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12/20/78

C3 CALENDAR ITEM

C3.

GENERAL PERMIT
PUBLIC AGENCY USE

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W 21635
Maricle
PRC 5606

APPLICANT: City of Palo Alto
250 Hamilton Avenue
Palo Alto, California 94301

AREA, TYPE LAND AND LOCATION:
A 23.592 acre parcel, filled swamp and
overflow land, Palo Alto, Santa Clara County.

LAND USE: Construction and maintenance of a wastewater
treatment plant.

TERMS OF PROPOSED PERMIT:
Initial period: 49 years from April 1,
1978.

CONSIDERATION: Public health and safety, with the State
reserving the right at any time to set
a monetary rental if the Commission finds
such action to be in the State's best interest,
as to any portion of the property ultimately
confirmed into State ownership.

BASIS FOR CONSIDERATION:
2 Cal. Adm. Code 2006.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 & 2.
B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:
1. The annual rental value of the site
cannot be ascertained until complex
title issues are resolved and clarified.
Such determination will require extended
work by the staff and by the applicant.
2. A final EIR was prepared by J. B. Gilbert
and Associates for the City of Palo
Alto on this project pursuant to CEQA
and implementing regulations. A notice
of determination was not issued by

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the City of Palo Alto. A public hearing was conducted by the City of Palo Alto on January 12, 1976 on this project and the following motion was made:

MOTION: "Councilman Beahrs moved, seconded by Berwald, that Council finds that the Draft Environmental Impact Report on the Advanced Waste Treatment Facilities, Palo Alto Water Quality Control Plant, dated December 1975, together with the additional data, both written and oral, submitted during this hearing, is sufficient under the requirements of the California Environmental Quality Act as to the project delineated in the Draft Environmental Impact Report be prepared for review by the Council."

The motion passed on a unanimous vote.

Subsequent to January 12, 1976, all other permitting authorities have consented to the project, grant moneys have been awarded, and construction has commenced. The staff concludes that the City of Palo Alto approved the matter, that such approval was with intent to comply with environmental rules and regulations, and that the fundamental purpose and requirements of CEQA have been satisfied.

3. This project is one element of a large subregional sewage treatment program. The Commission's staff has informed the City of Palo Alto of probable Commission interests in said property and the district has agreed to take a nonprejudicial permit from the Commission which will allow the work to go forward without title relinquishment by either party. Questions regarding title will be settled as described above.

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4. A nonrefundable expense deposit and filing fee have not been requested of the applicant, since the primary purpose of the agreement is to preserve title and interests in the property and permitting, at the same time, the construction of a necessary public service plant. For these reasons, the staff recommends that the fees be waived.
5. The standard covenants and conditions in Commission permits reserve to the State the right to set a monetary rental if such action is in the State's best interest. Since the extent of the State's title is yet to be determined, either by agreement or litigation, the applicant has requested assurance that the State's reserved right will apply only to the portion of the property ultimately confirmed as being in State ownership. The staff agrees with the applicant in this matter and the permit has been written accordingly.

APPROVALS OBTAINED:

Palo Alto City Council, Bay Conservation and Development Commission, Santa Clara County Airport Land Use Commission, Federal Aviation Authority, and the State Water Resources Control Board.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. EIR Summary.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY THE CITY OF PALO ALTO ON JANUARY 12, 1976.
2. CERTIFY THAT THE INFORMATION CONTAINED IN SAID EIR HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

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4. AUTHORIZE ISSUANCE TO THE CITY OF PALO ALTO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA OF A 49-YEAR NONPREJUDICIAL GENERAL PERMIT - PUBLIC AGENCY USE FROM APRIL 1, 1978; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST, AS TO ANY PORTION OF THE PROPERTY ULTIMATELY CONFIRMED INTO STATE OWNERSHIP; WITH WAIVER OF FEES; FOR THE CONSTRUCTION AND MAINTENANCE OF A WASTEWATER TREATMENT FACILITY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 21635

All that certain real property situate in the City of Palo Alto, County of Santa Clara, State of California, more particularly described as follows:

BEGINNING at the most easterly corner of that certain parcel of land described in the deed from Robert J. Bahr and Maurice R. Ledoyen to the City of Palo Alto, recorded December 21, 1959, in Book 4642 of Official Records of Santa Clara County at page 490, said point lying on the southerly line of Embarcadero Road (86.00 feet in width), said point also lying on the southwesterly line of that certain parcel described in the Deed from Grace Ross Seale to the City of Palo Alto, recorded July 11, 1933, in Book 658 of Official Records of Santa Clara County at page 23; thence along the southwesterly line of said lands described in the Deed from Grace Ross Seale S 45° 05' E, 479.99 feet to the most northerly corner of that certain parcel of land described in the Deed from Grace Ross Seale to the City of Palo Alto, recorded February 15, 1936, in Book 764 of Official Records of Santa Clara County at page 51; thence along the westerly line of said parcel described in the lastmentioned Deed S 22° 32' 30" E, 184.72 feet to a point on the westerly line of that certain parcel described in the Deed from Alfred Seale and Grace Ross Seale to the City of Palo Alto, recorded October 14, 1932, in Book 623 of Official Records of Santa Clara County at page 572; thence along said westerly line South, 9.60 feet; thence leaving said westerly line South 51° 37' W, 179.07 feet to a point on the southeasterly prolongation of the northeasterly line of Embarcadero Way (50.00 feet in width); thence southeasterly along said southeasterly prolongation S 38° 23' E, 713.39 feet to a point on the southerly line of the aforementioned parcel described in the Deed recorded in Book 623 of Official Records of Santa Clara County at page 572; thence along said southerly line East, 110.36 feet; thence leaving said southerly line N 51° 37' E, 799.28 feet; thence N 38° 23' W, 1,025.11 feet to a point on the southerly line of the Embarcadero Road extension; thence along said southerly line West, 674.38 feet to a point on the aforementioned southerly line of Embarcadero Road (86.00 feet in width); thence along said southerly line S 51° 37' W, 177.70 feet to the point of beginning.

EXCEPTING THEREFROM those interests-in-land, if any, which passed by virtue of

the patents issued to William Paul, December 8, 1856, for Swamp and Overflow Survey No. 11, San Francisco County and October 24, 1856, for Swamp and Overflow Survey No. 3, Santa Clara County.

END OF DESCRIPTION

Prepared Frank T. Carey Checked John K. Jaring
Reviewed A. H. Runnecke Date 3/16/78
XJB

EXHIBIT "C"

ENVIRONMENTAL IMPACT REPORT SUMMARY

I. Introduction

The following is a summary of an EIR for advanced waste treatment facilities of the Palo Alto Water Quality Control Plant which provides secondary treatment for wastewaters of Palo Alto, Mountain View, Los Altos, and contractual treatment for several other nearby areas.

II. Project Description

The proposed advanced waste treatment facilities are needed to sufficiently reduce the load on the sludge phase of the existing system. Additional plug-flow detention time would be accomplished by the proposed system.

Although the elevation of the slough bottom into which the effluent will be directly discharged is such that there will always be water present, the bottom of the bay is generally exposed at this location and bayward to a narrow channel about 900 feet distant during low tide. The treated effluent will meander across the mudflats during periods of low tide until it reaches the small channel where it will disperse in the direction of tidal current. During periods of other than low tide, the discharge from the slough will follow the tidal currents which generally parallel the shoreline in both directions. Thus, the essential factor affecting dispersion of the treated wastewater from the point of the slough and bay confluence is the tide.

III. Environmental Setting

The area surrounding the proposed project site is primarily zoned for public facilities. A total of 1,700 acres has been dedicated for park purposes (John Fletcher Byxbee Recreation Area). Limited areas have been zoned for commercial and industrial use.

The area is bounded on the north and south by San Francisquito Creek and Charleston Slough. Bayland ecological communities are based on four biological habitats: open water, mud flats, salt marshes, and grasslands. The salt marsh areas serve as a primary habitat for the California Clapper Rail, the California Least Tern, and the Red-bellied Harvest Mouse -- all of which are endangered species.

IV. Environmental Impacts

The natural environment of the area affected by the proposal has been previously altered from its natural state.

V. Alternative Assessment

1. Two-stage activated sludge
2. Trickling filter/activated sludge
3. Activated sludge/biological contractor
4. No project

Alternative 4 would not be compatible with standards established by state and federal authorities. Based on a comparison of the economic and environmental issues of the alternatives, No. 2 appears to be the best apparent selection.

VI. Unavoidable Adverse Impacts of the Proposed Project

1. Removal of non-native vegetation at construction site.
2. Displacement of ground squirrels currently inhabiting the construction site.
3. Conversion of open space area to wastewater treatment facilities.
4. Dust, noise, and traffic created during construction.
5. Operation of the facilities would slightly increase odor and noise levels near the treatment plant.

VII. Mitigation Measures

Structures will be designed to blend in with the natural landscape and existing facilities. Biological filters will be equipped with a forced air ventilation system, and exhaust gasses will be scrubbed to minimize potential odors.. Measures will also be taken to maximize operation efficiency while minimizing wasteful energy consumption. Nuisances relative to construction impacts will be mitigated by careful construction practices.

VIII. Irreversible Environmental Changes

The proposed project will result in irreversible commitment of the following resources:

1. Lime, gravel, steel, and other materials for construction;
2. Chlorine and lime for plant operation;
3. Open space converted to treatment plant facilities;
4. Energy resources required for the operation of the proposed facilities.

IX. Short-term v. Long-term

Short-term uses include construction activities which will temporarily disrupt the natural environment. Long-term effects of the project include loss of open space and continued requirements of chemicals and energy to operate the facilities. The proposal has the potential of affecting long-term productivity of the environment. Reduction in pollution and improvement of water quality will protect and recover the beneficial uses of bay waters which may then eventually become more suitable for recreation and the propagation of marine organisms. Effluent quality resulting from the proposal will be suitable for regional reuse which will help to protect undeveloped waters from being developed, restore developed waters to their former ecological state, and protect receiving waters from pollution.