

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

ORDINANCE NO. \_\_\_\_\_  
ORDINANCE OF THE COUNCIL OF THE CITY OF PALO  
ALTO AMENDING SECTION 16.28.080 (SPECIFIC  
EXEMPTIONS) AND ADDING SECTION 16.28.321  
(CONSTRUCTION OF BRIDGES, CULVERTS AND STORM  
DRAIN OUTFALLS) AND SECTION 16.28.322 (STREAM  
BANK EROSION REPAIR) TO CHAPTER 16.28 (GRADING  
AND EROSION AND SEDIMENT CONTROL) OF TITLE 16  
(BUILDING REGULATIONS) OF THE PALO ALTO MUNICIPAL  
CODE

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

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

(a) In 2003 various agencies, including the City of Palo Alto, formed the Santa Clara Valley Water Resources Protection Collaborative to develop uniform guidelines and standards for land use near streams;

(b) In August 2005, the Collaborative developed the Santa Clara Valley Water Resources Protection Collaborative User Manual: Guidelines and Standards for Land Uses Near Streams;

(c) In July 2006 further updates were made to the User Manual; and

(d) The City of Palo Alto desires to conform its land use policies near streams to the User Manual.

Section 2. Section 16.28.080 (Specific Exemptions) is amended to read as follows:

**16.28.080 Specific Exemptions**

Sections 16.28.060 and 16.28.070(a) - (f) notwithstanding, the following activities are exempt from the permit requirements of this chapter.

(a) An excavation below finished grade for basements and footing of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor shall it exempt any excavation having an unsupported depth greater than five feet after the completion of the structure.

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- (b) Cemetery graves.
- (c) Refuse disposal sites controlled by other regulations.
- (d) Excavations for wells, sanitary sewers, water pipes, natural gas pipes, and electrical/communications conduits or cables. However, when such excavation is performed within a public utility easement, an encroachment permit is required.
- (e) Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay, where authorized and regulated by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
- (f) Exploratory excavations under the direction of soils engineers or engineering geologists.
- (g) Routine agricultural crop management practices.
- (h) Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.
- (i) Any activity where the total volume of material disturbed, stored, disposed of, or used as fill does not exceed 100 cubic yards and does not obstruct or modify the storm water carrying capacity or characteristics of a drainage course.
- (j) Sections 16.28.060 and 16.28.070 (a) - (g) notwithstanding, any activity where the total volume of material disturbed, stored, disposed of, or used as fill does not exceed five cubic yards is always exempt from the permit requirements.
- (k) Any grading or construction activity within a Santa Clara Valley Water District right-of-way or easement which requires a Water District encroachment permit.

Section 3. Section 16.28.321 (Construction of Bridges, Culverts, and Storm Drain Outfalls) is hereby added to read as follows:

**16.28.321 Construction of Bridges, Culverts, and Storm Drain Outfalls**

(a) Bridges, culverts, and storm drain outfalls shall be constructed in a manner consistent with the Santa Clara Valley Water Resources Protection Collaborative User Manual: Guidelines and Standards for Land Uses Near Streams (Revised July 2006), as amended from time to time.

(b) Streams shall not be filled or placed in culverts to accommodate grading and construction for land development projects, except for road crossings.

(c) Stream culverts constructed to accommodate road access shall be clear-span whenever possible and shall be constructed in a manner consistent with the Santa Clara Valley Water

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Resources Protection Collaborative User Manual: Guidelines and Standards for Land Uses Near Streams (Revised July 2006), as amended from time to time.

Section 4. Section 16.28.322 (Stream Bank Erosion Repair) is hereby added to read as follows:

**Section 28.322 Stream Bank Erosion Repair**

(a) Stream bank erosion repair shall use the softest possible method appropriate for the stream characteristics. Use of hardscape materials or retaining walls within the banks of a stream shall be avoided. Stream bank erosion repairs shall be constructed in a manner consistent with the Santa Clara Valley Water Resources Protection Collaborative User Manual: Guidelines and Standards for Land Uses Near Streams (Revised July 2006), as amended from time to time.

(b) Exceptions to this requirement may be granted by the Director of Public Works where the applicant provides an engineering report demonstrating that softer methods have been evaluated and found to be infeasible, that the proposed method will effectively reduce bank erosion, and that the proposed method will not cause erosion or negatively impact proper stream function in other areas. Any use of hardscape under this exception, will require the planting of appropriate native riparian vegetation onsite or at another suitable location to be approved by the Director of Public Works in order to mitigate the impacts of the hardscape.

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Section 5. This ordinance shall be effective the 31st day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Sr. Assistant City Attorney

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Director of Public Works

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Director of Planning and  
Community Environment