>Item 2</td>
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<td>Item 3</td>
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<td>queue that would not permit the vehicle to completely exit the public right-of-way. As part of the traffic monitoring and reporting, Castilleja shall instruct the traffic management staff to report any excessive vehicle queues, safety concerns, or other concerns or recommendations to improve safety and circulation to the administration. These staff reports and Castilleja's response to each shall be summarized in the traffic monitoring reports.</td>
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<tr>
<td>As described in the TDM plan (Appendix B), Castilleja School shall implement some or all of the following measures sufficient to attain the average peak hour and average daily trip standards:</td>
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<tr>
<td>1. late afternoon shuttle departures</td>
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<tr>
<td>2. off-site drop-off/pick-up area</td>
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<td>3. expanded carpool/trip planning program</td>
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<td>4. additional off-site parking</td>
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<td>5. parking/carpool incentives program for employees</td>
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<td>6. alternative transportation information</td>
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<td>7. bike tune-up day and on-site repair stations</td>
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<td>8. Guaranteed Ride Home program</td>
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<td>9. on-site car or bike sharing program</td>
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<td>10. provide transit passes</td>
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<tr>
<td>11. mandatory ridesharing</td>
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<tr>
<td>12. other TDM measures developed by Castilleja in coordination with the City of Palo Alto (City), including the</td>
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<tr>
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<tr>
<td>monitoring and enforcement provisions identified in Appendix B.</td>
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<tr>
<td>In addition, Castilleja School shall modify the proposed enhanced TDM plan to include the following</td>
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<tr>
<td>13. Educate staff, students, and families regarding the importance of an efficient and safe student drop-off operation to prevent excessive queuing in the garage.</td>
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<tr>
<td>14. Provide staff, students, and families with required drop-off/pick-up and parking procedures to include that drop-off and pick-up must occur in the garage unless there are extenuating circumstances, daily parking for parents or other community members attending meetings or other activities onsite shall occur within the garage or on-site surface parking lots, outside of special events.</td>
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<tr>
<td>15. Conduct ongoing monitoring of drop-off lane discharge rates and ingress and egress queues.</td>
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<td>16. If vehicle queues are causing spillover into the public right of way on Bryant Street, modify the drop-off procedures and TDM program to include greater staggering of bell schedules or other strategies that would decrease vehicle trips or otherwise spread out the number of peak hour vehicle trips accessing the underground garage.</td>
<td></td>
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<tr>
<td>17. Provide bicycle safety education for students, parents, and staff to encourage students and staff to ride bicycles to and from school.</td>
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<tr>
<td>18. Host school-wide bicycle encouragement events (such as competitions, incentives, and other fun events) to support biking, walking, carpooling, and transit use so that the</td>
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<tr>
<td>school community understands that active transportation is a community-held value.</td>
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</table>

**Mitigation Measure 7b:** Castilleja School shall maintain vegetation within 40 feet of the school’s driveways onto public streets such that vegetation is trimmed down to a height of less than three feet and trees trimmed up so that nothing hangs below a height of seven feet from the surface of the roadway. Vegetation shall be trimmed no less once per month. Castilleja School shall provide the City with evidence of a landscaping management plan or active landscape maintenance contract annually. Castilleja School and the City shall provide curb markings to prohibit on-street parking within 35 feet of each driveway.

**Implementation:**
- City of Palo Alto provide curb markings
- Castilleja School maintain vegetation

**Monitoring:** City of Palo Alto

**Timing:** In perpetuity beginning during construction

- No vegetation within 40 feet of school’s driveways onto public streets is present between three feet and seven feet from the surface of the roadway
- Evidence of landscaping management plan or active landscape maintenance contract is submitted to the City annually
- Curb markings are maintained at all times

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**Noise**

**Mitigation Measure 4a** (see Land Use and Planning section above)

**Mitigation Measure 8a:** Prior to issuance of a building permit for the outdoor pool, Castilleja School shall submit to the City a technical analysis documenting the specific loudspeaker equipment proposed for use at the pool, the locations and positioning of speakers, and the likely noise levels for each of the receptor locations evaluated in the Environmental Noise Study for the proposed Castilleja School Conditional Use Permit Amendment and Master Plan. The technical analysis shall demonstrate that use of the loudspeaker would not generate noise levels that are more than 6 dB greater than existing noise levels.

**Implementation:** Castilleja School

**Monitoring:** City of Palo Alto

**Timing:** Prior to issuance of building permit for pool

- Technical analysis submitted to City identifying specific loudspeaker equipment and locations and positions of speakers
- Use of the loudspeaker does not generate noise levels that are more than 6 dB greater than existing noise levels
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| **Mitigation Measure 8b**: Prior to issuance of demolition, grading and/or building permits for each construction phase, Castilleja School shall submit to the City a technical analysis of the noise levels that could be generated during construction and recommended measures to ensure that noise levels during construction meet the City’s standards. This analysis must include and be based on a list of the construction equipment proposed to be used (including horsepower), a schedule for the use of each piece of equipment during that phase, and the general location where each piece of equipment would operate. Noise reduction measures may include modifying the equipment list, restrictions on the number of individual pieces of equipment that may be used at one time, modifying the location of individual pieces of equipment, providing shielding for individual pieces of equipment, use of temporary noise attenuation barriers, and/or other measures that are demonstrated to be sufficient to ensure that the maximum noise level at the property boundary would remain at or below 110 dB and increases in hourly noise levels at the property boundary would not exceed 10 dBA above the ambient noise level for two or more hours per day, more than five days per week, for a period of 12 months or more. | Implementation: Castilleja School  
Monitoring: City of Palo Alto  
Timing:  
- Prior to issuance of demolition, grading, and/or building permits for each phase of construction – construction noise analysis submitted  
- Ongoing during construction – noise control measures implemented | ▪ Technical analysis of construction noise levels and recommended noise control measures submitted  
▪ Recommended measures implemented sufficient to ensure that the maximum noise level at the property boundary would remain at or below 110 dB and increases in hourly noise levels at the property boundary would not exceed 10 dBA above the ambient noise level for two or more hours per day, more than five days per week, for a period of 12 months or more |

**AIR QUALITY**

| Mitigation Measure 9a: Prior to issuance of demolition permits, grading permits, or building permits for the proposed project, the City of Palo Alto shall ensure that site plan notes include requirements for the construction contractor to implement the following Basic Construction Emission Control Measures. Visual site inspections shall be conducted throughout construction to ensure these measures are implemented appropriately: | Implementation: Castilleja School  
Monitoring: City of Palo Alto  
Timing: | ▪ Notes on site plans for each construction phase include requirements for construction contractor to implement Basic Construction Emission Control Measures |
<table>
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<tbody>
<tr>
<td>1. All exposed surfaces shall be watered two times daily. Exposed surfaces include, but are not limited to parking and staging areas, soil piles, graded areas, and unpaved access roads.</td>
<td><strong>Prior to issuance of demolition, grading, or building permits</strong> – site plans contain appropriate emission control notes</td>
<td><strong>Emission control measures are implemented throughout all construction</strong></td>
</tr>
<tr>
<td>2. Haul trucks transporting soil, sand, or other loose material off-site shall be covered.</td>
<td><strong>Throughout construction</strong> – site inspections</td>
<td></td>
</tr>
<tr>
<td>3. Wet power vacuum street sweepers shall be used to remove any visible trackout of mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.</td>
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<tr>
<td>4. Vehicle speeds on unpaved roads to shall be limited to a maximum of 15 miles per hour.</td>
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<tr>
<td>5. All roadways, driveways, sidewalks, and parking lots to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</td>
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<tr>
<td>6. Materials stockpiles shall be covered on days when they are not accessed, including any day on which construction does not occur.</td>
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<tr>
<td>7. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</td>
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<td>8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s</td>
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</thead>
<tbody>
<tr>
<td>Specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 9. The construction contractor shall post a publicly visible sign with the telephone number and person to contact at the City of Palo Alto regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible.</td>
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</tbody>
</table>

**Mitigation Measure HAZ-1** (see Hazards and Hazardous Materials section below)

#### GEOLOGY, SOILS, AND SEISMICITY

**Mitigation Measure 12a:** Project design and construction shall show compliance with and implement all of the recommendations contained in the geotechnical investigation (January 2107) and supplemental recommendations memorandum (March 2017) prepared by Silicon Valley Soil Engineering or provide an acceptable equivalent to these measures to the satisfaction of the Director of Public Works Engineering in order to reduce hazards related to expansive soils and the stability of soil and landforms. These include but are not limited to:

1. The basement foundation system should use a concrete mat slab with a minimum thickness of 12 inches and underlain by 6 inches of ¾-inch clean crushed rock and waterproofed;
2. Basement retaining walls shall be designed using a pseudo-static force value of 2.71kips per lineal foot of wall length acting at a distance of 0.6H from the

**Implementation:** Castilleja School

**Monitoring:** City of Palo Alto

**Timing:**

- Prior to issuance of demolition, grading, or building permits – site plans reflect geotechnical investigation and supplemental memorandum recommendations
- Prior to issuance of certificate of occupancy – site inspections to verify as built conditions
- All recommendations contained in the geotechnical investigation (January 2107) and supplemental recommendations memorandum (March 2017) prepared by Silicon Valley Soil Engineering, or acceptable equivalents, are implemented during construction
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Implementation Responsibility, Monitoring Responsibility, and Timing</th>
<th>Performance Evaluation Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>bottom of the wall, which shall be added to the lateral active force for seismic loading condition,</td>
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<tr>
<td>3. basement retaining walls shall be waterproofed consistent with the recommendations of the geotechnical investigation and a waterproofing consultant;</td>
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<td>4. shoring shall be provided for trenches and excavation in excess of five feet in depth;</td>
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<tr>
<td>5. a geotechnical engineer shall be retained to observe and inspect all earthwork and grading;</td>
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<tr>
<td>6. within construction areas, organic materials shall be stripped from the soil and the soil shall be scarified by machine to a depth of 12 inches and thoroughly cleaned of vegetation and other deleterious matter;</td>
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</tr>
<tr>
<td>7. subgrade shall be compacted to not less than 90% relative maximum density per ASTM D1557-12 at a moisture content greater than 3% above the optimum moisture provided that the subgrade meets compaction and is determined to be stable under construction equipment loading; and</td>
<td></td>
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<tr>
<td>8. a contingency dewatering plan shall be prepared that provides for collection of any surface runoff water and perched groundwater and use of the water as approved by the City and consistent with the City's dewatering requirements, such as for on-site dust suppression, street-sweeping, and other City programs.</td>
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</tbody>
</table>
### Table 1
Castilleja School Project MMRP

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Implementation Responsibility, Monitoring Responsibility, and Timing</th>
<th>Performance Evaluation Criteria</th>
</tr>
</thead>
</table>
| **Mitigation Measure 12b:** A discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Any paleontological resource discovered on site should be either preserved at its location or adequately documented as a condition of removal. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist, shall be implemented to ensure that the information potential represented by the resource is retained. | Implementation: Castilleja School  
Monitoring: City of Palo Alto  
Timing: Throughout construction | ▪ Work is stopped within 100 feet of any paleontological specimen discovered during construction  
▪ Any discovered specimens are evaluated by a professional paleontologist  
▪ Recommended protective measures or further action, as determined by the paleontologist, are implemented prior to resuming construction |

#### INITIAL STUDY MITIGATION MEASURES

#### BIOLOGICAL RESOURCES

| Mitigation Measure BIO-1: | Implementation: Castilleja School  
Monitoring: City of Palo Alto  
Timing: Prior to issuance of demolition, tree removal, and/or grading permits for each construction phase |  
|--------------------------|---------------------------------------------------------------------|---------------------------------|
| If feasible, vegetation on the project site shall be removed outside of the bird-nesting season. If the start of site clearing, tree removal, or building demolition occurs between February 1 and August 31, a pre-construction survey for nesting birds protected under the Migratory Bird Treaty Act shall be conducted by a qualified biologist to identify the location of nests in active use that were established prior to the start of project implementation activities. The pre-construction survey shall take place no more than 7 days prior to initiation of construction. All trees and shrubs on the site and on adjacent properties shall be surveyed, with particular attention to any trees or shrubs that would be removed or directly disturbed. If an active nest of a protected bird is found on site, the biologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), determine whether construction work would affect the | Pre-construction surveys are completed and submitted to the City within 7 days of commencement of construction activity if construction begins between February 1 and August 31  
▪ No construction occurs within 300 feet of active raptor nests.  
▪ Consultation with CDFW occurs prior to construction if an active nest of a protected bird is identified within the project site |
Table 1
Castilleja School Project MMRP

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Implementation Responsibility, Monitoring Responsibility, and Timing</th>
<th>Performance Evaluation Criteria</th>
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</thead>
<tbody>
<tr>
<td>active nest or disrupt reproductive behavior. Criteria used for this evaluation shall include presence of visual screening between the nest and construction activities, and behavior of adult birds in response to the surveyors or other ambient human activity. If construction could affect the nest or disrupt reproductive behavior, the biologist shall, in consultation with CDFW, determine an appropriate construction-free buffer zone around the nest to remain in place until the young have fledged or other appropriate protective measures are taken to ensure no take of protected species occurs. If it is determined that construction will affect an active raptor nest or disrupt reproductive behavior, then avoidance is the only mitigation available. Construction shall not be permitted within 300 feet of such a nest until a qualified biologist determines that the subject nests are no longer active. Prior to issuance of a demolition permit or tree removal permit, the City of Palo Alto (City) shall verify that pre-construction surveys have been conducted within 10 days of the proposed start of demolition. If active bird nests are present, the City shall verify that CDFW has been consulted and either determined that construction will not affect an active bird nest or that appropriate construction-free buffer zones have been established or other appropriate protective measures have been taken.</td>
<td>Implementation: Castilleja School Monitoring: City of Palo Alto</td>
<td>▪ Pre-construction surveys completed and reports submitted to the City no more than 30 days prior to demolition ▪ If active roosts are found within 300 feet of the demolition activities, CDFW is consulted and no</td>
</tr>
<tr>
<td>Mitigation Measure BIO-2: No earlier than 30 days prior to initiation of demolition activities, a pre-construction survey shall be conducted by a qualified biologist (i.e., a biologist holding a California Department of Fish and Wildlife (CDFW) collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats) to determine if active bat roosts or</td>
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Castilleja School Project MMRP

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<th>Performance Evaluation Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maternal colonies are present on or within 300 feet of the demolition area.</td>
<td><strong>Timing:</strong> Prior to issuance of demolition permits for each construction phase</td>
<td>Demolition occurs within 300 feet of active roosts</td>
</tr>
<tr>
<td>Should an active maternity roost be identified, the roost shall not be disturbed and demolition and construction within 300 feet of the maternity roost shall be postponed or halted until the juveniles have fledged and the roost is vacated, as determined by a qualified biologist. Consultation with CDFW shall also be initiated. Under no circumstance shall an active roost be directly disturbed.</td>
<td></td>
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</tr>
<tr>
<td>If nonbreeding bat hibernacula are found on the project site, the individuals shall be safely evicted under the direction of a qualified bat biologist and with consultation with CDFW. These actions shall allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.</td>
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<tr>
<td>If it is determined that demolition or construction will not affect roosting behavior or disrupt a maternal colony, demolition or construction may proceed without any restriction or mitigation measure.</td>
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</tr>
<tr>
<td>If it is determined that demolition or construction will affect an active bat roost or disrupt reproductive behavior, then avoidance is the only mitigation available. Under no circumstance shall an active roost be directly disturbed. Demolition or construction within 300 feet shall be postponed or halted until the roost is naturally vacated as determined by a qualified biologist.</td>
<td></td>
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</tr>
<tr>
<td>Prior to issuance of a demolition permit, the City of Palo Alto (City) shall verify that pre-construction surveys have been conducted within 30 days of the proposed start of demolition. If bats are present, the City shall verify that CDFW has been consulted and whether or not construction will not affect an active bat</td>
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</table>

- Individuals within any nonbreeding bat hibernacula are evicted in compliance with recommendations from a qualified biologist and in consultation with CDFW.
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Implementation Responsibility, Monitoring Responsibility, and Timing</th>
<th>Performance Evaluation Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>roost or disrupt a maternal colony, or that individuals in a nonbreeding bat hibernacula have been safely evicted. Due to regulations from the California Health Department, direct contact by construction workers with any bat is not allowed.</td>
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</tbody>
</table>

**HAZARDS AND HAZARDOUS MATERIALS**

**Mitigation Measure HAZ-1:** Prior to building demolition, the project applicant shall demonstrate to the satisfaction of the City of Palo Alto that a survey of the existing buildings has been conducted by a qualified environmental specialist who meets the requirements of the current U.S. Environmental Protection Agency regulations for suspected lead-containing materials (LCMs), including lead-based paint/coatings; asbestos containing materials (ACMs); and the presence of polychlorinated biphenyls (PCBs). Any demolition activities likely to disturb LCMs or ACMs shall be carried out by a contractor trained and qualified to conduct lead- or asbestos-related construction work. If found, LCMs and ACMs shall be disposed of properly. If PCBs are found, these materials shall be managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act, particularly Section 42175, Materials Requiring Special Handling, for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

**Implementation:** Castilleja School

**Monitoring:** City of Palo Alto

**Timing:**
- Prior to issuance of demolition permits for each construction phase – complete hazardous materials building survey and retain qualified contractor for demolition and disposal if needed
- During construction – ensure any hazardous building materials are handled and disposed of in accordance with state and federal regulations
- Hazardous materials building survey conducted by a qualified environmental specialist
- If LCMs and/or ACMs are identified, demolition activities shall be conducted by a trained and qualified contractor and LCMs and ACMs are disposed of properly
- Any PCBs are managed in accordance with the Metallic Discards Act of 1991 (California Public Resources Code, Sections 42160–42185) and other state and federal guidelines and regulations
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Implementation Responsibility, Monitoring Responsibility, and Timing</th>
<th>Performance Evaluation Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOPICS FOR WHICH NO MITIGATION MEASURES ARE REQUIRED:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▪ Agriculture and Forestry Resources</td>
<td>▪ Hydrology and Water Quality</td>
<td>▪ Public Services</td>
</tr>
<tr>
<td>▪ Greenhouse Gas Emissions</td>
<td>▪ Mineral Resources</td>
<td>▪ Recreation</td>
</tr>
<tr>
<td>▪ Energy</td>
<td>▪ Population/Housing</td>
<td>▪ Utilities/Service Systems</td>
</tr>
</tbody>
</table>
## Castilleja School Project Construction MMRP Checklist

### Table 2
Castilleja School Project Construction MMRP Checklist

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Action</th>
<th>City Verification Actions/Dates</th>
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</thead>
<tbody>
<tr>
<td><strong>Mitigation Measure 4b</strong></td>
<td>Submit Tree Protection and Preservation Plan, implement all pre-</td>
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<tr>
<td></td>
<td>construction tree protection measures identified in the approved plan,</td>
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<tr>
<td></td>
<td>and submit Verification of Tree Protection Report for each construction phase</td>
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</tr>
<tr>
<td>Mitigation Measure 5a</td>
<td>Submit lighting plan for each construction phase</td>
<td></td>
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<tr>
<td>Mitigation Measure 6a</td>
<td>Submit historic resources protection plan for each construction phase</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 8a</td>
<td>Submit technical analysis identifying specific loudspeaker equipment,</td>
<td></td>
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<tr>
<td></td>
<td>locations and positions of speakers, and anticipate noise levels for nearby sensitive receptors</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 8b</td>
<td>Submit construction noise analysis and construction plans demonstrating implementation of recommended noise control measures for each construction phase</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 9a</td>
<td>Include notes on site plans requiring implementation of Basic Construction Emission Control Measures for each construction phase</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 12a</td>
<td>Submit site plans demonstrating compliance with all geotechnical investigation and supplemental memorandum recommendations for each construction phase</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure BIO-1</td>
<td>Complete pre-construction nesting bird surveys and submit to the City within 7 days of commencement of construction activity if</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Action</td>
<td>City Verification Actions/Dates</td>
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<td>--------------------</td>
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</tr>
<tr>
<td></td>
<td>construction begins between February 1 and August 31 for each construction phase</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Consult with CDFW if an active nest of a protected bird is located for each construction phase</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure BIO-2</td>
<td>Complete pre-construction roosting bat surveys City no more than 30 days prior to demolition for each construction phase</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Consult with CDFW if active roosts are found within 300 feet of demolition activities for each construction phase</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Evict any individual bats within any nonbreeding bat hibernacula in compliance with recommendations from a qualified biologist and in consultation with CDFW</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure HAZ-1</td>
<td>Complete hazardous building material survey and retain qualified contractors for demolition and disposal if hazardous building materials are identified</td>
<td></td>
</tr>
</tbody>
</table>

**Actions Required by Castilleja During Construction**

<table>
<thead>
<tr>
<th>Mitigation Measure 4b</th>
<th>Conduct monthly tree inspections and submit Monthly Inspection Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mitigation Measure 5a</td>
<td>Install lighting in accordance with approved plan</td>
</tr>
<tr>
<td>Mitigation Measure 6a</td>
<td>Implement historic resources protection plan</td>
</tr>
<tr>
<td>Mitigation Measure 6b</td>
<td>Provide cultural resources awareness training to all construction crew prior to beginning any ground disturbing activities</td>
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<td></td>
<td>Ensure that construction crew halts work if cultural resource are discovered until resources are evaluated by qualified archeologist and any treatment measures are implemented</td>
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</tbody>
</table>
## Table 2
Castilleja School Project Construction MMRP Checklist

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<th>Action</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Mitigation Measure 7a</td>
<td>Install driveway vehicle count equipment</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 7b</td>
<td>Maintain vegetation within 40 feet of school’s driveways onto public streets so that the area between three and seven feet (elevation) from the roadway surface is clear</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 8a</td>
<td>Install loudspeaker in accordance with technical report specifications; retain noise consultant to measure noise levels after installation and submit report to City</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 8b</td>
<td>Implement construction noise control measures</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 9a</td>
<td>Implement air pollution emission control measures</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 12a</td>
<td>Implement all geotechnical investigation and supplemental memorandum recommendations</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 12b</td>
<td>Stop work within 100 feet of any paleontological specimen discovered during construction until they are evaluated by a professional paleontologist and recommended protective measures are implemented</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure BIO-1</td>
<td>Prohibit construction within 300 feet of any active raptor nests</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure HAZ-1</td>
<td>Ensure any hazardous building materials are handled and disposed of in accordance with state and federal regulations</td>
<td></td>
</tr>
</tbody>
</table>

**Actions Required by City Prior to Issuance of Certificate of Occupancy**

| Mitigation Measure 4b | Verify implementation of Tree Protection and Preservation Plan | |
| Mitigation Measure 5a | Verify that lighting comports with Municipal Code | |
| Mitigation Measure 6a | Verify that historic resources were not damaged, or require repairs if damage occurred | |
## Table 2
### Castilleja School Project Construction MMRP Checklist

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Action</th>
<th>City Verification Actions/Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mitigation Measure 7a</td>
<td>Verify that driveway vehicle count equipment was installed and is operational and calibrated</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 7b</td>
<td>Paint curbs to prohibit on-street parking within 35 feet of project site driveways</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 8a</td>
<td>Verify pool loudspeaker noise levels</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 12a</td>
<td>Complete site inspections to verify as built conditions comport with all geotechnical investigation and supplemental memorandum recommendations</td>
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</tbody>
</table>
Table 3
Castilleja School Project Operation MMRP Annual Checklist

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Castilleja Action</th>
<th>Timing</th>
<th>City Verification Actions/Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mitigation Measure 4b</td>
<td>Monitor all trees (retained, relocated, newly planted) and submit annual reports</td>
<td>Beginning at end of each construction phase and continuing for five years</td>
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<td></td>
<td>Plant additional trees to replace any that do not survive initial five-year monitoring and monitoring such trees for five years from the date of planting</td>
<td>Beginning at the time that any tree subject to monitoring is shown to have died and continuing for five years from the date of planting</td>
<td></td>
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<tr>
<td>Actions Required in Perpetuity</td>
<td>Publish special events calendar</td>
<td>At the beginning of each academic year, with updates each trimester</td>
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<td></td>
<td>Submit parking plans to City</td>
<td>Prior to onsite special events</td>
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<tr>
<td>Mitigation Measure 7a</td>
<td>Implement TDM plan</td>
<td>During all operation, including during construction when school is still operating</td>
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<tr>
<td></td>
<td>Submit monitoring reports</td>
<td>Three times per year until full enrollment reached and peak hour and daily trip standards achieved – generally every 3 months, beginning approximately 3 months after the first day of school for that year Thereafter two times per year - generally every 4.5 months,</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 7a (continued)</td>
<td>If standards are not achieved as defined in Mitigation Measure 7a, implement additional TDM measures and reduce enrollment</td>
<td>Need for action to be determined at end of each monitoring/reporting period. When additional TDM measures are required, they shall be implemented as soon as possible. If enrollment reductions are needed, they shall occur in the next admission cycle.</td>
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<tr>
<td></td>
<td>Implement active traffic management as identified in the Garage Circulation Plan, or subsequent plans approved by the City</td>
<td>during all drop-off and pick-up periods and during special events with more than 75 guests</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 7b</td>
<td>Submit evidence of landscaping management plan or active landscape maintenance contract</td>
<td>Annually</td>
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<tr>
<td></td>
<td>Inspect no-parking curb markings within 35 feet of site driveways and report any need for repainting to the City</td>
<td>Annually</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 8a</td>
<td>Maintain pool loudspeaker equipment in accordance with noise technical report specifications and submit evidence of inspection and any repairs to City</td>
<td>Annually</td>
<td></td>
</tr>
</tbody>
</table>
MEMORANDUM

To: Amy French, Chief Planning Official
From: Katherine Waugh, Senior Project Manager
Subject: Castilleja School Project – Environmental Effects of Scheme D and Scheme E
Date: March 24, 2022

Castilleja School has submitted revised project plans in response to direction provided by the Palo Alto City Council and Planning and Transportation Commission. These include Scheme D, which is the project applicant’s preferred option, and Scheme E, for which City staff has recommended approval because it appears to best meet the direction provided by the City. Dudek has prepared this memo to address the relative environmental effects of both options as compared to Project Alternative 4, the Disbursed Circulation/Reduced Garage Alternative, which was evaluated in the Castilleja School Project Final Environmental Impact Report (EIR) (July 2020) and was the preferred alternative presented to the City Council and Planning and Transportation Commission.

1 Summary of Project Designs

1.1 Alternative 4

Alternative 4 is described in the Castilleja School Project Final EIR Master Response 4. Under this alternative, Castilleja would demolish five campus buildings and the existing at-grade pool and replace them with an academic building, a below-grade parking structure, a new below-grade pool with sound wall, below-grade delivery and trash enclosures/waste pick-up, and reconstruction of the Circle in the center of the campus. The parking structure would consist of 32,480 square feet of interior space and contain 83 parking spaces, 5 of which would be tandem spaces. This alternative would also reconstruct a loop driveway on Kellogg Avenue, in generally the same location as the existing loop driveway. The Alternative 4 site plan is provided in Final EIR Figure MR4-1 and Draft EIR Figure 13-1. Final EIR Figure MR4-2 and Draft EIR Figure 13-2 provides an exhibit showing the changes in the garage footprint relative to the originally proposed project design. The modifications made to the parking structure under Alternative 4 allow for retention of the row of six redwood trees at the western edge of Spieker Field and elimination of the proposed below-grade encroachment into the special setback along Embarcadero Road. This design includes 26 surface parking spaces.

1.2 Scheme D

Scheme D is presented in the project document titled Updated Garage Studies (November 3, 2021) which is available at the City’s webpage for the Castilleja School Project (https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Current-Planning/Pending-and-
Approved-Projects/Approved-Projects/Castilleja-School/Castilleja-School-Project-Documents). Scheme D makes the following changes to Project Alternative 4:

- The parking structure would consist of 29,277 square feet and contain 69 below-grade parking spaces. Surface parking lots would have the same 26 parking spaces as under Project Alternative 4. The Palo Alto Municipal Code requires 104 parking spaces. Scheme D would provide a total of 95 spaces; thus a 9% parking adjustment would be required.

- The reduction in the parking structure size would avoid encroachment into the Tree Protection Zones for most trees located along the western edge of Spieker Field. The garage would encroach into the Tree Protection Zone only for tree #102.

- Modify building façade along Kellogg Avenue in accordance with direction from the Palo Alto Architectural Review Board.

1.3 Scheme E

Scheme E is also presented in the project document titled Updated Garage Studies (November 3, 2021). Scheme E makes the following changes to Project Alternative 4:

- The parking structure would consist of 24,294 square feet and contain 52 below-grade parking spaces. Surface parking lots would be modified to provide 37 at-grade parking spaces. Scheme E would provide a total of 89 parking spaces; thus a 14.4% parking adjustment would be required.

- The reduction in the parking structure size would avoid encroachment into the Tree Protection Zones for most trees located along the western edge of Spieker Field. The garage would encroach into the Tree Protection Zone only for tree #102.

- Shift the proposed pool eastward (toward Kellogg Avenue), which would reduce encroachment into the Tree Protection Zone for trees #87 and #89.

- Eliminate the below-grade trash/recycling and delivery area, retaining these activities at-grade in designated loading areas in the Emerson Street surface parking lot, consistent with the current campus operations. This would allow for retention of tree #155. Add an acoustic fence along the Emerson Street setback line (20 feet from street frontage) adjacent to the parking lot.

- Modify building façade along Kellogg Avenue in accordance with direction from the Palo Alto Architectural Review Board.

2 Comparison of Environmental Effects

The following discussion addresses whether Scheme D or Scheme E would result in changes to the project’s environmental effects as evaluated in the Castilleja School Project EIR.
2.1 Land Use and Planning

Under the topic of Land Use and Planning, the Castilleja School Project EIR found that the project could result in conflicts with surrounding land uses associated with special events, tree loss, transportation, and noise. These impacts were determined to be reduced to less-than-significant levels with implementation of mitigation measures identified in the EIR.

Special Events  Scheme D and Scheme E would not alter the proposed project components related to special events and thus would not increase or decrease potential land use and planning impacts associated with special events.

Trees  Scheme D and Scheme E would each reduce potential impacts to trees as follows:

- Scheme D reduces encroachment into the Tree Protection Zone for tree #102 and avoids encroachment into the Tree Protection Zone for trees #115, 116, 117, 118, 119, 120, 122, and 157.
- Scheme E allows for retention of tree #155, reduces encroachment into the Tree Protection Zone for trees #87, 89, and 102, and avoids encroachment into the Tree Protection Zone for trees #115, 116, 117, 118, 119, 120, 122, and 157.

Transportation  Scheme D and Scheme E would each use the same distributed circulation pattern described for Project Alternative 4, with school drop-off and pick-up occurring at three locations – within the parking structure, in the looped driveway on Bryant Street, and in the looped driveway on Kellogg Avenue. Students would be assigned to a specific drop-off/pick-up location in accordance with the school’s Transportation Demand Management (TDM) program. Thus, Scheme D and Scheme E would not increase or decrease potential impacts associated with transportation.

Noise  Scheme D would not alter the location, types, or extent of noise-generating activities within the campus and thus would not increase or decrease potential impacts associated with noise. Scheme E would eliminate the below-grade space for trash/recycling pick-up and deliveries and would return these activities to the surface parking lot on Emerson Street, consistent with the current campus design and operations. Thus, Scheme E could increase potential impacts associated with noise compared to Project Alternative 4, but retention of these activities at-grade would be consistent with the existing conditions and thus would not be a changed condition or new impact relative to existing conditions. However, to ameliorate the existing noise concerns related to these at-grade activities, Scheme E includes an acoustic fence along the Emerson Street setback line (20 feet from street frontage) adjacent to the existing surface parking lot. Thus, Scheme E would not increase or decrease potential impacts associated with noise.

2.2 Aesthetics

The Castilleja School Project EIR found that under Project Alternative 4, impacts associated with aesthetics would be less than significant with implementation of Mitigation Measure 4b, which requires replacement of protected trees as defined in the Palo Alto Municipal Code, replacement of street trees, and additional tree planting to replace the tree canopy from trees that are not specifically protected. The EIR found that project would result in temporary changes in campus-wide visual character, through demolition and construction of campus facilities and associated tree removal but would not substantially degrade the existing visual character or quality of the site and its...
surroundings because the building scale and massing, materials, and landscaping would comply with the City’s design standards and would be compatible with the surrounding residential neighborhood.

**Trees**  As discussed in Section 2.1, Scheme D and Scheme E would each reduce potential impacts to trees. Under Scheme D there would be no changes in the extent of tree removal compared to Project Alternative 4, thus the aesthetic impacts associated with trees under Scheme D would be the same as under Project Alternative 4. Under Scheme E, one additional tree would be retained onsite. However, this tree, #155, is located interior to the campus and is not a distinct visual element in views of the campus from the adjacent public streets. Thus, aesthetic impacts associated with trees under Scheme E would be the same as under Project Alternative 4.

**Kellogg Avenue**  Scheme D and Scheme E include the same modifications to the Kellogg Avenue façade compared to Project Alternative 4. These modifications would not create any new adverse aesthetics effects because the modifications reduce building massing by lowering the roofline on a portion of the building and create more variety in the building materials, articulation, and fenestration, in accordance with direction provided by the Palo Alto Architectural Review Board.

### 2.3 Cultural Resources

The Castilleja School Project EIR found that under Project Alternative 4, there would be potentially significant impacts associated with cultural resources because demolition and construction activities would occur in close proximity to the Gunn Family Administration Center Building/ Elizabeth Hughes Chapel Theater, which is listed as a Category 3 building on the City’s inventory of historic resources and listed in the Office of Historic Preservation’s Historical Resources Inventory with a status code 5S2. Similarly, the residence located at 1215 Emerson Street, adjacent to the project site, is eligible for listing on the National Register of Historic Places (NRHP) and could be inadvertently damaged during project construction. The EIR concluded that impacts would be less than significant with implementation of Mitigation Measure 6a, which would require the development and approval of a historic building protection plan for each phase of construction, and Mitigation Measure 6b, which would require education of construction workers on the potential for discovery of archeological resources and adherence to protocols for protection of such resources.

Scheme D and Scheme E would not alter the extent of demolition and construction activities in proximity to the Gunn Family Administration Center Building/ Elizabeth Hughes Chapel Theater. Both schemes would reduce the proximity of excavation and construction activities to the residence located at 1215 Emerson Street by reducing the size of the parking structure. Thus both schemes would slightly reduce the potential for adverse effects to cultural resources compared to Project Alternative 4.

### 2.4 Transportation

The Castilleja School Project EIR found that Project Alternative 4 would result in less-than-significant impacts to transportation with implementation of Mitigation Measure 7a, which defines minimum requirements for the school’s TDM program. This measure includes a requirement that the project must not result in an increase in the total daily trips and the AM Peak Hour trips associated with the school. It also defines the percentages of drop-off and pick-up trips that must be assigned to each of the three drop-off/pick-up locations. The EIR also requires implementation of Mitigation Measure 7b to ensure that adequate sight distance is provided adjacent to each of the project site driveways.
Under Scheme D and Scheme E, the campus would not meet the Municipal Code standards for the minimum required number of parking spaces. Scheme D would require a 9% parking reduction and Scheme E would require a 14.4% parking reduction. Under either scheme, the parking adjustment would not create any new adverse environmental effects because the adjustment would be supported by the proposed TDM program, which includes measures to ensure that there would be no increase in total daily or AM Peak Hour trips as required by EIR Mitigation Measure 7a. Thus, the amount of parking included in Scheme D and Scheme E would be sufficient to meet parking demand and it would not create an increase in vehicle congestion or emissions. Parking adjustments of up to 20% are permissible by approval of the Director of Planning and Development Services, when associated with robust TDM programs, which is the case for the subject project.

Scheme D and Scheme E would not alter the location or configuration of any of the project site driveways and would not alter the TDM program, including the percentages of drop-off and pick-up trips assigned to each of the three drop-off/pick-up locations. Thus, there would be no increase or decrease in the environmental impacts associated with transportation compared to Project Alternative 4.

2.5 **Noise**

The Castilleja School Project EIR found that Project Alternative 4 would result in less-than-significant impacts to noise with implementation of the following mitigation measures:

- Mitigation Measure 4a, which establishes limits on the size, timing, and frequency of special events to ensure that the events remain within the parameters of the impact analysis and remain in compliance with Palo Alto Municipal Code Section 9.10.060;

- Mitigation Measure 8a, which establishes a performance standard that must be attained at the time that the loudspeaker system for the pool area is designed;

- Mitigation Measure 8b, which establishes performance standards that must be attained during each construction phase; and

- Mitigation Measure 6a, which requires a protection plan to be implemented for the Administration/Chapel Theater building and provides recommendations for equipment usage and demolition techniques to minimize potential vibration effects.

**Special Events** As stated in Section 2.1, Scheme D and Scheme E would not alter the proposed project components related to special events and thus would not increase or decrease potential noise impacts associated with special events.

**Pool Loudspeaker System** Scheme D would not alter the location, design, or use of the pool and thus would not increase or decrease the potential noise impacts associated with the pool loudspeaker system. Scheme E would shift the location of the pool eastward, but would not alter the design or use of the pool and thus also would not increase or decrease the potential noise impacts associated with the pool loudspeaker system.

**Trash/Recycling and Deliveries** Scheme D would not alter the location or extent of trash/recycling pick-up or delivery activities within the campus and thus would not increase or decrease potential impacts associated with noise. As stated in Section 2.1, Scheme E would eliminate the below-grade space for trash/recycling pick-up and deliveries.
and would return these activities to the surface parking lot on Emerson Street, consistent with the current campus design and operations. Thus, Scheme E could increase potential impacts associated with noise compared to Project Alternative 4, but retention of these activities at-grade would be consistent with the existing conditions and thus would not be a changed condition or new impact relative to existing conditions. However, to ameliorate the existing noise concerns related to these at-grade activities, Scheme E includes an acoustic fence along the Emerson Street frontage adjacent to the existing surface parking lot. Thus, Scheme E would not increase or decrease potential impacts associated with noise.

**Construction** Scheme D and Scheme E would each reduce the size of the parking structure, which would reduce the overall duration of construction activities. Under Scheme D, the parking structure would be reduced by 3,203 square feet (9.8%) compared to Project Alternative 4. Under Scheme E, the parking structure would be reduced by 8,186 square feet (25.2%) compared to Project Alternative 4. Although the duration of construction activities would be reduced, the maximum intensity of daily construction-related noise would not be reduced because the same types of equipment would be used, and the same types of construction activities would occur. Implementation of Mitigation Measure 8b would be required under either Scheme D or Scheme E, and neither scheme would increase or decrease the construction-related noise effects compared to Project Alternative 4.

**Construction Vibration** The Castilleja School Project EIR found that the Administration/Chapel building, which has been identified as a historic resource, could be exposed to vibration during demolition of the adjacent Academic building, which is connected to the east façade of the Administration building. The effects would be reduced by implementation of Mitigation Measure 6a, which, as noted above requires a protection plan to be implemented for the Administration/Chapel Theater building and provides recommendations for equipment usage and demolition techniques to minimize vibration. The EIR found that the reduced size of the garage under the Project Alternative 4 would shorten the total construction period but would involve generally the same activities and equipment usage, and thus would not reduce the potential vibration levels. Similarly, as discussed under the Construction paragraph above, Scheme D and Scheme E would each further reduce the size of the garage and shorten the construction period but would not involve generally the same activities and equipment usage, and thus would not reduce the potential vibration levels.

**2.6 Air Quality**

The Castilleja School Project EIR found that Project Alternative 4 would result in less-than-significant impacts to air quality with implementation of Mitigation Measure 9a, which stipulates that the proposed project must implement specific Basic Construction Emission Control Measures throughout project construction, and Mitigation Measure HAZ-1, which requires that existing buildings proposed to be demolished be surveyed by a qualified environmental specialist to identify potential lead-containing materials, asbestos containing materials, and the presence of polychlorinated biphenyls and that any disturbance of such materials be carried out by a qualified contractor and be disposed of properly, in accordance with state and federal guidelines and regulations.

There would be no changes to the proposed demolition activities under either Scheme D or Scheme E. Thus, there would be no increase or decrease in the potential for airborne emissions of hazardous materials during project implementation.
As stated in Section 2.5, Scheme D would reduce the size of the parking structure by 3,203 square feet (9.8%) compared to Project Alternative 4 and Scheme E would reduce the size of the parking structure by 8,186 square feet (25.2%) compared to Project Alternative 4.

As discussed in the Castilleja School Project Final EIR Master Response 4, construction of the parking structure under Project Alternative 4 would require excavation of approximately 17,000 cubic yards of soil, requiring approximately 2,125 one-way hauling trips. Under Scheme D excavation for the parking structure would be reduced to approximately 15,334 cubic yards and 1,917 one-way hauling trips. Under Scheme E excavation for the parking structure would be reduced to approximately 12,376 cubic yards and 1,547 one-way hauling trips. Although the number of hauling trips would be reduced, the construction schedule would be shortened, and the number of daily trips would be generally the same. Thus, the daily air pollutant emissions would be generally the same as evaluated for Project Alternative 4. Further, air quality impacts from construction are considered on a daily average basis across the whole construction period. As shown in the Castilleja School Project Draft EIR Table 9-6, the daily construction emissions under the originally proposed project were considerably below the thresholds adopted by the Bay Area Air Quality Management District. The reductions in excavation and off-haul would not substantially reduce the total volume or daily average of construction emissions, and implementation of Mitigation Measure 9a would still be necessary under either Scheme D or Scheme E to ensure impacts remain less than significant. Thus, neither Scheme D nor Scheme E would increase or decrease impacts associated with air quality emissions during construction.

### 2.7 Greenhouse Gas Emissions

The Castilleja School Project EIR found that Project Alternative 4 would result in less-than-significant impacts associated with greenhouse gas (GHG) emissions because the emissions generated during demolition, construction, and operation of the proposed would remain below the thresholds established by the Bay Area Air Quality Management District.

**Demolition and Construction** The Castilleja School Project Draft EIR Table 10-2 shows that the originally proposed project would generate 452.6 metric tons of GHG emissions in the first year of construction, 749.2 metric tons of GHG emissions in the second year of construction, and 161.2 metric tons of GHG emissions in the third year of construction. The Bay Area Air Quality Management District threshold for GHG emissions during construction is 1,100 metric tons per year. The construction related GHG emissions under the originally proposed project and under Project Alternative 4 would be well below this threshold.

With the reduced size of the parking structure and the associated reduction in excavation and hauling trips, construction related GHG emissions would be further reduced under Scheme D and under Scheme E. Thus, neither scheme would increase environmental impacts associated with construction related GHG emissions.

**Operation** Under all of the project alternatives, including Scheme D and Scheme E, the project would replace old buildings with new buildings that would achieve higher energy-efficiency and water-efficiency standards and Castilleja would implement a Sustainability Plan to reduce other sources of GHG emissions associated with school operations. Neither Scheme D nor Scheme E would alter the campus’s energy-efficiency, water-efficiency, or Sustainability Plan and thus neither would increase or decrease environmental effects associated with GHG emissions from long-term operation of the school.
2.8 Energy

The Castilleja School Project EIR found that Project Alternative 4 would result in less-than-significant impacts associated with energy consumption because construction and operation of the proposed project would not result in wasteful, inefficient or unnecessary consumption of energy. Construction activities would be required to comply with the California Air Resources Board Airborne Toxics Control Measure, which minimizes petroleum use during construction. Energy consumption during long-term operation of the school would be minimized because the project would replace old buildings with new buildings that would achieve higher energy-efficiency and water-efficiency standards and Castilleja would implement a Sustainability Plan to further reduce energy consumption.

Demolition and Construction Similar to the discussions of demolition and construction in Sections 2.6 and 2.7, under either Scheme D or Scheme E there would be a reduction in the extent of energy consumed during excavation and construction of the parking structure. Thus, there would be a slight reduction in the overall energy consumption associated with the proposed demolition and construction activities compared to Project Alternative 4.

Operation As stated in Section 2.7, under all of the project alternatives, including Scheme D and Scheme E, the project would replace old buildings with new buildings that would achieve higher energy-efficiency and water-efficiency standards and Castilleja would implement a Sustainability Plan. Neither Scheme D nor Scheme E would alter the campus’s energy-efficiency, water-efficiency, or Sustainability Plan and thus neither would increase or decrease environmental effects associated with energy consumption from long-term operation of the school.

2.9 Geology and Soils

The Castilleja School Project EIR found that Project Alternative 4 would result in less-than-significant impacts associated with geology and soils through compliance with the California Building Code and implementation of Mitigation Measure 12a, which requires compliance with recommendations provided in the site-specific geotechnical investigation to address seismic activity and hazards, expansive soil, and the potential need for dewatering during excavation.

Scheme D and Scheme E would not alter the level of potential seismic activity in the project region and would not avoid the need to implement geotechnical recommendations related to expansive soil. While each scheme would reduce the total size of the parking structure and thus would reduce the total volume of soil excavation, neither would reduce the depth of excavation necessary to construct the parking structure.

As discussed in the Draft EIR, excavation for the parking structure is expected to reach a maximum of 15 feet below grade. The Geotechnical Investigation prepared for the project (Draft EIR Appendix H) reports that groundwater was encountered at depths between 29 and 31 feet below grade in the geotechnical explorations and rose to static levels ranging of 28 feet to 30 feet at the end of the drilling operation, and that based on the California Geological Survey’s Seismic Hazard Zone Report 111, the highest expected groundwater level at the project site is approximately 23 feet below ground elevation. Thus, it is not expected that groundwater would be encountered during excavation and construction of the parking structure. In the event that groundwater is encountered during excavation and construction and dewatering becomes necessary, Mitigation Measure 12a requires that the contingency dewatering plan recommended by the Geotechnical Investigation be implemented. Further, any dewatering activities would be subject to the City’s requirements and standard permit approval conditions, including that water be collected in trucks for dust suppression on-site, street-sweeping and other city programs.
Under Scheme D or Scheme E, if groundwater is encountered during excavation for the parking structure, the reduced area and total volume of excavation would reduce the extent of dewatering that would be necessary. Neither scheme would increase the area and volume of excavation or the potential extent of dewatering, thus neither scheme would increase environmental impacts associated with groundwater compared to Project Alternative 4.

Similarly, the reduced area and total volume of excavation for the parking structure would reduce the potential for paleontological resources to be encountered during construction. However, some potential to encounter such resources would remain and implementation of Mitigation Measure 12b, which requires evaluation, protection, and/or documentation of any discovered paleontological resources by a qualified paleontologist, would be required. Neither Scheme D nor Scheme E would increase the potential environmental impacts associated with paleontological resources.

3 Conclusion

As demonstrated in Section 2, neither Scheme D nor Scheme E would increase the adverse environmental impacts of the project compared to Project Alternative 4 and all of the mitigation measures applicable to Project Alternative 4 would also be applicable to either Scheme D or Scheme E.

Under the California Environmental Quality Act (CEQA) Guidelines Section 15088.5, recirculation of an EIR is required when “significant new information” is added to an EIR. Significant new information is defined as information showing that a new significant environmental impact would occur, a substantial increase in the severity of an environmental impact would occur, a project alternative or mitigation measure that is “considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it,” or the EIR precluded meaningful public review and comment because it was fundamentally and basically inadequate and conclusory.

Because there would be no increase in the adverse environmental impacts, no new environmental impacts, and no changes to the mitigation measures, no revisions to the Castilleja School Project EIR are required and it is not necessary to recirculate the Castilleja School Project EIR.
MEMORANDUM

To: Amy French, City of Palo Alto, Chief Planning Official
From: Eric Schniewind, Dudek, Environmental Geologist
Subject: Castilleja School Project – Groundwater Response Technical Memorandum
Date: March 25, 2022
cc: Katherine Waugh, Dudek, Senior Project Manager
Attachments: EIR Errata
Resume for Eric Schniewind

1 Introduction

This memorandum consists of an assessment of the adequacy of the Castilleja School Project Environmental Impact Report (EIR) for the analysis of potential groundwater impacts associated with the proposed project in light of a number of public comments received. This memorandum provides a review of each issue raised and whether it was sufficiently addressed in the EIR.

2 Adequacy of the 2017 Geotechnical Investigation

Chapter 12 of the Draft EIR provided analysis of Geology, Soils, Seismicity and Paleontology which included review of a subsurface investigation to identify underlying conditions of the site including soil types, geotechnical engineering characteristics, and groundwater depths. The analysis was in part based on the site-specific Geotechnical Engineering Investigation prepared by Silicon Valley Soil Engineering dated January 2017 and included in the Draft EIR as Appendix H. Appendix H also included the peer review of the report by Cornerstone Earth Group (Cornerstone), dated March 2017. While the report is dated from 2017, it still represents the best available science related to the site-specific conditions that were identified during the subsurface portion of the investigation. The peer review conducted by Cornerstone concluded that the subsurface evaluation including the assessment of groundwater conditions was “adequately addressed and no exception taken.” The peer review also stated that Cornerstone concurs that “full-time dewatering of free groundwater may not be needed.” This conclusion is based on the observation of groundwater levels at depths of 29 and 31 feet below ground surface (bgs) and that the expected highest groundwater level would be at approximately 23 feet bgs. As described in Chapter 3 Project Description of the Draft EIR, the excavation for the below-grade parking structure would only extend to approximately 15 feet bgs which is well above the observed groundwater level and the highest expected level. The proposed pool would be 15 feet below grade and would be 10 feet deep making the excavation necessary to at least 25 feet bgs. This depth is still above the observed levels and since preparation of that report, the region has yet to experience a particularly wet year. According to the most recent groundwater conditions report for the subbasin by the Santa Clara Valley Water District (Valley Water and SCVWD), which reports on groundwater
monitoring data collected in February 2022, groundwater levels for all studied aquifers are lower than they were in February 2017 (SCVWD 2022a). This indicates that groundwater levels at the site would more likely be expected to be lower than what was reported in 2017 rather than any higher. Regardless, the peer review did recommend that a contingency dewatering plan be considered for the project in the event that groundwater is encountered during construction. Mitigation Measure 12a of the Draft EIR requires that such a contingency plan be prepared and implemented as appropriate. The dewatering plan must meet the requirements of the City’s Dewatering Ordinance, which is discussed in Section 4 of this memorandum.

Therefore, considering that the 2017 geotechnical investigation provides the Draft EIR with the best available science related to underlying conditions and that current (February 2022) groundwater monitoring levels show that groundwater levels in the basin are widely seen as lower rather than higher than what was reported in 2017, it appears sufficient to conclude that the 2017 geotechnical investigation is still adequate for California Environmental Quality Act (CEQA) purposes in assessing subsurface conditions as well as the analysis of potential groundwater impacts. In addition, Mitigation Measure 12a provides for the contingency in the unlikely event that groundwater is encountered and requires temporary dewatering.

3 Consideration of Pool and Parking Structure

Chapter 3 Project Description describes both the construction of the subgrade pool and the below-grade parking structure as project elements that were analyzed in the Draft EIR. Page 3-11 of the Draft EIR provides a description of the proposed pool which is then analyzed for potential impacts related to dewatering within Impact 12-4 on page 12-14 of the Draft EIR. Therefore, both proposed excavations for the parking structure and the pool were considered in the analysis.

The analysis in Impact 12-4 identified the maximum depth of excavation as 15 feet bgs. However, the pool would require excavation to a depth of approximately 27 to 28 feet. Thus, errata pages are provided as an attachment to this memorandum showing edits to the EIR text to accurately reflect excavation associated with the pool. No revisions to the impact analysis, conclusions, or mitigation measures are required because the EIR recognized the potential need for dewatering.

4 Palo Alto Dewatering Ordinance

The recent periods of drought conditions have raised awareness of the importance of groundwater resources and were the driving force behind the City of Palo Alto’s response to minimize and standardize the process of pumping and discharge of construction dewatering practices through the passage of the February 2016 Palo Alto Dewatering Ordinance, later revised in 2017 and 2018. It is codified in Palo Alto Municipal Code Section 16.28.155. The 2017 changes included monitoring requirements for groundwater elevation changes on nearby structures, clarifying reporting requirements, and requiring a Hydrogeologic Study. The ordinance also includes limits on methods of dewatering, seasonal restrictions, and limits on duration of dewatering activities. While these do not represent specific quantity or volume limitations, they do result in minimizing the amount of groundwater that can be extracted.

The Dewatering Ordinance allows for temporary construction-related groundwater dewatering to be conducted using groundwater exclusionary techniques and/or controlled groundwater pumping, and establishes criteria for analysis, methodology, and monitoring specific to each of these approaches.
When exclusionary techniques are used, the project applicant is required to install a groundwater monitoring well and submit periodic reports of groundwater level, other measurements, and other on-site and off-site conditions as required by the city engineer. At minimum, the applicant must measure the groundwater level “at a monitoring well located at a farthest feasible point on the subject site from the underground structure” daily for the first two weeks of pumping and weekly thereafter.

When groundwater pumping is used, the applicant must first submit a dewatering hydrogeological study stamped by a California licensed hydrogeologist or equivalent. This study must evaluate the potential for off-site effects (such as settlement or movement) by completing a building condition survey and report for structures on adjacent parcels and any adjacent public infrastructure and must include avoidance measures to minimize such effects. Even when the study does not identify likely off-site effects, it must demonstrate that avoidance measures have been incorporated in the project “to the maximum extent practicable to minimize the flow rate and duration of the pumping.” Throughout the pumping period, ground elevations adjacent to structures on adjacent parcels must be monitored weekly, if allowed by the property owners.

Similar to the requirement for exclusionary techniques, the applicant must install groundwater monitoring wells on the project site and submit measurements and reports to the city engineer. In the initial two-week start up period of groundwater pumping, the applicant must verify the anticipated drawdown curve identified in the dewatering hydrogeological study with a pump test performed on the monitoring wells. After the two-week start up period, daily pumping rates and volume must be limited to the value calculated in the verification study. The groundwater level must be measured daily for the first week of pumping and then weekly. If drawdown results are greater than anticipated, the applicant must submit a revised dewatering hydrogeological study including any revised conclusions regarding impacts of the groundwater drawdown.

The ordinance also requires that the pumped groundwater be used to the maximum extent practicable for activities such as irrigation, dust suppression, or other City-directed purposes that might otherwise reduce groundwater demands in the subbasin. This includes that applicant must deliver water to parks and schools as requested by the City and must truck water to irrigation sites as directed by the City at least one full day per week during the first six weeks of dewatering and five days per week during the remainder of the dewatering period. The applicant must also install fill station(s) at the project site to allow the pumped groundwater to be used on-site for dust suppression and other construction needs and allow adjacent properties to use hoses connected to the fill station(s) for irrigation off-site.

Adherence to the City’s Dewatering Ordinance minimizes the potential for adverse effects and provides a means for productive use of the extracted water that can alleviate other water usage. Therefore, the ordinance is considered effective at minimizing groundwater impacts and for CEQA purposes reduces potential impacts to groundwater resources.

5 Recharge and Recharge Areas

As discussed in the Initial Study that was prepared in preparation of the Draft EIR for the proposed project, the project would not increase impervious surfaces at the site. The Initial Study cited that the proposed project would decrease impervious surfaces by 0.06% and thus there would be a negligible effect on groundwater recharge as a result of the proposed project. Dewatering is not anticipated, but even if it were determined to be necessary, it would have no effect on groundwater recharge. Therefore, the issue of whether or not the proposed project would
adversely affect groundwater recharge was appropriately addressed in the Initial Study as part of the Notice of Preparation for the EIR, in which the project was determined to have a less than significant impact and did not require further analysis in the Draft EIR.

6 Subsidence

Land subsidence as a result of groundwater extraction has historically been a substantial problem for the region. During the period of 1915 to 1969, the northern portion of Santa Clara County experienced as much as 13 feet of subsidence. Santa Clara Valley Water District (Valley Water) was created in 1929 in recognition of the need to protect groundwater and minimize land subsidence (SCWD 2022b). By about 1970, through various management measures, Valley Water successfully halted subsidence. To this day, Valley Water continues to carefully manage the subbasin with vigilant water management and an ongoing monitoring program to ensure that water levels remain well above levels where subsidence might reoccur. Construction dewatering occurs throughout the subbasin and likely represents only a very small portion of the total amount of groundwater extraction experienced in the subbasin compared to, for example, municipal supply where groundwater supplies nearly half of the water used in Santa Clara County. Groundwater is pumped by local water retailers, companies, and individual well owners to serve many beneficial uses, including municipal and domestic needs, agriculture, and industry. Dewatering during construction of the proposed project has been considered unlikely according to the Geotechnical Investigation (and confirmed by third party peer review), and even if it were necessary, would only occur on a temporary basis (no more than 12 weeks of dewatering is permitted) such that it is likely to have a negligible effect on groundwater levels and subsidence. Therefore, in a subbasin that is diligently managed by Valley Water and local requirements to adhere to the Palo Alto Dewatering Ordinance, the potential for temporary construction dewatering, if even necessary for the project, to result in subsidence is considered unlikely. In the event that dewatering is deemed necessary, Mitigation Measure 12a requires implementation of a dewatering contingency plan consistent with the City’s Dewatering Ordinance and would be sufficient to reduce the potential for subsidence to less than significant levels.

7 Effect on Trees

As noted above, construction dewatering is not considered likely for construction of the proposed project. However, if required, dewatering would be limited to the restrictions of the Palo Alto Dewatering Ordinance, which includes that dewatering is only allowed for a maximum period of 12 weeks. The pumped water must be used to the maximum extent practical and could be used for the purposes of irrigation on the project site or a consenting neighboring property or distributed throughout the City to locations in need, in coordination with the City’s Urban Forestry and/or Parks and Recreation staff. Therefore, if dewatering is required, adherence to the ordinance would require preparation of a Groundwater Use Plan where the extracted water can be used for irrigation purposes which could be especially beneficial in periods of drought conditions. In addition, dewatering, if required, would only be temporary and existing upland vegetation is already used to drought cycles with most species relying more on precipitation and irrigation for water needs as opposed to relying solely on groundwater. Upon completion of dewatering, localized groundwater levels would be expected to return to pre-construction levels as is typical of short-term construction dewatering such that there should be negligible effect on local vegetation.
Greenhouse Gases from Concrete Use

Chapter 10 of the Draft EIR provides the analysis of greenhouse gas (GHG) emissions related to the proposed project consistent with CEQA requirements. Construction impacts related to GHG are provided in the Draft EIR in Chapter 10 Greenhouse Gas Emissions, on page 10-22 and are consistent with the City of Palo Alto’s recommendations to use the Bay Area Air Quality Management District’s threshold of 1,100 metric tons of carbon dioxide-equivalent annually. A commenter suggests that manufacturing the concrete required for construction of the pool would result in carbon dioxide emissions of 1.34 million pounds which is approximately 608 metric tons. Table 10-2 of the Draft EIR shows that the 3 years of construction would result in a total of 1,363.3 metric tons of carbon dioxide-equivalent emissions for an average of approximately 454 metric tons per year, well below the 1,100 metric ton threshold of significance. CEQA does not require that the analysis of a project’s GHG emissions include consideration of the GHG emissions associated with the life-cycle of building materials (such as manufacturing and potential future disposal). Similarly, the Bay Area Air Quality Management District’s CEQA Guidelines do not require or recommend that a life-cycle analysis be included in a CEQA document. However, for informational purposes, the additional 608 metric tons of GHG emissions over the 3-year construction period would result in a level of GHG emissions that is still below the significance threshold. Therefore, the impact conclusion of less than significant for construction GHGs was appropriate and consistent with CEQA requirements.

Summary

The proposed project would include earthwork activities for subsurface improvements with deeper excavations necessary for the proposed pool and below-grade parking structure. Based on site specific data collected from the geotechnical investigation conducted at the site, which was peer reviewed by a third party, the proposed excavations are unlikely to require dewatering during construction. However, the Draft EIR considers that dewatering may still be necessary and requires implementation of Mitigation Measure 12a which includes the requirement of a dewatering contingency plan. Any dewatering would be required to adhere to the City of Palo Alto’s Dewatering Ordinance which includes a requirement of a hydrogeologic study and a groundwater reuse plan. Adherence to this ordinance would minimize any adverse effects to groundwater resources. Potential impacts related to concrete for the pool construction was appropriately addressed in Chapter 10 of the Draft EIR. Therefore, the issues raised in response to the Draft EIR related to the proposed pool and below-grade parking structure were adequately addressed in the Draft EIR.

References Cited


Schedule of Meetings
Published May 12, 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.

MONDAY, May 16
Sp. City Council Meeting, 5:00 p.m.

TUESDAY, May 17
Sp. Finance Committee Meeting, 5:30 p.m.

WEDNESDAY, May 18
Sp. Rail Committee Meeting, 1:00 p.m.

THURSDAY, May 19
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, MAY 23
Sp. City Council Meeting, 5:00 p.m.

TUESDAY, May 24
Sp. Finance Committee Meeting, 12:00 p.m.
Human Relations Commission, 6:00 p.m.
Parks and Recreation Commission, 7:00 p.m.

WEDNESDAY, May 25
Planning & Transportation Commission Meeting, 6:00 p.m.

WEDNESDAY, May 26
Historic Resources Board Meeting, 8:30 a.m.

WEDNESDAY, June 1
Sp. City Council Meeting, 5:00 p.m.
Utilities Advisory Commission, 6:00 p.m.

THURSDAY, June 2
Architectural Review Board Meeting, 8:30 a.m.

MONDAY, June 6
Sp. City Council Meeting, 5:00 p.m.

TUESDAY, June 7
Sp. Finance Committee Meeting, 5:30 p.m.