



EAST PALO ALTO CITY COUNCIL REGULAR SESSION **AMENDED** AGENDA

Tuesday, February 18, 2025, 6:30 PM
EPA Government Center
2415 University Avenue, First Floor
East Palo Alto, CA 94303

NOTICE

This meeting will be held virtually and in-person at the Council Chambers located on 2415 University Ave, First Floor East Palo Alto, CA 94303. The virtual portion of this City Council meeting will be conducted in accordance with City of East Palo Alto Resolution adopted pursuant to Assembly Bill 361.

The public may participate in the City Council Meeting via Zoom Meeting or by attending in-person in the Council Chambers at 2415 University Ave, First Floor East Palo Alto, CA 94303. Community members may provide comments by emailing cityclerk@cityofepa.org, submitting a speaker card at the meeting, or using the **RAISE HAND** feature when the Mayor or City Clerk call for public comment. Emailed comments should include the specific agenda item on which you are commenting.

Please click this URL to join

<https://us06web.zoom.us/j/84905935583>

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or
+ 1 346 248 7799 or
+ 1 253 215 8782 or
+ 1 312 626 6799 or
+ 1 929 205 6099 or
+ 1 301 715 8592

Webinar ID: 8490 593 5583

International numbers available: <https://zoom.us/j/84905935583>

1. **CALL TO ORDER AND ROLL CALL**
2. **APPROVAL OF THE AGENDA**
3. **APPROVAL OF CONSENT CALENDAR**

3.1 Award the Pulgas Avenue Mini-Roundabouts Project (ST-12)

Recommendation:

Adopt the resolution:

1. Authorizing the City Manager to award, negotiate, and execute a construction contract with Villalobos & Associates, Inc. in a form approved by the City Attorney, for a total contract value of \$752,060.00, which includes both the base bid work of installing two new mini-roundabouts (at Pulgas Avenue and Runnymede Street/ Beech Street), improving pedestrian crossings, installing upgraded ADA curb ramps, and improving signage and striping for \$688,360.00 and the alternate work of installing sidewalk, curb and gutter, and driveways along Beech Street, leading to the Pulgas Avenue intersection, to close the sidewalk gap to improve walkability and safety for pedestrians for \$63,700; establish a ten percent (10%) construction contingency in the amount of \$75,206.00 for a total construction budget of \$827,266.00; and execute future change orders in an amount not-to-exceed the appropriated construction contingency.
2. Finding that the project is exempt from the California Environmental Quality Act (CEQA) under Sections 15301, 15303, and 15304 of the CEQA Guidelines

3.2 Budget Ordinance Amendments - Second Reading and Adoption

Recommendation: By motion:

1. Waive the second reading and introduce a budget ordinance amending Chapters 3.08 and 3.16 of the East Palo Alto Municipal Code to revise the budget planning and fiscal procedures as well as financial control chapters of the East Palo Alto Municipal Code; and
2. Find the proposed action does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15378(b)(4) in that they are related to government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

3.3 FY 2024-25 Second Quarter Treasury Report

Recommendation: Accept and file the Treasury Report for the second quarter ended December 31, 2024.

3.4 Purchasing Ordinance

Recommendation: By motion:

1. Waive the second reading and adopt an ordinance revising the purchasing procedures in the East Palo Alto Municipal Code; and
2. Find the proposed action does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15378(b)(4) in that they are related to government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

3.5 Authorize the Purchase of Vehicles for the Building Services Division

Recommendation:

Adopt a resolution:

1. Authorizing the City Manager to issue a purchase order for two (2) vehicles from one of the authorized dealers under the approved State of California’s Statewide Contract number 1-22-3-23C, for the Building Services Division of the Community Development and Economic Development Department for a total amount not to exceed \$98,966.82.
2. Appropriating \$41,319.60 from the insurance settlement for the replacement of the city vehicle that was totaled in an accident.
3. Waive the formal bid procedure pursuant to East Palo Alto Municipal Code Section 2.84.070(D).
4. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) because it is not a “project” pursuant to 15378(b)(4) because it is a fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

3.6 City Council Meeting Minutes

Recommendation:

Adopt the January 21, 2025, City Council Meeting Minutes.

4. **CLOSED SESSION**
5. **PUBLIC COMMENT**
6. **SPECIAL PRESENTATIONS**

6.1 CAFE Action Plan on Aging

Recommendation: Receive draft of Age Friendly Action Plan from the Center for Age Friendly Excellence for the city of East Palo Alto.

7. INFORMATIONAL REPORTS

7.1 Capital Improvement Project informational presentation

Recommendation:

Receive presentation concerning capital improvement projects, including project status updates.

8. ADJOURN CITY COUNCIL REGULAR MEETING TO THE EAST PALO ALTO SANITARY DISTRICT BOARD MEETING

9. APPROVAL OF EPASD BOARD MEETING CONSENT CALENDAR

9.1 Adopting a Resolution Terminating an Emergency

Recommendation: Adopt a resolution:

1. Terminating the action regarding the emergency of the failing sewer line along southbound 101 within the Caltrans right-of-way between Willow Road and University Avenue, making findings therefor, and ordering that the remainder of the emergency action, if any, at the facility, be completed by giving notice for bids; and
2. Finding that the adopted resolution is exempt under California Code of Regulations Title 14, Chapter 3, Article 18, Section 15269 (b) and (c) of the California Environmental Quality Act (CEQA), and in Title 14, Division 6, Chapter 3, Articles 1-20, Section 15359 — Emergency.

10. EPASD POLICY AND ACTION

10.1 East Palo Alto Sanitary District Advisory Committee Appointments

Recommendation: Interview the applicants for the East Palo Alto Sanitary District Advisory Committee; and appoint applicants for an Alternate Seat for the Committee.

11. ADJOURN EAST PALO ALTO SANITARY DISTRICT BOARD MEETING AND RECONVENE CITY COUNCIL REGULAR MEETING

12. PUBLIC HEARINGS

12.1 Development Code Text Amendment (ZTA24-001) to amend various Chapters and Sections of Title 18 (Development Code) of the East Palo Alto Municipal Code

Recommendation:

As considered and recommended by the Planning Commission at a publicly noticed hearing on January 13, 2025;

Waive the first reading by motion and introduce an ordinance (Attachment 1):

1. Amending the Title 18 (Development Code) of the East Palo Alto Municipal Code to:
 - a. Amend chapter 18.96 to amend sections 18.96.010, 18.96.030.E.4, 18.96.050.A.2, 18.96.050.A.2, 18.96.090, and 18.96.050.G to reconcile the East Palo Alto Municipal Code (EPAMC) with state legislation on accessory dwelling units.
 - b. Amend sections 10.020 Table 2-1, 18.12.020 Table 2-3 and 18.14.020 Table 2-5 to supplement Land Use Regulations and Allowable Uses, and 18.48.060 to facilitate child day care and other care uses.
 - c. Amend sections 18.10.020 Table 2-1, 18.12.020 Table 2-3 and 18.14.020 Table 2-5 to supplement Land Use Regulations and Allowable Uses, 18.08.010 of Chapter 18.08 to add a definition of Low Barrier Navigation Center and add a new section 18.48.116 to chapter 18.48 of the EPAMC to allow the development of Low Barrier Navigation Centers.
 - d. Amend chapter 18.30 to amend sections 18.30.080.B.2 and C.3 and add sections 18.30.010.G and 18.30.080.B.3 to B.5 to allow Unbundled Parking.
 - e. Amend section 18.26.020A.2, add section 18.26.020.E., and amend section 18.90.020 Table 7-3 Types of Minor Variances Allowed to allow seven-foot and certain eight-foot Fences, Hedges and Walls without variance.
 - f. Amend sections 18.10.020, 18.12.020 and 18.14.020 to synchronize certain notations under Specific Use Regulations with the right land use provisions.
 - g. Amend chapter 15.52 Floodplain Management to realign the responsibilities of staff with respect to Flood Management.
 - h. Amend section 18.86.030.A Table 7-2 Review Authority for Site Plan to reclassify various sizes of Non-Residential Construction Activities subject to different review levels.
 - i. Amend sections 18.50.060.A Table 5-1 Advisory Agencies for Subdivisions, and 18.54.030.B.4 on the Review of Maps.
 - j. Add a new chapter 18.87 on Permit Adjustments and amend section 18.82.020 – Authority for Land Use and Zoning Decisions Table 7-1 to include Adjustment Permits.
 - k. Amend sections 18.12.020 Table 2-3 to allow refueling and service station use as a Conditional Use Permit and 18.48.180 Service Stations to facilitate Refueling and Service Stations.
 - l. Amend sections 13.24.400.A and B on Turf selection and limitation and 18.30.080.A.4 on Paved Areas in Front Yard to supplement Front Yard Landscape Standards.
 - m. Amend sections 18.28.060.G and 18.28.110.A to streamline the processing of Trees on Private Property.
 - n. Amend section 18.10.030 Development Standards by adding sub-section 18.10.030.G to facilitate the remodeling of existing single-family dwellings in the R-MD Zone.

- o. Amend chapter 18.24 to increase the height of accessory structures from 15-feet to 17-feet (sections 18.24.020.B.1, 18.24.030.A.1.c, and 18.24.030.B.2) consistent with the height requirements for similar structures such as accessory dwelling units, include a Permit Adjustment (sections 18.24.020.B and 18.24.030.A.1) as a required approval type for accessory structures, and correct the useable rear yard area to be maintained from 750-square feet to 700-square feet (section 18.24.030.A.1.b) as was adopted by Council ordinance on February 6, 2024 with Zoning Text Amendment ZTA23-001.
 - p. Amend chapter 18.94 to amend section 18.94.110 to make administratively approved Minor Temporary Use Permits issued for one to six days final upon issuance and not subject to the appeal period.
2. Find the proposed Zoning Text Amendments to be exempt in accordance with CEQA Guidelines Sections 15061(b)(3), 15378 and 15183 of the California Environmental Quality Act (CEQA) Guidelines.

13. POLICY AND ACTION

13.1 Mid-year Budget Amendment for Fiscal Year 2024-25

Recommendation:

Adopt a resolution approving amendments to the Fiscal Year 2024-25 budget.

13.2 Commission and Committee Appointments

Recommendation: Interview the applicants for the Public Works and Transportation Commission and appoint applicants.

14. COUNCIL REPORTS

15. ADJOURNMENT

Upcoming meetings:

Regular Meeting	March 4, 2025	6:30 PM
Strategic Planning Retreat	March 8, 2025	9:00 AM
Regular Meeting	March 18, 2025	6:30 PM

This AGENDA is posted in accordance with Government Code Section 54954.2(a)

This Notice of Availability of Public Records: All public records relating to an open session item which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to the majority of the City Council will be available for public inspection at the City Clerk's Office, 2415 University Avenue, East Palo Alto, CA at the same time that the public records are distributed or made available to the City Council. Such documents may also be available on the East Palo Alto website www.cityofepa.org subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (650) 853-3100.

The City Council meeting packet may be reviewed by the public in the Library or the City Clerk's Office. Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection at the front counter at the City Clerk's Office, 2ND Floor, City Hall, 2415 University Avenue, East Palo Alto, California 94303 during normal business hours. Information distributed to the Council at the Council meeting becomes part of the public record. A copy of written material, pictures, etc. should be provided for this purpose.

East Palo Alto City Council Chambers is ADA compliant. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office at (650) 853-3127 no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

DECLARATION OF POSTING

This Notice is posted in accordance with Government Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the City website. Under penalty of perjury, this Agenda was posted to the public at least 72 hours prior to the meeting.

POSTED: February 7, 2025
AMENDED: February 10, 2025

ATTEST:

James Colin

City Clerk



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 18, 2025

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Batool Zaro, Senior Engineer
Humza Javed, Public Works Director

SUBJECT: Award the Pulgas Avenue Mini-Roundabouts Project (ST-12)

Recommendation

Adopt the resolution:

1. Authorizing the City Manager to award, negotiate, and execute a construction contract with Villalobos & Associates, Inc. in a form approved by the City Attorney, for a total contract value of \$752,060.00, which includes both the base bid work of installing two new mini-roundabouts (at Pulgas Avenue and Runnymede Street/ Beech Street), improving pedestrian crossings, installing upgraded ADA curb ramps, and improving signage and striping for \$688,360.00 and the alternate work of installing sidewalk, curb and gutter, and driveways along Beech Street, leading to the Pulgas Avenue intersection, to close the sidewalk gap to improve walkability and safety for pedestrians for \$63,700; establish a ten percent (10%) construction contingency in the amount of \$75,206.00 for a total construction budget of \$827,266.00; and execute future change orders in an amount not-to-exceed the appropriated construction contingency.
2. Finding that the project is exempt from the California Environmental Quality Act (CEQA) under Sections 15301, 15303, and 15304 of the CEQA Guidelines.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority: Enhance Public Safety and Emergency Preparedness

Priority: Create a Healthy and Safe Community

Background

In 2021, the City applied to take part in the San Mateo County Office of Education (SMCOE) School Travel Fellowship Program (Fellowship Program) and was selected to participate. The goal of the program was to help improve safety for students walking and biking to school. Staff met with local schools and regional partners to evaluate safe routes to school improvements within the community.

As part of the 2021/2022 project, two temporary traffic circles were installed at two intersections in the City nearby schools. Locations are as follows:

- Pulgas Avenue and Runnymede Street
- Pulgas Avenue and Beech Street

Prior to installation, the project was presented to the Public Works and Transportation Commission (PWTC) at the September 21, 2022, meeting and to the City Council at the October 4, 2022, meeting. Staff accepted feedback and received support from the PWTC and Council for the project. The City installed the temporary traffic circles in October 2021.

Pulgas Avenue is a 25-mph neighborhood collector street with one lane in each direction. Along most of the Pulgas Avenue corridor, parking is permitted on both sides. Additionally, along the Pulgas Avenue corridor, there is sidewalk on one or both sides. Several schools are also located along the corridor, so it is traveled by a lot of students. Moreover, in 2010, as part of a pedestrian safety analysis, these two intersections were selected as candidates for mini roundabout installations.

During the data-gathering process as part of the 2022 fellowship, the team received a lot of feedback recommending traffic calming measures along Pulgas Avenue. The existing stop controls and perpendicular alignment of these intersections made them ideal candidates for this pilot project.

The traffic circles that were installed as a part of this program were meant to be temporary traffic control measures. They were installed with a budget of \$13,000, with the intention of eventually improving them to permanent roundabouts if the community was receptive and supportive to the improvements.

In 2023, once again, staff applied for the Student Travel Fellowship and was selected to participate in the program. As part of the 2023 fellowship, the City received technical support for the preliminary design of converting one of the traffic circles to a mini roundabout. Staff presented the information in this report to the Public Works and Transportation Commission (PWTC) and solicited feedback on the performance of the traffic circles and other design considerations. On April 19, 2023, staff received support from the PWTC for the project. Because the student travel fellowship did not cover all of the costs and only covered one location, the City Council, at the May 16, 2023, meeting, passed Resolution No. 55-2023 to award a contract of \$13,000 to Alta Planning + Design (ALTA) for the remainder of the preliminary design work to convert the traffic circles to permanent roundabouts at the aforementioned locations. On March 19, 2024, City Council awarded a design contract to ALTA Planning + Design Inc. to provide civil engineering and traffic engineering design professional engineering services to complete the mini-roundabout design package.

CONSENT ITEM 3.1

Under the Engineering staff's guidance, ALTA has prepared the plans, specifications, and estimates (PS&E) package, which can be found on the project page linked here:

<https://www.cityofepa.org/publicworks/page/pulgas-avenue-mini-roundabouts>

The project scope includes installing two new mini-roundabouts, improving pedestrian crossings, installing upgraded ADA curb ramps, and improving signage and striping. The goal of the project is to improve safety at both intersections.

At the October 16, 2024, regular meeting, the project was presented to the Public Works and Transportation Commission, and PWTC recommended the draft plans to City Council for approval.

On December 3, 2024, City Council approved the project Plans, Specifications, and Estimate and authorized the advertisement of the project.

Analysis

The project was published for advertisement in the local newspaper as well as the City website on Friday, January 10, 2025, for the solicitation of construction bids. On Monday, February 3, 2025, sealed bids were received, publicly opened, and read aloud by the City Clerk and engineering staff. There were a total of eight (8) bids received for the project. The results have been tabulated below:

BID NO	COMPANY	TOTAL BASE BID	TOTAL ALTERNATE BID	TOTAL BID
1	Villalobos & Associates Inc.	\$688,360.00	\$63,700.00	\$752,060.00
2	C2R Engineering Inc	\$717,608.00	\$77,450.00	\$795,058.00
3	Sposeto	\$906,242.00	\$82,750.00	\$988,992.00
4	Andreini Bros. Inc.	\$1,037,256.00	\$101,620.00	\$1,138,876.00
5	Interstate Grading & Paving Inc.	\$1,272,792.50	\$75,030.00	\$1,347,822.50
6	FBD Vanguard Construction Inc.	\$902,282.00	\$77,888.00	\$980,170.00
7	Golden Bay Construction, Inc.	\$841,583.00	\$51,054.00	\$892,637.00
8	JJR Construction, Inc.	\$867,325.60	\$46,990.00	\$914,315.60

As detailed in the project request for bid package, "the lowest bid will be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items".

Therefore, the apparent lowest bidder was Villalobos & Associates Inc. with a base bid amount of \$688,360. The base bid scope consists of installing two new mini-roundabouts (at Pulgas Avenue and Runnymede Street/ Beech Street), improving pedestrian crossings, installing upgraded ADA curb ramps, and improving signage and striping. Additionally, the request for bid package included an alternative bid section and the Villalobos & Associates Inc. alternate bid amount was \$63,700. The alternative bid scope consists of installing 400 SF of sidewalk,

160 LF of curb and gutter, and four driveways along Beech Street to close the sidewalk gap in an effort to improve walkability and safety for pedestrians. The sidewalk gap closure would close the gap on the northern portion of the street starting at 1057 Beech Street up until the Pulgas Avenue intersection. The total base bid and alternative bid amount is \$752,060. The Bid Tabulation is attached as Attachment 2.

The Council has authority to award just the base bid or determine that also the alternative bid should be added on. Staff recommends awarding the total contract amount (including the alternative bid) because the added scope would improve walkability near one of the project intersections, further encouraging more sustainable modes of transportation. The added scope aligns with the project's overall goals as well as with capital improvement project ST-10 (New Sidewalk, Curb, and Gutter Program) and ST-11 (Sidewalk Repair Program). The Pulgas Avenue Mini-Roundabout Project is a traffic calming project aimed to reduce collisions, encourage vehicles to reduce speeds, and improve pedestrian safety. Additionally due to its proximity to multiple schools, Beech Street is used by students/parents walking to the schools, and closing the sidewalk gap would improve walkability.

City staff performed an analysis of the bids, verified qualifications and licenses, and contacted the listed references in the bid package.

Contingent upon completing all insurance and bonding requirements of the contract specifications, staff recommends that the City Council authorize the City Manager to execute a construction contract with Villalobos & Associates Inc., the responsible bidder with the lowest responsive bid; establishing a construction contract in an amount not-to-exceed \$752,060; and appropriating an additional 10% construction contingency in the amount of \$75,206.

Fiscal Impact

The project cost is \$827,266.00. Funding will consist of \$400,000.00 drawn from the Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle grant fund balance and \$427,266.00 from CIP funds, both of which are fully allocated in the FY2024-25 CIP budget.

Public Notice

The public was provided notice by making the agenda and report available on the City's website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The proposed action (Pulgas Avenue Mini-Roundabouts Project) is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15304 (Minor alterations to land).

The project scope includes installing two new mini-roundabouts (at Pulgas Avenue and

CONSENT ITEM 3.1

Runnymede Street/ Beech Street), improving pedestrian crossings, installing upgraded ADA curb ramps, and improving signage and striping within the existing City right of way.

Government Code: 84308

Applicability of Levine Act: No, as the proposed action involves a competitively bid contract.

Applicability of Levine Act: No, not applicable.

Attachment

1. Resolution
2. Bid Tabulation

RESOLUTION NO. XX– 2025

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EAST PALO ALTO**

AUTHORIZING THE CITY MANAGER TO AWARD, NEGOTIATE, AND EXECUTE A CONSTRUCTION CONTRACT WITH VILLALOBOS AND ASSOCIATES INC., IN A FORM APPROVED BY THE CITY ATTORNEY, FOR THE PULGAS AVENUE MINI-ROUNDBOUT PROJECT (ST-12) FOR A TOTAL CONTRACT VALUE OF \$752,060.00, WHICH INCLUDES BOTH THE BASE BID WORK FOR 688,360.00 AND THE ALTERNATIVE WORK FOR \$63,700.00; ESTABLISH A 10% CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$75,206.00 FOR A TOTAL CONSTRUCTION BUDGET OF \$827,266.00; EXECUTE FUTURE CHANGE ORDERS IN AN AMOUNT NOT-TO-EXCEED THE APPROPRIATED CONTINGENCY; FINDING THE PROJECT EXEMPT FROM CEQA

WHEREAS, the Pulgas Avenue Mini-Roundabouts Project (Project) enhances pedestrian safety on Pulgas Avenue at Runnymede Street and Pulgas Avenue at Beech Street; and

WHEREAS, the project includes minor improvements to existing facilities in the public right of way, including the installation of two new mini-roundabouts, improving pedestrian crossings, installing upgraded ADA curb ramps, and improving signage and striping; and

WHEREAS, the goal of the project is to improve safety at both intersections; and

WHEREAS, as part of the 2021 the San Mateo County Office of Education (SMCOE) School Travel Fellowship Program (Fellowship Program), the two intersections were selected for the installation of temporary traffic circles; and

WHEREAS, as part of the 2023 fellowship program, the City received technical assistance and partial preliminary design for one mini-roundabout; and

WHEREAS, on May 16, 2023, City Council passed Resolution No. 55-2023 to allocate funds to complete the preliminary design for the mini roundabouts at two locations; and

WHEREAS, on March 19, 2024, City Council awarded a design contract to ALTA Planning + Design Inc. (ALTA) to provide civil engineering and traffic engineering design professional engineering services to complete the mini-roundabout design; and

WHEREAS, at the October 16, 2024, Public Works and Transportation Commission (PWTC) meeting, the PWTC recommended the draft plans to City Council for approval; and

WHEREAS, on December 3, 2024, City Council approved the project Plans, Specifications, and Estimate and authorized the advertisement of the project; and

WHEREAS, on Friday, January 10, 2025, the project was advertised for construction bids; and

WHEREAS, on February 3, 2025, the City of East Palo Alto (“City”) received sealed bids that were publicly opened via Zoom and read aloud by the City Clerk and a Public Works Engineer; and

WHEREAS, there were a total of eight (8) contractors who submitted bids for the project with Villalobos & Associates Inc. being the lowest responsible bidder with a base bid amount of \$688,360.00 with an alternative bid of \$63,700.00; and

WHEREAS, the alternate work scope includes installing sidewalk, curb and gutter, and driveways along Beech Street, leading to the Pulgas Avenue intersection, to close the sidewalk gap to improve walkability and safety for pedestrians; and

WHEREAS, the Council has the authority to award just the base bid or determine that also the alternative bid should be added on; and

WHEREAS, staff recommends awarding the total contract amount (including the alternative bid) because the added scope would improve walkability near one of the project intersections, further encouraging more sustainable modes of transportation; and

WHEREAS, City staff performed a bid review, verified qualifications, and checked licenses and references for the lowest responsible bidder, and deemed the package satisfactory.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Palo Alto hereby:

1. Finds the foregoing recitals are true and correct, and are incorporated by this reference into this action;
2. Authorizes the City Manager to award, negotiate, and execute a construction contract with Villalobos & Associates, Inc. in a form approved by the City Attorney, for a total contract value of \$752,060.00, which includes both the base bid work of installing two new mini-roundabouts (at Pulgas Avenue and Runnymede Street/ Beech Street), improving pedestrian crossings, installing upgraded ADA curb ramps, and improving signage and striping for \$688,360.00 and the alternate work of installing sidewalk, curb and gutter, and driveways along Beech Street, leading to the Pulgas Avenue intersection, to close the sidewalk gap to improve walkability and safety for pedestrians for \$63,700; establish a ten percent (10%) construction contingency in the amount of \$75,206.00 for a total construction budget of \$827,266.00; and execute future change orders in an amount not-to-exceed the appropriated construction contingency; and
3. Finds that the project is exempt from the California Environmental Quality Act (CEQA) under Sections 15301, 15303, and 15304 of the CEQA Guidelines.

PASSED AND ADOPTED this 18th day of February 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Martha Barragan, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney

**Pulgas Avenue Mini-Roundabout Project
Bid Analysis**

Base Bid

BID ITEM NO.	ITEM DESCRIPTION	EST. QTY.	UNIT	Villabos & Associates		C2R Engineering		Sposeto		FBD Vanguard Construction		Interstate Grading & Paving Inc.		Andreini Bros Inc.		Golden Bay Construction Inc.		JJR	
				UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT
1	Mobilization	1	LS	\$ 16,000.00	\$ 16,000.00	\$ 31,000.00	\$ 31,000.00	\$ 19,250.00	\$ 19,250.00	\$ 45,000.00	\$ 45,000.00	\$ 82,500.00	\$ 82,500.00	\$ 30,452.00	\$ 30,452.00	\$ 37,918.00	\$ 37,918.00	\$ 10,000.00	\$ 10,000.00
2	Traffic Control	1	LS	\$ 15,500.00	\$ 15,500.00	\$ 40,000.00	\$ 40,000.00	\$ 114,750.00	\$ 114,750.00	\$ 133,062.00	\$ 133,062.00	\$ 186,000.00	\$ 186,000.00	\$ 44,770.00	\$ 44,770.00	\$ 47,000.00	\$ 47,000.00	\$ 40,000.00	\$ 40,000.00
3	Construction Survey and Staking	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00	\$ 17,200.00	\$ 17,200.00	\$ 14,000.00	\$ 14,000.00	\$ 19,000.00	\$ 19,000.00	\$ 12,650.00	\$ 12,650.00	\$ 14,000.00	\$ 14,000.00	\$ 10,000.00	\$ 10,000.00
4	Stormwater Control, SWPPP, and BMP Implementation (not to exceed 5% of total)	1	LS	\$ 7,000.00	\$ 7,000.00	\$ 10,000.00	\$ 10,000.00	\$ 11,250.00	\$ 11,250.00	\$ 7,000.00	\$ 7,000.00	\$ 9,500.00	\$ 9,500.00	\$ 12,650.00	\$ 12,650.00	\$ 4,000.00	\$ 4,000.00	\$ 500.00	\$ 500.00
5	Unclassified Excavation (includes clearing and grubbing)	1	LS	\$ 16,000.00	\$ 16,000.00	\$ 7,500.00	\$ 7,500.00	\$ 139,100.00	\$ 139,100.00	\$ 126,000.00	\$ 126,000.00	\$ 178,000.00	\$ 178,000.00	\$ 89,187.00	\$ 89,187.00	\$ 19,000.00	\$ 19,000.00	\$ 108,000.00	\$ 108,000.00
6	AC Pavement (12")	265		\$ 415.00	\$ 109,975.00	\$ 265.00	\$ 70,225.00	\$ 400.00	\$ 106,000.00	\$ 402.00	\$ 106,530.00	\$ 400.00	\$ 106,000.00	\$ 266.00	\$ 70,490.00	\$ 440.00	\$ 116,600.00	\$ 335.00	\$ 88,775.00
7	Grind and Overlay (3")	197		\$ 400.00	\$ 78,800.00	\$ 285.00	\$ 56,145.00	\$ 907.00	\$ 178,679.00	\$ 402.00	\$ 79,194.00	\$ 565.00	\$ 111,305.00	\$ 280.00	\$ 55,160.00	\$ 440.00	\$ 86,680.00	\$ 426.00	\$ 83,922.00
8	Class II Aggregate Base (6")	54		\$ 320.00	\$ 17,280.00	\$ 100.00	\$ 5,400.00	\$ 200.00	\$ 10,800.00	\$ 50.00	\$ 2,700.00	\$ 1,200.00	\$ 64,800.00	\$ 198.00	\$ 10,692.00	\$ 480.00	\$ 25,920.00	\$ 50.00	\$ 2,700.00
9	Adjust Utility to Grade	18		\$ 250.00	\$ 4,500.00	\$ 1,200.00	\$ 21,600.00	\$ 1,251.00	\$ 22,518.00	\$ 2,800.00	\$ 50,400.00	\$ 1,200.00	\$ 21,600.00	\$ 575.00	\$ 10,350.00	\$ 900.00	\$ 16,200.00	\$ 1,500.00	\$ 27,000.00
10	Construct 4" PCC Sidewalk	2938		\$ 20.00	\$ 58,760.00	\$ 30.00	\$ 88,140.00	\$ 14.00	\$ 41,132.00	\$ 16.00	\$ 47,008.00	\$ 19.00	\$ 55,822.00	\$ 35.50	\$ 104,299.00	\$ 19.00	\$ 55,822.00	\$ 20.40	\$ 59,935.20
11	Construct Curb and Gutter	314		\$ 82.00	\$ 25,748.00	\$ 100.00	\$ 31,400.00	\$ 108.00	\$ 33,912.00	\$ 50.00	\$ 15,700.00	\$ 104.00	\$ 32,656.00	\$ 176.00	\$ 55,264.00	\$ 106.00	\$ 33,284.00	\$ 95.50	\$ 29,987.00
12	Construct Type A1-6 Curb	614		\$ 77.00	\$ 47,278.00	\$ 85.00	\$ 52,190.00	\$ 110.00	\$ 67,540.00	\$ 84.00	\$ 51,576.00	\$ 105.00	\$ 64,470.00	\$ 162.00	\$ 99,468.00	\$ 130.00	\$ 79,820.00	\$ 48.85	\$ 29,993.90
13	Concrete Curb Ramp	16		\$ 7,000.00	\$ 112,000.00	\$ 4,500.00	\$ 72,000.00	\$ 6,160.00	\$ 98,560.00	\$ 3,500.00	\$ 56,000.00	\$ 6,800.00	\$ 108,800.00	\$ 8,510.00	\$ 136,160.00	\$ 6,600.00	\$ 105,600.00	\$ 6,664.00	\$ 106,624.00
14	Construct Mini-Roundabouts	2		\$ 25,000.00	\$ 50,000.00	\$ 52,500.00	\$ 105,000.00	\$ 53,957.00	\$ 107,914.00	\$ 19,300.00	\$ 38,600.00	\$ 67,300.00	\$ 134,600.00	\$ 50,905.00	\$ 101,810.00	\$ 44,046.00	\$ 88,092.00	\$ 55,000.00	\$ 110,000.00
15	Install Inlet	1		\$ 2,000.00	\$ 2,000.00	\$ 8,500.00	\$ 8,500.00	\$ 7,700.00	\$ 7,700.00	\$ 7,900.00	\$ 7,900.00	\$ 8,100.00	\$ 8,100.00	\$ 15,475.00	\$ 15,475.00	\$ 10,000.00	\$ 10,000.00	\$ 12,500.00	\$ 12,500.00
16	Remove Storm Drain Inlet	1		\$ 1,250.00	\$ 1,250.00	\$ 1,500.00	\$ 1,500.00	\$ 1,200.00	\$ 1,200.00	\$ 500.00	\$ 500.00	\$ 3,100.00	\$ 3,100.00	\$ 2,350.00	\$ 2,350.00	\$ 2,100.00	\$ 2,100.00	\$ 1,000.00	\$ 1,000.00
17	Remove Storm Drain Pipe	3		\$ 250.00	\$ 750.00	\$ 200.00	\$ 600.00	\$ 300.00	\$ 900.00	\$ 100.00	\$ 300.00	\$ 1,100.00	\$ 3,300.00	\$ 160.00	\$ 480.00	\$ 120.00	\$ 360.00	\$ 500.00	\$ 1,500.00
18	Install Manhole	1		\$ 7,500.00	\$ 7,500.00	\$ 8,500.00	\$ 8,500.00	\$ 8,500.00	\$ 8,500.00	\$ 10,900.00	\$ 10,900.00	\$ 9,100.00	\$ 9,100.00	\$ 20,700.00	\$ 20,700.00	\$ 11,000.00	\$ 11,000.00	\$ 17,500.00	\$ 17,500.00
19	Install 12" RCP Storm Drain	8		\$ 450.00	\$ 3,600.00	\$ 500.00	\$ 4,000.00	\$ 350.00	\$ 2,800.00	\$ 1,280.00	\$ 10,240.00	\$ 780.00	\$ 6,240.00	\$ 1,015.00	\$ 8,120.00	\$ 425.00	\$ 3,400.00	\$ 700.00	\$ 5,600.00
20	Detail 22	381		\$ 18.00	\$ 6,858.00	\$ 10.00	\$ 3,810.00	\$ 12.50	\$ 4,762.50	\$ 11.50	\$ 4,381.50	\$ 9.00	\$ 3,429.00	\$ 13.00	\$ 4,953.00	\$ 11.00	\$ 4,191.00	\$ 11.50	\$ 4,381.50
21	Detail 40	176		\$ 19.25	\$ 3,388.00	\$ 8.00	\$ 1,408.00	\$ 6.25	\$ 1,100.00	\$ 5.75	\$ 1,012.00	\$ 7.00	\$ 1,232.00	\$ 12.50	\$ 2,200.00	\$ 5.50	\$ 968.00	\$ 6.00	\$ 1,056.00
22	6" Yellow Stripe	182		\$ 18.00	\$ 3,276.00	\$ 8.00	\$ 1,456.00	\$ 6.25	\$ 1,137.50	\$ 5.75	\$ 1,046.50	\$ 7.00	\$ 1,274.00	\$ 11.00	\$ 2,002.00	\$ 5.50	\$ 1,001.00	\$ 6.00	\$ 1,092.00
23	Crosswalk Markings	2400		\$ 15.00	\$ 36,000.00	\$ 18.00	\$ 43,200.00	\$ 15.00	\$ 36,000.00	\$ 14.00	\$ 33,600.00	\$ 12.00	\$ 28,800.00	\$ 21.15	\$ 50,760.00	\$ 13.00	\$ 31,200.00	\$ 13.50	\$ 32,400.00
24	12" Yield Limit Line (A24E)	108		\$ 20.00	\$ 2,160.00	\$ 18.00	\$ 1,944.00	\$ 15.00	\$ 1,620.00	\$ 14.00	\$ 1,512.00	\$ 12.00	\$ 1,296.00	\$ 33.00	\$ 3,564.00	\$ 13.00	\$ 1,404.00	\$ 13.50	\$ 1,458.00
25	Shared Lane Bicycle Marking	8		\$ 375.00	\$ 3,000.00	\$ 300.00	\$ 2,400.00	\$ 188.00	\$ 1,504.00	\$ 170.00	\$ 1,360.00	\$ 230.00	\$ 1,840.00	\$ 768.00	\$ 6,144.00	\$ 165.00	\$ 1,320.00	\$ 175.00	\$ 1,400.00
26	Type H Reflectors	149		\$ 15.00	\$ 2,235.00	\$ 10.00	\$ 1,490.00	\$ 10.00	\$ 1,490.00	\$ 10.00	\$ 1,490.00	\$ 6.50	\$ 968.50	\$ 32.00	\$ 4,768.00	\$ 9.00	\$ 1,341.00	\$ 9.00	\$ 1,341.00
27	Type Q(CA) Object Marker	16		\$ 122.00	\$ 1,952.00	\$ 100.00	\$ 1,600.00	\$ 156.50	\$ 2,504.00	\$ 57.00	\$ 912.00	\$ 80.00	\$ 1,280.00	\$ 388.00	\$ 6,208.00	\$ 137.00	\$ 2,192.00	\$ 150.00	\$ 2,400.00
28	Install Sign and Post	48		\$ 550.00	\$ 26,400.00	\$ 425.00	\$ 20,400.00	\$ 812.00	\$ 38,976.00	\$ 690.00	\$ 33,120.00	\$ 400.00	\$ 19,200.00	\$ 1,148.00	\$ 55,104.00	\$ 715.00	\$ 34,320.00	\$ 720.00	\$ 34,560.00
29	Remove Existing Sign and Post	8		\$ 100.00	\$ 800.00	\$ 150.00	\$ 1,200.00	\$ 312.25	\$ 2,498.00	\$ 172.00	\$ 1,376.00	\$ 85.00	\$ 680.00	\$ 642.00	\$ 5,136.00	\$ 275.00	\$ 2,200.00	\$ 275.00	\$ 2,200.00
30	Relocate Sign and Post	1		\$ 350.00	\$ 350.00	\$ 500.00	\$ 500.00	\$ 650.00	\$ 650.00	\$ 402.00	\$ 402.00	\$ 300.00	\$ 300.00	\$ 1,030.00	\$ 1,030.00	\$ 550.00	\$ 550.00	\$ 550.00	\$ 550.00
31	Remove Existing Striping	1		\$ 10,000.00	\$ 10,000.00	\$ 3,500.00	\$ 3,500.00	\$ 12,490.00	\$ 12,490.00	\$ 16,700.00	\$ 16,700.00	\$ 4,000.00	\$ 4,000.00	\$ 12,290.00	\$ 12,290.00	\$ 2,500.00	\$ 2,500.00	\$ 11,000.00	\$ 11,000.00
32	Construction Signage	2		\$ 4,000.00	\$ 8,000.00	\$ 3,000.00	\$ 6,000.00	\$ 173,050.00	\$ 346,100.00	\$ 1,380.00	\$ 2,760.00	\$ 1,800.00	\$ 3,600.00	\$ 1,285.00	\$ 2,570.00	\$ 800.00	\$ 1,600.00	\$ 1,500.00	\$ 3,000.00
Total Base Bid					\$ 688,360.00		\$ 717,608.00		\$ 1,440,537.00		\$ 902,282.00		\$ 1,272,792.50		\$ 1,037,256.00		\$ 841,583.00		\$ 842,375.60

BID ITEM NO.	ITEM DESCRIPTION	EST. QTY.	UNIT	Villabos & Associates		C2R Engineering		Sposeto		FBD Vanguard Construction		Interstate Grading & Paving Inc.		Andreini Bros Inc.		Golden Bay Construction Inc.		JJR	
				UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT	UNIT COST	EXTENDED TOTAL AMOUNT
33	Unclassified Excavation (includes clearing and grubbing)	1	LS	\$ 10,500.00	\$ 10,500.00	\$ 10,000.00	\$ 10,000.00	\$ 44,500.00	\$ 44,500.00	\$ 29,138.00	\$ 29,138.00	\$ 21,500.00	\$ 21,500.00	\$ 17,000.00	\$ 17,000.00	\$ 530.00	\$ 530.00	\$ 16,800.00	\$ 16,800.00
34	Class II Aggregate Base (6")	15	CY	\$ 320.00	\$ 4,800.00	\$ 150.00	\$ 2,250.00	\$ 230.00	\$ 3,450.00	\$ 50.00	\$ 750.00	\$ 990.00	\$ 14,850.00	\$ 500.00	\$ 7,500.00	\$ 480.00	\$ 7,200.00	\$ 50.00	\$ 750.00
35	Construct 4" PCC Sidewalk	400	SF	\$ 23.00	\$ 9,200.00	\$ 35.00	\$ 14,000.00	\$ 14.00	\$ 5,600.00	\$ 40.00	\$ 16,000.00	\$ 20.00	\$ 8,000.00	\$ 40.00	\$ 16,000.00	\$ 19.00	\$ 7,600.00	\$ 20.40	\$ 8,160.00
36	Construct Curb and Gutter	160	LF	\$ 90.00	\$ 14,400.00	\$ 120.00	\$ 19,200.00	\$ 120.00	\$ 19,200.00	\$ 75.00	\$ 12,000.00	\$ 103.00	\$ 16,480.00	\$ 182.00	\$ 29,120.00	\$ 106.00	\$ 16,960.00	\$ 95.50	\$ 15,280.00
37	Driveway	4	EA	\$ 6,200.00	\$ 24,800.00	\$ 8,000.00	\$ 32,000.00	\$ 2,500.00	\$ 10,000.00	\$ 5,000.00	\$ 20,000.00	\$ 3,550.00	\$ 14,200.00	\$ 8,000.00	\$ 32,000.00	\$ 4,691.00	\$ 18,764.00	\$ 1,500.00	\$ 6,000.00
Total Alternative Bid					\$ 63,700.00		\$ 77,450.00		\$ 82,750.00		\$ 77,888.00		\$ 75,030.00		\$ 101,620.00		\$ 51,054.00		\$ 46,990.00



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 18, 2025
TO: Honorable Mayor and Members of the City Council
VIA: Melvin E. Gaines, City Manager
BY: Tomohito Oku, Finance Director
SUBJECT: Budget Ordinance Amendments – Second Reading and Adoption

Recommendation

By motion:

1. Waive the second reading and introduce a budget ordinance amending Chapters 3.08 and 3.16 of the East Palo Alto Municipal Code to revise the budget planning and fiscal procedures as well as financial control chapters of the East Palo Alto Municipal Code; and
2. Finding the proposed action does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15378(b)(4) in that it is related to government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority: Ensure Our Financial and Organizational Health

Background

At the February 4, 2025, City Council meeting, the Council waived the first reading of the proposed ordinance to amend the following chapters of the City of East Palo Alto Municipal

Code: 1) Chapter 3.08 (“Budget Planning and Fiscal Procedures”); and Chapter 3.16 (“Financial Control”).

As noted in the February 4, 2025, agenda report, these proposed changes would: 1) remove the April 30th deadline for submission of the draft budget and budget message; and 2) amend the level of budgetary control from department/office to fund type.

On February 4, 2025, the City Council introduced the foregoing ordinance to amend the Municipal Code with no modifications from the dais.

The City Council introduced the attached ordinance with the following vote:

AYES: Barragan, Dinan, Lincoln, Abrica, and Romero
NOES: None
ABSENT: None
ABSTAIN: None

Analysis

As no modifications have been made since the first reading, staff recommends that the Council adopt the proposed ordinance, in addition to finding that such action is exempt from CEQA for the reasons set forth below.

Fiscal Impact

This ordinance amendment requires no new budgetary appropriation.

Public Notice

The public was provided notice by making the agenda and report available on the City’s website and on a bulletin, board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The proposed action does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(4) in that it is related to government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Government Code § 84308

Applicability of Levine Act: No, as the proposed action does not involve an entitlement.

Analysis of Levine Act Compliance: Not applicable.

Attachment:

1. Proposed Ordinance
2. Existing Ordinance

Chapter 3.08 BUDGET PLANNING AND FISCAL PROCEDURES

Sections:

3.08.010 Definitions.

As used in this chapter:

"Budget officer" means the city manager.

"Budget year" means the fiscal year for which a budget is made.

"Chief financial officer" means the director of finance.

"Current year" means the fiscal year in which a budget is prepared and adopted, fiscal year next preceding the budget year.

"Previous year" means the last complete fiscal year before the current year.

(Prior code § 3-2.201)

3.08.020 Purpose.

The purpose of this title is to adopt rules governing the city council of the city, in its proceedings for administering the financial affairs of the city, and to establish a standard procedure for the making and administration of budgets, to place responsibility of the tasks related to budget preparation and administration, the determination of the amount of taxes and other revenues in such manner that budgets may be balanced on the basis of actual revenues and obligation within the budget period, the establishment of appropriations, the payment of debt, and the control of other expenditures. Its provisions are intended to enable the city council to make financial plans for both current and capital expenditures, to insure that executive staffs administer their respective functions in accordance with these plans, and to permit taxpayers and investors to form intelligent opinions based on sufficient information as to the financial policies and administration of the city. For the accomplishment of this purpose, the provisions of this title shall be broadly constructed, and shall be in effect until repealed or amended. This title may be repealed or amended by a majority vote of the city council in the same manner as required for the adoption of an ordinance except that in no case may a vote be taken on amendment or repeal of this title at the meeting at which it is first proposed.

(Prior code § 3-2.202)

3.08.030 Powers and duties.

Within the provisions and for the purpose of this title, officers and employees shall have the power and be subject to the duties expressly stated or necessarily implied.

(Prior code § 3-2.203)

3.08.040 Fiscal year.

The fiscal year shall begin on the first day of July of each year.

(Prior code § 3-2.204)

3.08.050 Preparation and submission of budget.

The budget officer, no later than April 30th of each fiscal year, shall submit to the city council a budget and an explanatory budget message in the form of and with the contents provided for by Chapter 3.12. For such purpose, no later than March 1st of the fiscal year, he/she or an officer designated by him shall obtain from the head of each office, department or agency estimates of revenue and expenditures of that office, department or agency detailed by:

- A. Program activities within each department;
- B. Personnel services;
- C. Operating services;
- D. Capital outlay;
- E. Such other supporting data as he/she may request;
- F. A list of all new programs and capital projects which each department head believes should be undertaken, including:
 - 1. Those within the budget year, and
 - 2. Those within the next five succeeding years.

In preparing the budget, the budget officer shall review the estimates, shall hold conferences with department heads thereon, and may revise the estimates as he may deem advisable. He also shall obtain from the responsible officer or officers or develop on his/her own initiative estimates of anticipated state and federal grants and required matching funds where applicable.

(Prior code § 3-2.205)

3.08.060 Budget—A public record.

The proposed budget and budget message and all supporting schedules shall be a public record in the office of the clerk, open to public inspection by anyone. The budget officer shall cause the proposed budget to be printed or otherwise reproduced and sufficient copies thereof made available for the use of all offices and departments and for the use of interested persons and civic organizations.

(Prior code § 3-2.206)

3.08.070 Publication of notice of public hearing.

At the meeting of the city council at which the budget message and budget are submitted, the city council shall determine the place and time of the public hearings on the budget, and shall cause to be published a notice of the places and times, not less than seven days nor more than twenty-one (21) days before the public hearings.

(Prior code § 3-2.207)

3.08.080 Public hearing on budget.

At the times and places so advertised, or at any time and place to which such public hearings shall from time to time be adjourned, the city council shall hold public hearings on the budget as submitted, at which all interested

persons shall be given an opportunity to be heard, for or against the revenue estimated or any proposed appropriation therein.

(Prior code § 3-2.208)

3.08.090 Further consideration of budget.

After the conclusion of such public hearing, the city council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law or prescribed by subsections A, B and C of Section 3.12.090, but where it shall increase the total proposed expenditures, it shall also increase the total anticipated revenue at least to equal such total proposed expenditures.

(Prior code § 3-2.209)

3.08.100 Adoption of budget.

The budget shall be adopted by the favorable votes of at least a majority of all the members of the governing body.

(Prior code § 3-2.210)

3.08.110 Date of final adoption—Failure to adopt.

The budget shall be finally adopted no later than June 30th prior to the beginning of the fiscal year. Should the governing body take no final action on or prior to such day, no expenditure may be made for any purpose except salaries until the budget has been finally adopted by the governing body.

(Prior code § 3-2.211)

3.08.120 Effective date of budget—Certification—Copies.

Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget as finally adopted shall be certified by the budget officer and filed in the office of the chief financial officer. The budget, so certified, shall be printed or otherwise reproduced, and sufficient copies thereof shall be made available for the use of all offices, departments and agencies, and for the use of interested persons and civic organizations. A summary of the budget shall be published for the general public.

(Prior code § 3-2.212)

3.08.130 Budget establishes appropriations.

From the effective date of the budget, the several amounts stated therein, as proposed expenditures, shall be and become appropriated to the several objects and purposes therein named.

(Prior code § 3-2.213)

Chapter 3.12 BUDGET ADMINISTRATION

Sections:

3.12.010 Budget message—Current operations.

The budget message submitted by the budget officer to the city council shall be explanatory of the budget, shall contain an outline of the proposed financial policies for the fiscal year, and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for important or significant changes from the current year in appropriation and revenue items and shall explain any major changes in financial policy.

(Prior code § 3-2.301)

3.12.020 Capital improvement.

As part of the budget message with relation to the proposed expenditures for the budget year for capital projects stated in the proposed budget, the budget officer shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised during the budget year by appropriations from:

- A. Estimated revenues for the budget year;
- B. The issuance of bonds;
- C. State or federal grants;
- D. Loans or other sources.

The budget officer shall also include in the message, or attach thereto, a capital program of proposed capital projects for each of the five fiscal years next succeeding the budget year, together with his comments thereon and any estimates of costs prepared by the department of public works or other office, department or agency.

(Prior code § 3-2.302)

3.12.030 Budget message—Supporting schedules.

Attached to the budget message shall be such supporting schedules, exhibits, and other explanatory material, in respect to both current operations and capital improvements, as the budget officer shall believe useful to the governing body.

(Prior code § 3-2.303)

3.12.040 Budget.

The budget shall provide a complete program and financial plan for all funds for the budget year. It shall contain in tabular form for each fund:

- A. A general summary;
- B. Detailed estimates of all anticipated revenues applicable to proposed expenditures;
- C. All proposed expenditures.

The total of such anticipated revenues shall equal the total of such proposed expenditures.

(Prior code § 3-2.304)

3.12.050 Anticipated revenues.

Anticipated revenues shall include revenue from all sources, including grants and loans and shall be classified in accordance with the chart of accounts of the municipality.

(Prior code § 3-2.305)

3.12.060 Anticipated revenues—Comparison with other years.

In parallel columns, opposite the several items of anticipated revenue, there shall be placed:

- A. The amount of each such item actually received during the next preceding fiscal year; and
- B. The total of the amount of each item actually received to the time of preparing the budget plus anticipated receipts for the remainder of the current year estimated as accurately as may be; and
- C. The amount of each item anticipated to be received during the budget year estimated as accurately as may be.

(Prior code § 3-2.306)

3.12.070 Fund balance.

The fund balance available for appropriation shall be limited to the amount by which liquid or current assets are estimated to exceed liabilities at the beginning of the budget year. This estimate shall be reviewed by the budget officer as soon as is practical after the end of the current fiscal year when the actual fund balance is determined. At this time, the estimates of revenue and authorized appropriations shall be revised if necessary.

(Prior code § 3-2.307)

3.12.080 Anticipated surplus from municipal utility or other public service enterprise.

The anticipated revenue and proposed expenditures of each utility or other public service enterprise owned or operated by the city shall be stated in a separate section of the budget (each bearing the name of the utility); and as to each such utility, any anticipated surplus, if legally available for general purposes and to the extent such surplus is to be used to support budget operations, shall be stated as an item of revenue in the budget.

(Prior code § 3-2.308)

3.12.090 Proposed expenditures.

The proposed expenditures shall be itemized as set out in Section 3.08.050, and each item numbered in accordance with the classification system of the municipality. Separate provision shall be included in the budget for at least:

- A. Interest, amortization and redemption charges on bonds outstanding;
- B. Other statutory expenditures;
- C. Any budgetary deficit of the current year;
- D. Administration, operation and maintenance of each office or department and service, function or activity;

-
- E. Contingent expense in an amount not more than three percent of the total amount stated pursuant to subsection D of this section; and
 - F. Expenditures proposed for capital projects.

(Prior code § 3-2.309)

3.12.100 Proposed expenditures—Comparison with other years.

In parallel columns, opposite the several items of proposed expenditures, there shall be placed:

- A. The amount of each such item actually expended during the next preceding fiscal year; and
- B. The total of the amount actually expended to the time of preparing the budget plus the expenditures for the remainder of the current fiscal year estimated as accurately as may be; and
- C. The amount of each item to be appropriated for the budget year.

(Prior code § 3-2.310)

3.12.110 Budget summary.

At the front of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and by departments and kinds of expenditures, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

(Prior code § 3-2.311)

Chapter 3.16 FINANCIAL CONTROL

Sections:

3.16.010 Approval of expenditures.

The chief financial officer shall have charge of the administration of the financial affairs of the city and to that end shall supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that appropriations are not exceeded. He/she shall exercise financial budgetary control over each office, department and agency and shall cause separate accounts to be kept for the items of appropriation contained in the budgets each of which account shall show the amount of appropriation, the amounts paid therefrom, the unpaid obligations against it, and the unencumbered balance. The same classification and numbering system used in the budget and required by Section 3.08.050, shall be used. Unless he/she shall certify that there is a sufficient unencumbered balance available, no appropriation shall be encumbered and no expenditure shall be made.

(Prior code § 3-2.401)

3.16.020 Work programs, allotments.

Before the beginning of the budget year, the head of each office, department or agency shall submit to the budget office, at the time required, his/her work program for the year, which program shall show the requested allotments of appropriations for such office, department or agency, by quarterly periods, for the entire budget year. The budget officer shall review the requested allotments in the light of the work program of the office,

(Supp. No. 25, Update 1)

Created: 2023-05-19 16:28:34 [EST]

department or agency concerned and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to the office, department or agency for the budget year. The budget office shall certify a copy of the allotments approved to the chief financial officer who shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. The approved allotment may be revised during the budget year in the same manner as the original allotment was made. If, at any time during the budget year, the budget officer shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, he/she shall reconsider the work programs and allotments for the several offices, departments and agencies and shall revise the allotments so as to forestall the making of expenditures in excess of income.

(Prior code § 3-2.402)

3.16.030 Transfers of appropriations.

The budget officer may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within a department, regarding service, function or activity. At the request of the budget officer and within the last three months of the budget year, the city council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another. No transfer shall be made from the appropriations required by subsections A, B and C of Section 3.12.090.

(Prior code § 3-2.403)

3.16.040 When contracts and expenditures prohibited.

No office, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated for the general classification of expenditures pursuant to this title. Any contract, verbal or written, made in violation of this title shall be null and void.

(Prior code § 3-2.404)

3.16.050 Appropriations lapse at end of the year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

(Prior code § 3-2.405)

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF EAST PALO ALTO**

**REVISING THE BUDGET PLANNING AND FISCAL
PROCEDURES AS WELL AS FINANCIAL CONTROL
CHAPTERS OF THE EAST PALO ALTO MUNICIPAL CODE**

WHEREAS, the City of East Palo Alto's staff typically presents a midyear budget report to the City Council in February, which cannot be presented earlier due to not having enough months of data to show any trends; and

WHEREAS, staff cannot begin to prepare the annual budget before the midyear budget is presented to Council because...

WHEREAS, the current ordinance requires staff to submit a budget and an explanatory budget message no later than April 30th, which is insufficient time from when the midyear budget is completed to substantively review the City's current financial position, all proposals of departments, and other the current needs; and

WHEREAS, Council prefers a comprehensive recommendation from staff on the budget to an early presentation that has not been properly vetted; and

WHEREAS, the City's Annual Comprehensive Financial Reports (ACFRs) state that the legal level of the budgetary controls is by fund, which means transfers of operating budgets between funds, use of unappropriated fund balances, and significant changes in capital improvement project budgets require the approval of the City Council whereas the City Manager or his/her designee has the authority to make adjustments to the operating budget between departments within the same fund; and

WHEREAS, East Palo Alto Municipal Code Section 3.16.030 is inconsistent with the ACFRs and the Chief Financial Officer's authority relating to budgetary controls over departmental fund balances in that it states that the Chief Financial Officer has such authority yet it requires a Council resolution to exercise such authority; and

WHEREAS, the City Council voted unanimously to introduce and hold first reading of this ordinance on February 4, 2025.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO
DOES ORDAIN AS FOLLOWS:**

SECTION 1. INCORPORATION OF RECITALS. The City Council finds that the above recitals are true and correct and are incorporated herein by reference.

SECTION 2. MUNICIPAL CODE AMENDMENT. Section 3.08.050 of Chapter 3.08 of Title 3 of the City of East Palo Alto Municipal Code is hereby amended to state:

“The budget officer, ~~no later than April 30th of each fiscal year,~~ shall submit to the City Council a budget and an explanatory budget message in the form of and with the contents provided for by Chapter 3.12. For such purpose, ~~no later than March 1st of the fiscal year,~~ he/she or an officer designated by him shall obtain from the head of each office, department or agency estimates of revenue and expenditures of that office, department or agency detailed by:

- A. Program activities within each department;
- B. Personnel services;
- C. Operating services;
- D. Capital outlay;
- E. Such other supporting data as he/she may request;
- F. A list of all new programs and capital projects which each department head believes should be undertaken, including:
 1. Those within the budget year, and
 2. Those within the next five succeeding years.

In preparing the budget, the budget officer shall review the estimates, shall hold conferences with department heads thereon, and may revise the estimates as he may deem advisable. He also shall obtain from the responsible officer or officers or develop on his/her own initiative estimates of anticipated state and federal grants and required matching funds where applicable.”

SECTION 3. MUNICIPAL CODE AMENDMENT. Section 3.16.030 of Chapter 3.16 of Title 3 of the City of East Palo Alto Municipal Code is hereby amended to state:

“The budget officer may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures ~~within a department~~ **by fund**, regarding service, function or activity. At the request of the budget officer and within the last three months of the budget year, the city council may by resolution transfer any unencumbered appropriation balance or portion thereof from one ~~office, department or agency~~ **fund** to another. No transfer shall be made from the appropriations required by subsections A, B and C of Section 3.12.090.”

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT. The City Council hereby finds that proposed Ordinance does not constitute a “Project” within the meaning

of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378(b)(4), in that it is related to government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a 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 and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect and be in full force thirty (30) days after the date of its adoption.

SECTION 7. PUBLICATION. The City Clerk is hereby directed to cause publication of this Ordinance as required by Government Code Section 36933.

INTRODUCED at a regular City Council meeting held on February 4, 2025, and

PASSED AND ADOPTED at a regular City Council meeting held on February 18, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

	Signed:
	Martha Barragan, Mayor

ATTEST:

Approved as to form:

James Colin, City Clerk

John D. Lê, City Attorney



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 18, 2025

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Tomohito Oku, Finance Director
Bo-kyoung Kim, Finance Services Manager
Jessica Y Caballero, Senior Accountant

SUBJECT: FY 2024-25 Second Quarter Treasury Report

Recommendation

Accept and file the Treasury Report for the second quarter ended December 31, 2024.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority 4: Ensure Our Financial and Organizational Health

Background

Pursuant to Section 53646 of the Government Code of the State of California, the City Treasurer may submit a quarterly report to the City Council regarding the funds and investments of the City. Finance staff provides quarterly reporting to the City Council indicating the summary of investments for the period and denoting the ability of the City to meet its expenditure requirements for the next three months.

Analysis

This report covers primary cash and investments of the City. For investment purposes, City cash is pooled, except for bond proceeds, which are held in trust by a trustee. The City does not have, nor is it legally required to have, separate bank accounts for each individual fund. However, all cash is segregated in the City's accounting records.

Summary December 31, 2024				
	Average Maturity (YRS)	Average Earnings (QTR)	Deposit Value	Market Value
Petty Cash	n/a	n/a	\$ 10,800	\$ 10,800
Bank Checking	n/a	n/a	\$ 4,033,256	\$ 4,033,256
Local Agency Investment Fund	0.69	4.48%	\$ 10,219,875	\$ 10,216,012
San Mateo County Pool Investment	1.82	3.84%	\$ 34,336,687	\$ 34,312,308
CA Asset Management Program	0.12	4.88%	\$102,068,018	\$102,068,018
			\$150,668,637	\$150,640,394

As of December 31, 2024, the total deposit value of cash and investments equals \$150,668,637, including outstanding checks and other minor adjustments of \$679,780. Compared to the prior quarter ending in September 2024, the FY2024-25 second quarter (Q2) ending on December 31, 2024, total book value balance increased by approximately \$6.6M. The overall increase is primarily due to Current Secured Tax (\$7.8M), AB26 Redevelopment Property Tax Trust Fund (\$2.7M), other tax distributions (\$1.3M), Veolia water (\$0.7M), Transient Occupancy Tax (\$0.7M), Rent Stabilization annual program fees (\$0.5M), Highway Users Tax and Road Maintenance and Rehabilitation Account (\$0.3M) and other operating revenues. The following table shows a breakdown of cash and investment balance by fund type.

Summary December 31, 2024		
	Deposit Value	Market Value
General Fund (Inc. Petty cash of \$10,800)	\$ 42,297,364	\$ 42,297,364
General Sub-Funds (Committed/Reserved)	\$ 17,879,830	\$ 17,879,830
City Funds Restricted and Committed	\$ 89,992,691	\$ 89,992,691
Successor Agency Trust	\$ 498,752	\$ 498,752
Unrealized Gain/(Loss) on Investment Pools	\$ -	\$ (28,242)
	\$ 150,668,637	\$ 150,640,394

The deposit market value totals \$150,640,394, including an unrealized loss of \$ (28,242), reflecting treasury yields during the calendar year. All except for General Fund balance is restricted by either City Council or external parties for specific purposes. Unrestricted cash and investment balance under General Fund (\$42,297,364) including the contingency reserve may be used at Council discretion.

The table below reflects changes in rates since December 31, 2023, and compared to the previous month of November 2024, demonstrates an increase in long-term and a decrease in short-term Treasury yields since December 31, 2023¹:

¹ Daily US Treasury Yield Curve. Treasury.gov

	Dec-24	Nov-24	Dec-23
6-month Treasury Bill	4.13	4.30	5.05
2-year Treasury Note	4.25	4.13	4.23
5-Year Treasury Note	4.38	4.05	3.84

The City’s portfolio is invested in the Local Agency Investment Fund (LAIF), the San Mateo County Treasurer’s Pool, and the California Asset Management Program (CAMP). LAIF is a highly liquid investment pool operated by the State Treasurer, and the City has same-day access to the funds. The County Treasurer’s Pool is less liquid, and the maturity and diversification of the underlying securities which in normally functioning markets is generally expected to result in higher yield. The CAMP Pool is a highly liquid investment pool directed by a Board of Trustees that provides same-day liquidity, competitive yields, and interest paid monthly. City staff does not control or direct the underlying investment of funds and each pool is managed by the respective agency’s investment staff and oversight committee or board. September to December over quarter LAIF yields decreased from 4.556% for quarter-end (QE) September 2024 to 4.480% for QE December 2024 and San Mateo County Pool average gross pool earnings decreased from 3.959% for QE September 2024 to 3.836% for QE December 2024. San Mateo County Pool earnings are quoted on gross earnings. LAIF fair value factor decreased from 1.0020 in the previous quarter to 0.9996. The County Pool factor decreased from 1.00410 for QE September 2024 to 0.99929 for QE December 2024. The current annualized yield for CAMP decreased from 5.08% in the previous quarter to 4.65%.

Based on the foregoing, pursuant to California Government Code Section 53646, the City shall meet its expenditure requirements for the next six months.

Fiscal Impact

There is no fiscal impact for this item. This report is informational.

Public Notice

The public was provided notice by making the agenda and report available on the City’s website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The action being considered by the City Council is exempt from the California Environmental Quality Act (CEQA) because it is not a “project” pursuant to 15378(b)(4) because it is a fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

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

Government Code § 84308

Applicability of Levine Act: No, as the proposed action does not involve an entitlement.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Treasury Report QE December 2024

Treasury Summary

CITY AND SUCCESSOR AGENCY OF EAST PALO ALTO

SUMMARY OF INVESTMENTS For Quarter Ended December 31, 2024

Category	Average Maturity		Average Interest Earnings For QTR	DEPOSIT AND BOOK VALUE	%	MARKET VALUE
	Days	Years				
	Cash and Investments					
1. Petty Cash	na	na	0.000%	10,800	0.0%	10,800
2. On Demand Deposits (Wells Fargo checking)	na	na	0.000%	4,033,256	2.7%	4,033,256
3. Local Agency Investment Fund (LAIF)	252	0.69	4.480%	10,219,875	6.8%	10,216,012
4. San Mateo County Pool Investment	664	1.82	3.836%	34,336,687	22.8%	34,312,308
5. CA Asset Management Program	42	0.12	4.877%	102,068,018	67.8%	102,068,018
Total Cash and Investments on Deposit			4.482%	150,668,637	100.0%	150,640,394
General Fund (including petty cash of \$10,800)				42,297,364		42,297,364
General Sub - Funds (Committed/Reserved)				17,879,830		17,879,830
City Funds Restricted and Committed				89,992,691		89,992,691
Successor Agency Trust				498,752		498,752
Unrealized Gain/(Loss) on Investment Pools				-		(28,242)
Total Book Balance				150,668,637		150,640,394
Bank to Book Adjustments						
Checks Outstanding/Other AJE				679,780		679,780
Total Book Adjustment				679,780		679,780
Total Cash and Investment Portfolio				151,348,417		150,640,394

CERTIFICATION:

Pursuant to Government Code Section 53646, the City will meet its expenditure requirements for the next six months. Total funds invested represent the consolidation of all fund types, and availability of certain funds is restricted by law.

Tomohito Oku
Director of Finance

1/31/2025
Date

For Reporting Information Regarding Investment Pools:

LAIF <http://www.treasurer.ca.gov/pmia-laif/laif/index.asp>

San Mateo County Pool <http://sanmateocountytreasurer.org/index.html>

CA Asset Management Program <https://www.camponline.com/>



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 18, 2025
TO: Honorable Mayor and Members of the City Council
VIA: Melvin E. Gaines, City Manager
BY: Shiri Klima, Assistant City Manager
SUBJECT: Purchasing Ordinance

Recommendation

By motion:

1. Waive the second reading and adopt an ordinance revising the purchasing procedures in the East Palo Alto Municipal Code; and
2. Find the proposed action does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15378(b)(4) in that they are related to government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority: Ensure Our Financial and Organizational Health

Background

On February 4, 2025, the City Council considered introduction of an ordinance completely revamping the City’s purchasing ordinance, codified at Chapter 2.84 of the East Palo Alto Municipal Code, including setting tiered bidding procedures, allowing “piggybacking” and cooperative purchasing, delegating to the City Engineer the authority to adopt plans, specifications and working details for projects over \$220,000, and delegating to the City Manager

CONSENT ITEM 3.4

the authority to award all public project contracts up to \$220,000, all service, equipment and supplies contracts up to \$75,000, and up to 5-year real property contracts up to \$1,000,000.

The City Council introduced the attached ordinance, with modifications prior to introduction as noted in the Analysis section of this report, with the following vote:

AYES: Barragan, Dinan, Lincoln, Abrica, and Romero.
NOES: None
ABSENT: None
ABSTAIN: None

This item returns to the Council for adoption (second reading).

Analysis

Prior to the introduction and first reading of the ordinance on February 4, 2025, staff requested three amendments to the ordinance on the dais:

1. Removing from 2.84.030(H): “that is not related to a public project”
2. Removing from 2.84.030(I): “With a total value not exceeding \$100,000”
3. Adding “as amended from time to time” to every reference to a state statute throughout

Council adopted the ordinance with these three amendments, which are included in the attached ordinance in red underlined font.

Additionally, where the ordinance listed “the most senior available member of the City Council,” Council requested clarification on the language of seniority. The City Attorney offered: “beginning with the Mayor, Vice Mayor, and any member of the Council in order of seniority of tenure.” Council adopted the ordinance with this amendment as well; it too is included in the attached ordinance in red underlined font.

As noted above, the Council voted in favor of staff’s recommendation, including these four amendments, with a vote of 5-0 on February 4, 2025.

As no further modifications have been made since the first reading, staff recommends that the Council adopt the proposed ordinance, in addition to finding that such action is exempt from CEQA for the reasons set forth below.

Fiscal Impact

CONSENT ITEM 3.4

This ordinance amendment requires no new budgetary appropriation.

Public Notice

The public was provided notice by making the agenda and report available on the City's website and on a bulletin, board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The proposed action does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(4) in that it is related to government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Government Code § 84308

Applicability of Levine Act: No, as the proposed action does not involve an entitlement.

Analysis of Levine Act Compliance: Not applicable.

Attachments:

1. Proposed Ordinance
2. Existing Purchasing Ordinance

Chapter 2.84 - PURCHASING^[1]

Sections:

Footnotes:

--- (1) ---

Editor's note— Ord. No. 340, att. A, adopted Feb. 15, 2011, amended ch. 2.84 in its entirety to read as herein set out. Former ch. 2.84, §§ 2.84.010—2.84.170, pertained to similar subject matter and derived from: Prior code §§ 2-5.401—2-5.416; and Ord. 200, § 1, 1996.

2.84.010 - Adoption of the purchase system.

In order to establish efficient procedures for the purchase or contract of supplies, services, equipment, and public projects, at the lowest cost commensurate with required quality; to exercise positive financial control over purchases that meet legal requirements and generally accepted accounting principles; and to define authority for the purchasing function: a purchasing system is adopted.

(Ord. No. 340, att. A, 2-15-2011)

2.84.020 - Reserved.

2.84.030 - Purchasing system: Policies, procedures, limits and functions.

The city manager shall recommend, and the city council shall approve, a purchasing policy as necessary to implement a purchasing system compliant with [Section 2.84.010](#).

The purchasing policy shall include designating city staff, known collectively as the "purchasing authority", who are authorized and obligated pursuant to the authority granted by the ordinance from which this chapter derives to:

- A. Purchase or contract for supplies, services, equipment and public projects required by any using department in accordance with purchasing procedures prescribed by this chapter and such administrative regulations as may be adopted for the internal management and operation of the purchasing authority;
- B. Negotiate and recommend execution of contracts for the purchase of supplies, services, equipment and public projects;
- C. Act to procure for the city needed quality in supplies, services, equipment, and public projects at the lowest cost to the city;
- D. Encourage competitive bidding as set forth in this chapter;
- E. Prepare and recommend to the city manager rules, revisions and amendments governing the procedures for the purchase of supplies, services, equipment and public projects for the city;
- F. Prescribe and maintain such forms as necessary to the operation of this chapter and other rules and regulations;
- G. Supervise the inspection of all supplies and equipment purchased to insure conformance with contract documents;
- H. Maintain a bidders' list of the vendors that are capable of supplying the various goods, supplies, and services required by the city;
- I. Execute the provisions contained in this chapter, provide administrative interpretation thereof and advise on the provisions contained herein.

(Ord. No. 340, att. A, 2-15-2011)

2.84.040 - Estimates of requirements.

All departments shall be responsible for estimating requirements for supplies, services, equipment, and public projects. Estimates shall be prepared in a manner, and at such time, as necessary for the appropriation of funds and to conduct City business.

(Ord. No. 340, att. A, 2-15-2011)

2.84.050 - Requirements for departments, direct service providers, and vendors.

- A. All departments shall comply with Public Contracts Code Section 22150 which requires the purchase of recycled products instead of non-recycled products whenever recycled products are available at the same or a lesser total cost than non-recycled items, if fitness and quality are equal.
- B. All service providers and vendors providing paper products and printing and writing paper shall:
 1. If fitness and quality are equal, provide recycled-content paper products and recycled-content printing and writing paper that consists of at least thirty (30) percent, by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled paper products and printing and writing paper are available at the same or lesser total cost than non-recycled items.
 2. Provide paper products and printing and writing paper that meet Federal Trade Commission recyclability standard as defined in [16](#) Code of Federal Regulations (CFR) Section 260.12.
 3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the paper products and printing and writing paper offered or sold to the city. This certification requirement may be waived if the percentage of postconsumer material in the paper products, printing and writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.
 4. Certify in writing, on invoices or receipts provided, which may be electronic, that the paper products and printing and writing paper offered or sold to the city is eligible to be labeled with an unqualified recyclable label as defined in [16](#) Code of Federal Regulations (CFR) Section 260.12 (2013).
 5. Provide records to the city, in accordance with this chapter, of all paper products and printing and writing paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any city department or employee. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required by subsections B.3. and B.4. for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content paper products or printing and writing papers are provided, include a description of why recycled-content paper products or printing and writing papers were not provided.
- C. All service providers and vendors providing compost shall:
 1. Provide compost that meets the definition in East Palo Alto Municipal Code [Chapter 8.32](#).
- D. All vendors providing mulch shall:
 1. Provide SB 1383 eligible mulch that meets the definition in East Palo Alto Municipal Code [Chapter 8.32](#).
- E. "Paper products" shall mean and include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in [14](#) CCR Section 18982(a)(51).
- F. "Printing and writing papers" shall mean and include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in [14](#) CCR Section 18982(a)(54).
- G. "Recycled-content paper" means and include paper products and printing and writing paper that consists of at least thirty (30) percent, by fiber weight, postconsumer fiber, or as otherwise defined in [14](#) CCR Section 18982(a)(61).

(Ord. No. 05-2021, § 1, 11-16-2021)

2.84.060 - Emergency purchases.

When an emergency exists, in the judgment of the department head or designee, which requires immediate action in the interest of public health, safety and welfare, and the city manager or an appointed designee are not available, the department head, or designee may authorize the necessary supplies, services and equipment. The city manager, or an appointed designee, shall have similar authority in the event of the necessity for immediate emergency action.

(Ord. No. 340, att. A, 2-15-2011)

2.84.070 - Bidding.

Bidding may be dispensed with:

- A. When an emergency requires the invocation of [Section 2.84.060](#);
- B. When the amount involved is less than five thousand dollars (\$5,000.00) for public projects, and less than ten thousand dollars (\$10,000.00) for other purchases of supplies, services, and equipment;
- C. When the commodity can be obtained from only one vendor;
- D. When other special circumstances require, and the city manager recommends disregarding bid procedures, and city council approval is obtained to disregard bid procedures and which expressly authorizes negotiations with one or more firms, persons, corporations, partnerships and/or associates for entities;
- E. When either [Section 2.28.140](#) or [Section 2.28.180](#) of this chapter is applicable.

(Ord. No. 340, att. A, 2-15-2011)

2.84.080 - Formal bid procedures.

Public projects with an estimated value exceeding five thousand dollars (\$5,000.00) and other purchases with an estimated value exceeding twenty-seven thousand dollars (\$27,000.00) shall be by written contract with the lowest responsible bidder, except as otherwise provided in this chapter and pursuant to the procedures prescribed in this chapter.

- A. Notice Inviting Bids. Notices inviting bids shall include a general description of the supplies, services, equipment and public projects to be purchased, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.
 1. Published Notice. The purchasing agent shall cause the city clerk to have notice inviting bids published and posted at least ten days before the date of opening the bids. Notices shall be circulated and shall be posted on the official bulletin board of the city located in the city offices.
 2. Bidders List. The purchasing authority shall solicit sealed bids from all responsible prospective suppliers whose names are on the bidders list or who have made written request that their names be added thereto.
 3. Bulletin Board. The purchasing authority shall also advertise pending purchases by a notice posted on a public bulletin board in the city offices.
- B. Bidder's Security. When deemed necessary by the purchasing authority, bidders security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security; provided, however, that a successful bidder shall forfeit his bid security upon his refusal or failure to execute the contract within ten (10) days after the notice of award of contract and the contract has been mailed. The city council may, at its option, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder, and if the city council awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the city to the contract price differential between the lowest bid and the second lowest bid, subtracting administration costs; if any surplus exists it shall be returned to the defaulted bidder.
- C. Bid Opening Procedure. Sealed bids shall be submitted to the purchasing authority and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices by the city clerk, the purchasing authority and department head or their authorized designee. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening.
- D. Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of re-advertising for bids, the city council may, in its discretion, accept the one it chooses or accept the lowest bid made by and after negotiations with the tie bidders at the time of the bid opening.
- E. Award of Contracts. The purchasing authority, except as otherwise provided in this chapter, shall recommend contract approval to the city manager and city council. Contracts subject to formal bid procedure shall be awarded by the city council.
- F. Rejection of Bids. At its discretion, the city council may reject any or all bids presented, waive any irregularity in any bid received and award the contract or readvertise for bids pursuant to the procedure hereinabove prescribed.
- G. Performance Bonds. The city council shall have authority to require a performance bond before entering a contract in such amount as it finds reasonably necessary to protect the best interests of the city. If the city council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.
- H. Lowest Responsible Bidder Determination. In determining the lowest responsible bidder, the following factors may be considered in addition to price:
 1. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
 2. The character, integrity, reputation, judgement, experience of the bidder, considering efficiency for the city or other contracting parties;
 3. The quality of performance by the bidder of previous contracts or services for the city or other contracting parties;
 4. The previous and existing compliance by the bidder with state laws and city ordinances relating to contracts or services;
 5. The sufficiency of the financial resources and the ability of the bidder to perform the contract or provide the services;
 6. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

(Ord. No. 340, att. A, 2-15-2011)

2.84.090 - Informal bid procedures—Supplies, services, equipment and public projects.

Purchase of supplies, services and equipment, other than public projects, of an estimated value in the amount of twenty-seven thousand dollars (\$27,000.00) or less may be made by the purchasing authority in the open market pursuant to the procedure prescribed in this chapter; provided, however, that all bidding may be dispensed with for purchases of supplies, services, and equipment having a total value of ten thousand dollars (\$10,000.00) or less.

Purchases for public projects with an estimated value of five thousand dollars (\$5,000.00) or less may be made by the purchasing authority in the open market pursuant to the procedure prescribed in this chapter and without regard to the procedure prescribed in Section 2-5.308.

- A. Minimum Number of Bids. Open market purchases shall, wherever possible, be based on at least three bids and shall be awarded to the lowest responsible bidder consistent with the quality of supplies, services, equipment and public projects required.
- B. Notice Inviting Bids. The purchasing agent or his/her designated representative shall solicit bids by written request to prospective vendors or by telephone.
- C. Written Bids and Phone Bids. Written bids and phone bids shall be submitted to the purchasing agent who shall keep a record of all open market orders and bids for a period of one year after submission of bids or the placing of orders. This record, while so kept, shall be open for public inspection.

(Ord. No. 340, att. A, 2-15-2011)

2.84.100 - Purchase orders.

Purchases of supplies, services and equipment shall be made by purchase orders when practicable. Unless otherwise provided in this chapter, no purchase order shall be issued unless the prior approval of the purchasing authority has been obtained. The purchasing Authority shall enforce the purchasing procedure.

(Ord. No. 340, att. A, 2-15-2011)

2.84.110 - Available funds required.

Except in cases of emergency or in cases where specific authority has been first obtained from the city manager, the purchasing authority shall not issue any purchase order for supplies, services, equipment and public projects unless there exists an unencumbered appropriation in the fund account against which the purchase is to be charged.

(Ord. No. 340, att. A, 2-15-2011)

2.84.120 - Reserved.

2.84.130 - Inspection and testing.

The purchasing agent or his delegated representative shall inspect supplies and equipment delivered to determine their conformance with the contract documents or specifications set forth in the order. The purchasing agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications, including OSHA and/or California industrial safety standards.

(Ord. No. 340, att. A, 2-15-2011)

2.84.140 - Surplus supplies and equipment.

All departments shall submit to the purchasing authority, at such time and in such forms as prescribed, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The purchasing authority shall have authority to exchange for or trade in on new material supplies and equipment which cannot be used by any agency or which have become unsuitable for city use with value up to five thousand dollars (\$5,000.00) total value for any one transaction. Multiple transactions shall not be utilized by the purchasing authority to avoid the five thousand dollar (\$5,000.00) limit. All exchange or trade transactions shall be reported to the city manager.

(Ord. No. 340, att. A, 2-15-2011)

2.84.150 - Public project.

Government Code 20161 defines "public project" as follows:

- A. A project for the erection, improvement, painting, or repair of public buildings and works;
- B. Work in or about streams, bays, water fronts, embankments, or other work for protection against overflow;
- C. Street or sewer work except maintenance or repair; and
- D. Furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers.

(Ord. No. 340, att. A, 2-15-2011)

2.84.160 - Change orders to public projects.

The city manager is delegated authority to approve, without seeking new bids, contract change orders to public projects up to the combined amounts funded for construction or purchase and for contingencies as established in the project authorization.

(Ord. No. 340, att. A, 2-15-2011)

2.84.170 - Prequalification of contractors for projects exceeding fifty thousand dollars.

- A. On any specific project exceeding fifty thousand dollars (\$50,000.00) in estimated costs, the City may elect to prequalify contractors as defined in this section. In such case the city shall limit bids to contractors who have been prequalified and placed on a prequalification list for such project.
- B. "Prequalification" is defined as the process of establishing that a contractor is qualified, fit and capable, based upon past experience and current ability, to perform and complete the project in a timely and economically efficient manner. Poor past performance, by itself, is an adequate ground for determining that a bidder is not responsible. Prequalification shall be used to determine if a contractor is responsible as required by the ordinance codified in this section and state law.
- C. In order to prequalify all general contractors (hereinafter contractors) must complete a questionnaire designed to obtain information about licenses, past experience in performing similar projects, financial ability, compliance with appropriate laws and regulations, insurance, past and urgent information regarding litigation, and staffing, and such other areas of inquiry that will enable the city to complete the project on time and within budget.
- D. All information provided by contractors is subject to review by the city. The determination as to whether a contractor is prequalified rests solely with the city. The city further reserves the right to reject all prequalification questionnaires and repeat the prequalification process.

(Ord. No. 340, att. A, 2-15-2011)

2.84.180 - Exclusions.

Subject to the California Government Code and the California Public Contracts Code, the city manager shall recommend, and the city council shall approve, a report of purchases for which the provisions of this chapter shall not apply. Such report may contain, but is not limited to, purchases for the following:

- A. Franchises governed by the provisions of the California Public Utilities Code or other statute of the State of California;
- B. Insurance coverage and employee benefits;
- C. Intergovernmental agreements;
- D. Utilities, including, but not limited to, telephone service, fuel, electricity, or water.

(Ord. No. 340, att. A, 2-15-2011)

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO
REPEALING THE EXISTING PURCHASING ORDINANCE AND
REPLACING IT WITH A NEW PURCHASING ORDINANCE**

WHEREAS, the City of East Palo Alto’s purchasing ordinance was last amended in 2011 and no longer serves the City’s needs; and

WHEREAS, this ordinance provides a new way for the City to procure public projects, supplies and equipment, service, and real property, allowing for speedier and more streamlined operations while ensuring proper controls are in place; and

WHEREAS, on February 4, 2025, the City Council unanimously adopted a resolution electing to be subject to the California Uniform Public Construction Cost Accounting Act, codified in California Public Contract Code section 22000 et seq., which set up a tiered system for greater formalities in public bidding for projects higher in dollar value; and

WHEREAS, on February 4, 2025, the City Council also unanimously adopted a resolution setting purchasing ordinance limits to fill in the amounts listed in this ordinance as “adopted by resolution”; and

WHEREAS, the City Council voted unanimously to introduce and waive the first reading of this ordinance on February 4, 2025, after making minor amendments on the dais approved by motion.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO DOES ORDAIN AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS. The City Council finds that the above recitals are true and correct and are incorporated herein by reference.

SECTION 2. MUNICIPAL CODE AMENDMENT. Chapter 2.84 of Title 2 of the City of East Palo Alto Municipal Code is hereby amended in its entirety to read as follows:

ARTICLE I. GENERAL PROVISIONS

SEC. 2.84.010. PURPOSE.

(A) The purpose of this chapter is to ensure that the city establishes an efficient centralized procurement system, and that goods, materials, public projects and services are procured at fair and competitive prices.

(B) This chapter provides procedures for the performance of public projects, the purchase of supplies and equipment, and contracting for services.

(C) This chapter shall be interpreted and construed to be consistent with applicable law.

SEC. 2.84.020. SCOPE

(A) Purchasing Authority. All purchasing shall be done and accomplished under the authority of the City Manager as provided in Section 2.12.070, and the City Manager is designated as the purchasing officer for the City. The City Manager may cause to be implemented necessary operational policies and procedures not inconsistent with this chapter within a purchasing manual.

(B) Delegated Authority. The City Manager may delegate authority to acquire certain goods and/or services to a designee of his/her choice or other City employee if such delegation is deemed necessary for the effective procurement of those items.

SEC. 2.84.030. DEFINITIONS.

For the purposes of Title 2, the following definitions and rules shall be observed, unless such would be inconsistent with the manifest intent of the City Council:

(A) AUTHORIZATION - The maximum dollar amount that the City Council delegates to an individual per vendor or consultant, allowing that individual to award purchase orders or contracts to such vendor or consultant, subject to the limits established by the City Council or other applicable regulations.

(B) BEST VALUE - The expected outcome of a solicitation that, in the City's judgment, provides the greatest overall benefit in meeting the City's requirements. The evaluation and selection process considers a combination of factors including, but not limited to, price, quality, durability, serviceability, delivery time, standardization, and any other criteria set forth in the City's purchasing policies or manual. The goal is to minimize negative impacts while maximizing long-term performance, efficiency, and value in the procurement of goods, services, or construction

(C) CHANGE ORDER – A written order by the City Manager or his/her designee to the Vendor or Contractor directing an addition, deletion, or revision in the work, an

adjustment to the contract price, or an adjustment to the contract time, any of which are issued after the effective date of the agreement to address an unforeseen circumstance.

(D) EMERGENCY - Either of the following conditions:

(1) Regarding public projects, as defined in this chapter, an emergency as outlined in California Public Contract Code Section 22050 (as amended from time to time).

(2) For all other procurement, an emergency is a situation where there is an imminent risk to public safety or City operations that makes it impractical or not in the best interest of the City to follow standard bidding procedures, whether formal or informal.

(E) EVERGREEN CONTRACT – A type of contract that is automatically renewed after a specified period, with no finite termination date.

(F) FORCE ACCOUNT - Work performed on public projects using the City's own resources, including, but not limited to, labor, equipment, materials, supplies, and subcontracts, rather than contracting out the work to an external vendor or contractor.

(G) FORMAL SOLICITATION - A bid or proposal process that requires sealed submissions, either via mail, hand delivery, email, or other electronic means, in compliance with a prescribed format. Evaluations are conducted according to the procedures outlined in the solicitation document, as established in the City's purchasing manual.

(H) INFORMAL SOLICITATION - A competitive bid or proposal for any procurement, conveyed through mail, fax, email, or other written or electronic means, and that does not require sealed bids or other formalities associated with a formal solicitation.

(I) NEGOTIATED CONTRACT - A contract for the purchase of supplies, equipment, services or construction that is awarded through direct negotiation with a contractor, vendor, or consultant, without requiring a competitive bidding process. Such contracts are awarded based on factors including, but not limited to, the qualifications of the contractor, vendor, or consultant, project scope, and price, as determined in accordance with applicable laws, regulations, and the best interests of the City.

(J) PAPER PRODUCTS – This term shall mean and include, but not be limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51) (as amended from time to time).

(K) PIGGYBACK PURCHASE – A purchase made from a vendor where a competitive bid process has already been completed by another agency, and therefore a valid lowest prices/responsive and/or responsible bidder has been established. Such

purchases are contingent on the vendor agreeing to extend the same price and terms in the successful competitive bid to the City.

(L) PRINTING AND WRITING PAPERS – This term shall mean and include, but not limited be to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54) (as amended from time to time).

(M) PROCUREMENT – The acquisition of public projects, goods and/or services by the City, including but not limited to purchasing or leasing, and all functions and procedures pertaining to such acquisitions.

(N) PURCHASING MANUAL – A written manual detailing the purchasing policies and procedures that implement the requirements of this chapter. The purchasing manual may establish and describe in detail the contract solicitation and award procedures and requirements that must be followed in making acquisitions, purchases and licenses on behalf of the City. The purchasing manual may include, among other things, control procedures established under the authority of this chapter. The City Manager shall approve the purchasing manual and any modifications made to the manual from time to time.

(O) PUBLIC PROJECT - The meaning provided in California Public Contract Code Section 22002(c) and (d) (as amended from time to time).

(P) RECYCLED-CONTENT PAPER – This term means and includes paper products and printing and writing paper that consists of at least thirty (30) percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61) (as amended from time to time).

(Q) RESPONSIBLE - A bidder is responsible if it is qualified and trustworthy (with respect to the quality, fitness and capacity) to do the particular work required. This term is further defined in case law.

(R) RESPONSIVE - A bid is responsive if it promises to do what the bidding instructions require, which can be determined from the face of the bid without outside investigation or information. This term is further defined in case law.

(S) SERVICES - All services performed by persons or firms in a professional occupation (e.g., consulting and performance services for accounting, financial, economic, auditing, computer hardware and software support, engineering, architectural, landscape architectural, planning, environmental, land surveying, construction project management, personnel and grant-writing); performed by

individuals with manual skills and special training; or those performed by individuals that do not require special skills, formal certification, or a professional licensure (e.g., janitorial, maintenance work, and custodial services).

(T) TASK ORDER – A written order by the City Manager or his/her designee to the Vendor or Contractor directing work within the scope of the agreement, issued after the effective date of the agreement.

SEC. 2.84.040. CITY MANAGER OR HIS/HER DESIGNEE.

Except as otherwise ordered by City Council, the City Manager or his/her designee shall provide the services stated in this chapter on behalf of all City departments. In the performance of his/her duties, the City Manager or his/her designee shall comply with applicable law and City Council orders, including limitations on purchasing procedures. The City Manager or his/her designees may:

- (A) Prepare and issue all solicitations.
- (B) Issue a purchase order or execute a contract for procurement required by any City department, in accordance with procedures prescribed by this chapter up to the City Manager or his/her designee's authorization.
- (C) Amend any contract for supplies, equipment and services in any way that does not change the total amount, including, but not limited to, amendments extending the contract term, changing a vendor, contractor or consultant's legal name, or authorizing higher costs and rates.
- (D) Negotiate and recommend award of contracts for the purchase of supplies, equipment and services.
- (E) Act to procure for the City the needed quality in supplies, equipment, and services at the best value to the City.
- (F) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.
- (G) Prepare and maintain the purchasing manual.
- (H) Keep informed of current developments in the field of purchasing, prices, market conditions and new products.
- (I) Maintain such forms as reasonably necessary to the operation of this chapter and other rules and regulations.
- (J) Recommend the transfer of surplus or unused supplies and equipment between departments as needed, and the sale of all supplies and equipment that cannot be used by any department or that have become unsuitable for City use.

(K) Use cooperative purchasing, whereby multiple government agencies, cooperative entities, or jurisdictions enter into a contract to procure from each other or to collectively procure a vendor, contractor or consultant.

(L) Make a “piggyback purchase” whereby the City utilizes another agency or jurisdiction’s solicitation results but enters into a separate contract or issues a separate purchase order with the vendor, except that this process is not allowed for public projects.

(M) Recommend award of and execute a negotiated contract when the City Manager or his/her designee determines that obtaining bids and proposals is not in the City’s best interest.

(N) Develop and maintain a list of contractors, vendors and professionals identified according to categories of work.

(O) Prequalify or prescreen contractors, vendors and consultants.

(P) Maintain a list of the construction trade journals, as determined for San Mateo County by the California Uniform Construction Cost Accounting Commission, to which the City must deliver notice of all informal and formal construction contracts being bid for work within the County.

SEC. 2.84.050. CONFLICT.

(A) The provisions of this chapter shall not apply to the extent that they conflict, and shall be interpreted and construed to be consistent, with any applicable State or federal laws or regulations, or the terms and conditions of any grant, contract, gift or bequest otherwise consistent with law.

(B) Any evaluation or selection practice under this chapter that would result in unlawful activity, including, but not limited to, any rebate, kickback or unlawful consideration is expressly prohibited. Any award of a contract where a public official has used his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a financial interest in any person or entity who seeks such a contract, or in the outcome of the selection process in any way, is expressly prohibited.

(C) Prior to participating in any procurement, a staff member will have to state the nature and length of his/her relationship, if any, to all bidders or proposers as well as any other personal interest in the outcome of the solicitation. A staff member must immediately notify the City Manager or his/her designee and not review any materials or attend any meetings regarding the procurement until further instruction from the City Manager or his/her designee if that staff member has, or reasonably should know that he/she has, a prior relationship or personal interest in the outcome of the solicitation.

SEC. 2.84.060. EXEMPTIONS.

(A) The City Manager may, in writing, authorize any department to procure specified supplies, equipment, public projects and services independently of the City Manager or his/her designee, subject to the conditions of this section and applicable laws.

(B) The following are exempted from the requirement to obtain competitive bids or proposals as well as the requirement to be formalized through a purchase order or contract, as set forth by this chapter:

(1) Contracts unrelated to the procurement of goods, materials, public projects or services.

(2) Advertising: Costs related to advertising, including but not limit to air time, print media, (newspaper and magazine), digital advertising and other advertising platforms, but excluding costs associated with advertising agencies or advertising design services.

(3) Bank Service Fees: Any fees paid for banking services, including account management and wire transfer fees.

(4) Government Printed Publications: Publications printed by government entities for public distribution.

(5) Common Carrier Transportation: Payments for common carrier transportation services (e.g., airline tickets, rail, or bus transportation), but excluding conference or meeting room rentals.

(6) Travel Payments: Payments for travel-related services such as hotel or motel accommodations, transportation (including air, rail, and bus), which shall be more comprehensively and separately addressed in the City's travel policy.

(7) Insurance: Contracts for the procurement of insurance services, including coverage for liability, property, and other forms of insurance as required by law.

(8) Memberships in Professional Organizations: Memberships in associations, organizations, or agencies that are necessary for the conduct of any City business.

(9) Credit Card Payments: Payments made via credit card to a bank for standard business operations, excluding specific procurement or payment transactions.

(10) Contracts with Other Governmental Entities: Contracts or agreements with other federal, State, or local government agencies or special districts, including intergovernmental agreements (IGAs) or cooperative purchasing agreements, which are subject to different procurement rules.

(11) Permit Fees: Fees paid to another governmental agency for regulatory approvals, permits, or the operation of City-owned utilities.

(12) Postage and United States Postal Service Fees: Payments for postage services and United States Postal Service (USPS) box fees. This exemption does not apply to private mail services, courier services, or mail handling services.

(13) Real Property Transactions: Purchases, sales, leases, or lease renewals of real property, including payments for escrow services or lease payments, as allowed by law, with exception for public works projects that fall under the Public Contract Code.

(14) Subscriptions to Publications: Subscriptions to professional journals, periodicals, and other informational materials required for City business.

(15) Utility Payments: Payments for the provision of public utility services (e.g., electricity, water, gas, telecommunications, and waste services) to the City, as well as public utility fee payments.

(16) Voting Materials and Election Expenses: Expenses related to the procurement of voting materials, election-related services, and supplies.

(17) Exemptions Established by Law: Any procurement that is exempt from competitive bidding or proposals under applicable state, federal, or local laws, including those related to specific procurement methods such as sole-source contracts, or contracts exempted under the California Public Contract Code or other relevant statutes.

(18) Legal Brief Printing and Transcription Services: Services directly related to legal briefs, court reporting, transcription services, or document preparation in connection with legal matters.

(19) Legal Services: Contracts for legal services, including general counsel, litigation services, or specialized legal counsel, which are necessary for the conduct of city business.

(20) Confidential Police Matters: Procurement related to confidential, ongoing police investigations or any other confidential law enforcement activities, where disclosure of the procurement details could possibly undermine the purpose of the investigation or harm public safety.

(C) The City Attorney may award and execute purchase orders, contracts, or task orders for legal services, including services related to legal matters, provided by outside counsel, investigators, consultants, or other experts needed for litigation or administrative proceedings, up to an authorization amount as determined by Council resolution. If the total contract amount exceeds this authorization, the contract may be awarded and executed jointly by the City Attorney and the most senior available member of the City Council, beginning with the Mayor, Vice Mayor, and any member of the Council in order of seniority of tenure.

(D) The City Manager may award and execute purchase orders, contracts, or task orders related to confidential, ongoing police investigations or other confidential police matters, up to the authorization amount as determined by Council resolution. For contracts exceeding this amount, the award and execution may be jointly made by the City Manager and the most senior available member of the City Council, beginning with the Mayor, Vice Mayor, and any member of the Council in order of seniority of tenure.

(E) The City Manager, with the concurrence of the City Attorney, may award and execute a severance or settlement agreement up to the authorization amount as determined by Council resolution.

SEC. 2.84.070. NO OBLIGATION TO CONTRACT.

Nothing in this chapter shall require the City to authorize any purchase order or enter into any contract with any person or firm.

ARTICLE II. PUBLIC PROJECTS

SEC. 2.84.100. APPLICABILITY.

This article shall apply to the procurement of public projects as defined in California Public Contract Code Section 22002(c) and (d) (as amended from time to time).

SEC. 2.84.110. UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT.

The City Council has elected to apply the Uniform Public Construction Cost Accounting Act (California Public Contract Code Sections 22000 et seq., as amended from time to time) to the City's public projects. The procedures set forth in this chapter are designed to implement and comply with the requirements of the Act.

SEC. 2.84.120. BIDDING FOR TIER 1 PUBLIC PROJECTS.

A public project costing within a range determined by Council resolution that is not performed by force account shall require at least three written bids. The City Manager or Finance Director shall use his/her discretion if three written bids cannot, or for some compelling reason should not, be obtained.

SEC. 2.84.130. BIDDING FOR TIER 2 PUBLIC PROJECTS.

(A) A public project costing within a range determined by Council resolution shall be subject to the informal bidding procedures set forth in California Public Contract Code Section 22034 (as amended from time to time). Notice shall be provided in accordance with Section 22034(a)(2) of the California Public Contract Code (as amended from time to time).

(B) If all bids received exceed the amount listed in Council resolution, the City Council may, by adoption of a resolution by a four-fifths vote, award the contract up to

the amount listed in that Council resolution, provided the Council determines the City's cost estimate was reasonable and that the lowest responsible bidder is awarded the contract.

SEC. 2.84.140. BIDDING FOR TIER 3 PUBLIC PROJECTS.

(A) A public project exceeding the amount listed in Council resolution shall be bid out using the formal bidding procedures set forth in California Public Contract Code Section 22037 (as amended from time to time).

(B) The City Engineer shall adopt plans, specifications and working details for all Tier 3 public projects.

SEC. 2.84.150. REJECTING ALL BIDS.

The City Manager or his/her designee may reject all bids at any time, for any reason deemed in the best interest of the City.

SEC. 2.84.160. BONDS.

For any contract involving an expenditure exceeding the amount specified in California Civil Code, Section 9550 (as amended from time to time), the City shall require both faithful performance bond and a payment bond, each in the amount specified by California Civil Code, Section 9554 (as amended from time to time). Such bonds shall be issued by an admitted surety insurer.

SEC. 2.84.170. CITY MANAGER'S AUTHORIZATION.

Except for a contract related to an exemption listed in Section 2.84.060, the City Manager may award and execute procurement contracts or purchase orders up to an authorization limit as determined by Council resolution.

SEC. 2.84.180. TASK ORDERS.

The City Manager may approve and execute any task order for a public project, provided that the total value of the task order, when combined with all other task orders on the project, does not exceed the total contract value.

SEC. 2.84.190. CHANGE ORDERS.

The City Manager may award and execute any change order to a public project contract, provided that the cumulative total of all change orders does not exceed the contract plus contingency amount.

SEC. 2.84.200. EMERGENCIES.

(A) In cases of emergency, including, but not limited to, states of emergency defined in California Government Code, Section 8558 (as amended from time to time), where

repair or replacements are necessary, the City Council may proceed immediately to replace or repair any public facility without adopting plans, specifications or working details, or notice for competitive bids. Such work may be performed by City labor, by contractor or a combination of both. California Public Contract Code, Section 22050 (as amended from time to time) shall apply if no notice for is issued.

(B) The City Manager or designee may each authorize actions pursuant to California Public Contract Code, Section 22050 (as amended from time to time).

ARTICLE III. SUPPLIES AND EQUIPMENT

SEC. 2.84.300. APPLICABILITY.

This article shall not apply to the purchase of supplies or equipment associated with public projects, which are governed by separate provisions and applicable law.

SEC. 2.84.310. BRAND AND TRADE NAMES.

(A) Requests for bids shall not specify supplies and equipment by particular brand or trade name, unless followed immediately by the words “or equal,” allowing bidders to offer equivalent supplies or equipment. Any request to substitute equivalent supplies or equipment must be in writing and submitted by the time specified in the request for bids, or, if no such time is specified, at the time of submission of bid. The request for substitution must include sufficient data to demonstrate the equivalency of the proposed supplies. The bidder shall bear the burden of proving the comparative quality and suitability of the alternative and shall provide all documentation required by the City Manager or his/her designee at the bidder’s own expense.

(B) Subsection (A) shall not apply if:

(1) The City Manager or his/her designee includes a written finding in the request for bids that a specific brand or trade name is required for any of the following reasons:

(a) To conduct a field test or experiment to assess the suitability of supplies or equipment for future use.

(b) To match supplies or equipment already in use on a project, either completed or in progress, or for a service already provided or being provided.

(c) To acquire supplies or equipment that are only available from only one source.

(d) To respond to an emergency declared by the City, the State, a State agency, a political subdivision, or the federal government.

(2) The person or entity with the authority to award the contract determines that the purchase of supplies or equipment by a particular brand or trade name is required for a valid purpose outlined in subsection (B)(1).

SEC. 2.84.320. BIDDING FOR TIER 1 SUPPLIES AND EQUIPMENT.

Supplies or equipment costing within a range determined by Council resolution shall require at least three written bids. The City Manager or Finance Director shall use his/her discretion if three written bids cannot, or for some compelling reason should not, be obtained.

SEC. 2.84.330. BIDDING FOR TIER 2 SUPPLIES AND EQUIPMENT.

(A) Supplies or equipment costing within a range determined by Council resolution shall be subject to informal bidding procedures, which must be posted or published by the City, and sent to any relevant trade journals, not less than ten (10) calendar days before bids are due.

(B) If all bids received exceed the amount listed in Council resolution, the City Council may, by adoption of a resolution by a four-fifths vote, award the contract up to the amount listed in that Council resolution, provided the Council determines the City's cost estimate was reasonable and that the lowest responsible bidder or best value bidder is awarded the contract.

SEC. 2.84.340. BIDDING FOR TIER 3 SUPPLIES AND EQUIPMENT.

Supplies or equipment exceeding the amount listed in Council resolution shall be subject to formal bidding procedures, which must be posted or published by the City, and sent to any relevant trade journals, not less than 15 calendar days before bids are due. The City Manager or his/her designee is responsible for encouraging broad participation and ensuring maximum competition among prospective vendors.

SEC. 2.84.350. NO RESPONSIVE BIDS.

If no responsive bids are received, the City Manager or his/her designee may negotiate a written bid with potential vendors. If the negotiated bid exceeds the City Manager's authorization, this contract shall be presented to the City Council for approval, and to the most senior available member of the City Council for execution, beginning with the Mayor, Vice Mayor, and any member of the Council in order of seniority of tenure.

SEC. 2.84.360. RECEIPT OR REJECTION OF BIDS.

(A) The City may award a contract based on either the lowest responsive bid or the best value, as may be further defined in the purchasing manual.

(B) If two or more bids received are received with identical prices or unit costs, the City may accept one of the bids based on further negotiation or evaluation of best value.

(C) The City Manager or his/her designee may reject all bids at any time, if deemed necessary for the City's best interest.

SEC. 2.84.370. PURCHASE ORDERS AND CONTRACTS.

(A) Any purchase of supplies and equipment exceeding \$5,000 per vendor per fiscal year shall be formalized through a purchase order or contract.

(B) Contract or purchase orders shall be awarded to the most responsive and responsible bidder or to the bidder offering the best value to the City.

SEC. 2.84.380. CITY MANAGER'S AUTHORIZATION.

(A) Except for an exemption listed in Section 2.84.060, the City Manager may award and execute procurement contracts or purchase orders up to an authorization limit as determined by Council resolution.

(B) If the City Manager is authorized to award a purchase order or contract, he or she also has the authority to amend that purchase order or contract, provided the total amount of that purchase order or contract, and all amendments thereto, does not exceed his or her authorization limit.

SEC. 2.84.390. PURCHASE ORDERS PURSUANT TO CONTRACT.

Once a contract has been awarded, the City Manager may authorize and execute any purchase order related to the contract, provided the cumulative value of all purchase orders under the contract does not exceed the total contract amount.

SEC. 2.84.400. CHANGE ORDERS.

The City Manager may approve and execute any change order to a purchase order or contract, provided that the cumulative value of all change orders does not exceed the contract plus any approved contingency. Change orders that exceed this threshold must be approved by the individual or entity with authority to approve such higher contingency.

SEC. 2.84.410. URGENCY.

Sections 2.84.310 through 2.84.360 shall not apply in cases where, at the discretion of the City Manager:

(A) Obtaining bids is not feasible due to the urgent nature of the situation; and

(B) Public interest and necessity require immediate expenditure of public funds to protect life, health, or property, or to mitigate substantial economic losses.

ARTICLE IV. SERVICES

SEC. 2.84.500. APPLICABILITY.

This article does not apply to services related to public projects.

SEC. 2.84.510. PROPOSALS FOR CERTAIN PROFESSIONAL SERVICES REQUIRED.

In accordance with California Government Code section 4526 (as amended from time to time), all proposals for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms must be evaluated on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required; this means while price may be considered, it may not be the only or deciding factor in determining which proposal is the best value for the City.

SEC. 2.84.520. BRAND AND TRADE NAMES.

(A) A request for bids or proposals for services shall not specify designated supplies and equipment by specific brand or trade names, unless followed by the words “or equal,” allowing bidders or proposers to offer equivalent supplies or equipment in fulfilling the service. Any request to substitute equivalent supplies or equipment must follow the process outlined in Section 2.84.310, and the burden of proof for equivalency rests with the bidder or proposer, including proving all necessary data at his/her own expense.

(B) Subsection (A) does not apply if any exemption listed in Section 2.84.310 applies, such as the need for specific brand or trade names for compatibility, field tests, or due to emergency circumstances.

SEC. 2.84.530. SOLICITING TIER 1 SERVICES.

Services costing within a range determined by Council resolution shall require at least three written bids or proposals. The City Manager or Finance Director shall use his/her discretion if three written bids cannot, or for some compelling reason should not, be obtained.

SEC. 2.84.540. SOLICITING TIER 2 SERVICES.

(A) Services costing within a range determined by Council resolution shall be subject to informal bidding procedures, which must be posted or published by the City, and sent to any relevant trade journals, not less than 10 calendar days before bids are due.

(B) If all bids received exceed the amount listed in Council resolution, the City Council may, by adoption of a resolution by a four-fifths vote, award the contract up to the amount listed in that Council resolution, provided the Council determines the City's cost estimate was reasonable and that the lowest responsible bidder or best value bidder is awarded the contract.

SEC. 2.84.550. SOLICITING TIER 3 SERVICES.

A service exceeding the amount listed in Council resolution shall be subject to formal bidding procedures, which must be posted or published by the City, and sent to any relevant trade journals, not less than 15 calendar days before bids are due. The City Manager or his/her designee is responsible for ensuring maximum outreach and encouraging a broad response from potential vendors or consultants.

SEC. 2.84.560. RECEIPT OR REJECTION OF BIDS OR PROPOSALS.

(A) The City may accept a bid or proposal on either the lowest bid or the best value, as determined by the City Manager's evaluation criteria.

(B) In the case of bids for price only, if two or more bids received with the same total amount or unit price, the City may select the bid based on the lowest bid following further negotiation or the best value.

(C) The City Manager or his/her designee may reject all bids or proposals at any time if it is in the best interest of the City to do so.

SEC. 2.84.570. CONTRACTS.

All services exceeding \$5,000 per consultant, per fiscal year, shall be formalized by contract. Contracts shall be awarded based on the consultant's competence and professional qualifications necessary to perform the required services satisfactorily.

SEC. 2.84.580. CITY MANAGER'S AUTHORIZATION.

(A) Except for a contract related to an exemption listed in Section 2.84.060, the City Manager may award and execute procurement contracts or purchase orders up to an authorization limit as determined by Council resolution.

(B) If the City Manager is authorized to award a purchase order or contract, he or she also has the authority to amend that purchase order or contract, provided the total amount of that purchase order or contract, and all amendments thereto, does not exceed his or her authorization limit.**SEC. 2.84.590. TASK ORDERS.**

The City Manager may approve and execute any task order related to a services contract, provided that the cumulative total of all task orders does not exceed the total value of the contract previously approved.

SEC. 2.84.600. CHANGE ORDERS.

The City Manager may approve and execute any change order to a contract for services, provided that the cumulative total of all change orders does not exceed the contract plus any contingency funds. Any change orders exceeding the approved contract amount, including contingencies, must be presented to the individual or entity with authority to approve such higher contingency.

SEC. 2.84.610. URGENCY.

Sections 2.84.510 through 2.84.560 shall not apply in situations where, at the City Manager's discretion:

(A) Obtaining bids or proposals is not feasible due to the urgent nature of the situation; and

(B) Public interest and necessity require the immediate expenditure of public funds to protect life, health or property, or to mitigate substantial economic losses.

ARTICLE V. ADDITIONAL PROCEDURES

SEC. 2.84.700. MINIMUM WAGE.

Chapter 5.10 of this Code requiring the payment of City minimum wage shall apply to wages paid related to all City-procured work.

SEC. 2.84.710. PREVAILING WAGES.

Any public project exceeding the amount specified in California Labor Code Section 1771 (as amended from time to time) relating to prevailing wages, as may be amended from time to time, shall be executed by written contract with the contractor.

SEC. 2.84.720. RECYCLING.

(A) All departments shall comply with Public Contracts Code Section 22150 (as amended from time to time), which requires the purchase of recycled products instead of non-recycled products whenever recycled products are available at the same or a lesser total cost than non-recycled items, if fitness and quality are equal.

(B) All service providers and vendors providing paper products and printing and writing paper shall:

1. If fitness and quality are equal, provide recycled-content paper products and recycled-content printing and writing paper that consists of at least thirty (30) percent, by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled paper products and printing and writing paper are available at the same or lesser total cost than non-recycled items.

2. Provide paper products and printing and writing paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (as amended from time to time).

3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the paper products and printing and writing paper offered or sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the paper products, printing and writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

4. Certify in writing, on invoices or receipts provided, which may be electronic, that the paper products and printing and writing paper offered or sold to the City is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (as amended from time to time).

5. Provide records to the City, in accordance with this chapter, of all paper products and printing and writing paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any City department or employee. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required by subsections B.3. and B.4. for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content paper products or printing and writing papers are provided, include a description of why recycled-content paper products or printing and writing papers were not provided.

(C) All service providers and vendors providing compost shall provide compost that meets the definition in East Palo Alto Municipal Code Chapter 8.32.

(D) All vendors providing mulch shall provide SB 1383 eligible mulch that meets the definition in East Palo Alto Municipal Code Chapter 8.32.

SEC 2.84.730. [RESERVED]

SEC. 2.84.740. TERMINATION OF PURCHASE ORDER OR CONTRACT.

The City Manager or his/her designee may terminate any purchase order or contract for procurement.

SEC. 2.84.750. BID SPLITTING.

It shall be unlawful to split or divide any procurement into smaller purchase orders or contracts for the purpose of evading the provisions of this chapter.

SEC. 2.84.760. APPROVAL AS TO FORM.

All purchase orders, contracts, amendments, task orders, change orders and terminations shall be approved as to form by the City Attorney prior to execution, ensuring compliance with applicable laws, regulations and City policies.

SEC. 2.84.770. CONTRACT TERM.

The City may enter into a contract for a term consistent with the industry standard term for the type of supply, equipment or service being procured. The term of the contract shall be clearly specified and comply with all legal requirements. However, evergreen procurement contracts are not allowed.

SEC. 2.84.780. IMMEDIATE NEED.

Other than for public projects, in cases where the City Council is not in session or the City Manager determines there is an immediate need, a purchase order, contract (including, but not limited to, a lease or license), change order or task order that otherwise require City Council approval may be awarded or approved by the City Manager and the most senior available City Council member (beginning with the Mayor, Vice Mayor, and any member of the Council in order of seniority of tenure) and executed by them collectively. The City Manager or his/her designee, shall place the jointly approved document on the agenda for ratification at one of the next three regular City Council meetings. If ratification is denied, the authority to perform work under that document will automatically terminate.

SEC. 2.84.790. CITY MANAGER'S AUTHORITY - REAL PROPERTY.

The City Manager may award and execute contracts for the rental, lease, or license of real property up to an authorization limit as determined by Council resolution. Such contracts may be for periods of time not exceeding the number of years listed in that Council resolution, unless otherwise authorized by law or City policy.

SEC. 2.84.800. CREDIT CARDS.

City staff may use City-issued credit cards to pay for supplies, equipment, and services for the City, as well as for City-related training and travel. The City Manager or his/her designee may develop and maintain a procurement card manual outlining the issuance, oversight, and use of credit cards, ensuring compliance with City policies, financial controls and accountability standards.

ARTICLE VI. SALE OF SUPPLIES, EQUIPMENT AND SERVICES

SEC. 2.84.900. SALE OF SUPPLIES, EQUIPMENT AND SERVICES.

(A) The City Manager or his/her designee is authorized to sell, trade, exchange, donate, or otherwise dispose of supplies and equipment that are no longer needed, are obsolete, or are worn out. This includes the authority to award and execute contracts for

such sales, exchanges, trade-ins, donations, or other methods of disposition. All actions shall be carried out in accordance with the provisions of Chapter 2.84.1490 of the East Palo Alto Municipal Code, including:

Adherence to value thresholds and conditions for sales, as specified in Sections 2.84.1490.1 and 2.84.1490.3.

Authorization for exchanges or trade-ins per Section 2.84.1490(D).

Donation of property in compliance with the guidelines and thresholds outlined in Section 2.84.1490.2.

Disposal of nominal-value property or property unsuitable for sale, as described in Section 2.84.1490.3.

Compliance with federal guidelines for the disposal of federally funded municipal property as required under Section 2.84.1490.4.

(B) The City Manager is authorized to award and execute contracts to provide City staff's services to other entities, provided such services are in the City's best interest and comply with relevant laws and agreements.

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT. The proposed action does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(4) in that it is related to government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a 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 and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in full force thirty (30) days after the date of its adoption.

SECTION 6. PUBLICATION. The City Clerk is hereby directed to cause publication of this Ordinance as required by Government Code Section 36933.

INTRODUCED at a regular City Council meeting held February 4, 2025, and

PASSED AND ADOPTED at a regular City Council meeting held on February 18, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

Martha Barragan, Mayor

ATTEST:

James Colin, City Clerk

APPROVED AS TO FORM:

John D. Lê, City Attorney



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 18, 2024

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Amy Chen, Community and Economic Development Director
Donald Zhao, Interim Chief Building Official

SUBJECT: Authorize the Purchase of Vehicles for the Building Services Division

Recommendation

Adopt a resolution:

1. Authorizing the City Manager to issue a purchase order for two (2) vehicles from one of the authorized dealers under the approved State of California's Statewide Contract number 1-22-3-23C, for the Building Services Division of the Community Development and Economic Development Department for a total amount not to exceed \$98,966.82.
2. Appropriating \$41,319.60 from the insurance settlement for the replacement of the city vehicle that was totaled in an accident.
3. Waive the formal bid procedure pursuant to East Palo Alto Municipal Code Section 2.84.070(D); and
4. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" pursuant to 15378(b)(4) because it is a fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority: Promote Health & Public Safety

Background

CONSENT ITEM 3.5

The Building Services Division plays a crucial role in East Palo Alto by handling tasks such as building inspections, code enforcement, and other tasks. The Building Services Division work requires the use of vehicles for site visits and offsite meetings to support various building related tasks.

On June 7, 2022, through the FY 2022-23 budget process, the Building Services Division received budget authority of \$60,000 for the procurement of City vehicles. On November 1, 2022, via Resolution No. 141-2022, Council authorized the City Manager to purchase two vehicles for the Building Services Division from Downtown Ford Sales in the amount of \$58,046.36 through the State of California's Statewide contracts. Unfortunately, due to a delay in administrative processes, the vehicles from Downtown Ford Sales are no longer available. \$58,046.36 of that approved amount was carried over to the Fiscal Year 2023-24 budget.

On June 20, 2023, the City Council, via Resolution No. 60-2023 adopted the Fiscal Year 2023-24 Budget. Through the annual budget process, the Building Services Division received budget authority of \$70,000 for the procurement of a truck. In total, \$128,046.36 (\$58,046.36 + \$70,000) has been approved for the procurement of City vehicles.

On December 5, 2023, the City Council via Resolution No.114-2023 authorized the City Manager to purchase two vehicles in the amount of \$35,199.57 each for a total of \$70,399.14. The two vehicles purchased were two (2) 2024 Toyota RAV4 Hybrid SUVs. After the purchase of the two vehicles, the remaining amount of \$57,647.22 (\$128,046.36 - \$70,399.14) was budgeted towards the procurement of City vehicles.

On October 25, 2024, a City employee was involved in a car accident driving a 2024 Toyota RAV4 while performing building related tasks. On November 11, 2024, Sedgwick Claims Management declared this vehicle a total loss (Attachment 3) and a settlement amount of \$41,319.60 was provided to the City.

Between the remaining budgeted amount of \$57,647.22 and the settlement amount of \$41,319.60, in total, \$98,966.82 (\$57,647.22 + \$41,319.60) will cover the procurement of City vehicles for the Community and Economic Development Department (CED).

Of note, when the Building Division brought the request to purchase two vehicles on December 5, 2023, staff were waiting on the dealer to provide a quote for a third vehicle, a pickup truck, that was anticipated to be available in late December 2023. City staff wanted to move forward with this request for two 2024 Toyota RAV4 Hybrids before the vehicles become unavailable or sold out, as had happened in the past. This request includes the truck and a replacement vehicle for the one that was declared as a total loss.

Analysis

The Building Division is responsible for a variety of services that require frequent operation of a dependable and efficient vehicle for development review work, including on-site inspections, providing emergency response, and enforcement of State and local regulatory laws within City limits. Currently, within the Building Services Division, there are seven full-time employees (FTE): one Interim Chief Building Official, two Building Inspectors, two Neighborhood

CONSENT ITEM 3.5

Preservation Officers and two Building Technicians. Of the seven Building Services staff members, two are consultants (the Interim Chief Building Official and Building Inspector) and drive non-City vehicles when performing Building related tasks. There are also two FTE vacancies within the Building Services Division, the Chief Building Official and the Neighborhood Preservation Officer/Building Inspector. The Neighborhood Preservation Officers and the Building Inspector within the Building Services Division frequently perform field visits and require access to vehicles.

Currently, there are four vehicles that are shared between all 20 full-time equivalent staff in the Community and Economic Development Department (CEDD). Even with the vacancies around the Department, sharing four vehicles between the various employees has sometimes posed some challenges.

City Fleet and Climate Action Plan Strategies

The East Palo Alto City Council has expressed strong interest in adding electric zero emissions vehicles to the City of East Palo Alto fleet. Adding electric vehicles to our City fleet will present a change to standard vehicle operations procedures, in particular charging the vehicles. Staff believe transitioning to a fully electric fleet is important as outlined in EPA's 2030 Climate Action Plan and Adaptation Strategies¹ which were adopted in September 2023. Please see the following excerpt from the staff report update provided to the Public Works and Transportation Commission on June 4, 2024:

Completed first holistic inventory of City fleets across all departments to comply with Advanced Clean Fleets (ACF) regulations². Working with [Peninsula Clean Energy]³ PCE to develop a plan for shifting City vehicles to EVs over time to reduce air pollution and comply with ACF regulations. Planning and designing EV charger installation for City vehicles and potentially the public as well.⁴

Currently, the Public Works Department is coordinating with Peninsula Clean Energy (PCE) to install a Level 2 charging stations at the 1960 Tate Street offices. Once the charging stations are functioning, there could be up to four plugs available to charge City vehicles. The purchase of these electric vehicles will allow the CEDD to learn more about the benefits and challenges of an electric vehicle for daily operations, begin building electrical support infrastructure, and develop solutions to any challenges identified during the process. Anticipated installation is to be complete before the end of this fiscal year.

Of the two vehicles identified in the price quote provided by authorized dealers under the State of California's Statewide Contract, one is a 2025 Toyota Prius Plug-in Hybrid, which allows for a range of 39 to 44 miles of all-electric range under normal driving conditions. The other quoted

¹ 2030 Climate Action Plan and Adaptation Strategies:

https://www.cityofepa.org/sites/default/files/fileattachments/public_works/page/23694/epa_2030_community_climate_action_plan_adaptation_strategies.pdf

² California Air Resources Board Advanced Clean Fleets: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>

³ Peninsula Clean Energy: <https://www.peninsulacleanenergy.com/>

⁴ June 4, 2024 Staff Report:

https://www.cityofepa.org/sites/default/files/fileattachments/public_works/page/23696/climate_action_plan_implementation_staff_report.pdf

CONSENT ITEM 3.5

vehicle, one 2025 Ford Lighting Pro Electric Truck, allows for a range of up to 230 miles of all with plug-in capabilities. The Building Division provides assistance with emergency response, illegal dumping, and assisting the Public Works Department when on the field. Therefore, a truck is needed to perform these tasks and improve citywide efficiency.

Bidding Procedure

The City of East Palo Alto does not have a “piggybacking” policy that allows the City to suspend its bidding requirements by using bids received by other public agencies through their competitive bidding processes. However, the City Council may waive bidding requirements. Staff requests that the City Council waive formal bidding for these vehicles purchase in favor of the City using bids from a State of California competitive bidding process. State of California Department of General Services Contract #1-22-23-23C includes pricing for vehicles that would meet the Building Services Division’s needs. The cost for one 2025 Toyota Prius Prime is \$37,691.39 and one 2025 2025 Ford Lighting Pro is \$57,213.04 for a total of \$94,904.43. As stated earlier, with the \$41,319.60 from the settlement amount and the \$57,647.22 carried over to this fiscal year budget saved for a truck, a total of \$98,966.82 is available towards the procurement of City vehicles for the Department. Staff are asking for authority to spend up to this amount in case any fluctuations in inventory occur and the price noted in the vehicle quotes cannot be achieved. Please see Attachment 2 for the vehicle quotes.

While the City did not bid this contract directly, the City is accessing a State bid contract, which was subject to formal bidding and thus “piggybacking” off the state contract is permissible. The State’s contracts provide fleet vehicles at contracted pricing to the State of California and local governmental agencies in accordance with the requirements of Contracts # 1-22-23-23C (Attachment 4). The State of California Department of General Services has established standing purchase contracts with authorized dealers for Light Trucks, Vans, and Utility Vehicles. Through the State’s contract, staff has received a quote totaling \$94,904.43 for the two vehicles (Attachment 2). Staff is requesting authorization to purchase two vehicles up to \$98,966.82 and to rely on the State’s bid process. As the City is a much smaller entity that purchases a much smaller volume of vehicles than the State, it is unlikely that the City would receive a volume discount like the State does if the City conducted its own bidding process.

Fiscal Impact

The Building Division budget for FY 2024-25 currently holds a balance of \$57,647.22 allocated for vehicle purchase. Staff is requesting an appropriation of \$41,319.60 from the insurance settlement to fully cover the total vehicle cost of \$94,904.43.

Public Notice

The public was provided notice by making the agenda and report available on the City’s website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The action being considered by the City Council is exempt from the California Environmental Quality Act (CEQA) because it is not a “project” pursuant to 15378(b)(4) because it is a fiscal

CONSENT ITEM 3.5

activity which does not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

Government Code § 84308

Applicability of Levine Act: No, as the proposed action was the subject of formal bidding from another agency.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Resolution
2. Quotes
3. State of California General Services Contract

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EAST PALO ALTO**

AUTHORIZING THE CITY MANAGER TO PURCHASE TWO VEHICLES FROM ONE OF THE AUTHORIZED DEALERS UNDER THE STATE OF CALIFORNIA'S STATEWIDE CONTRACT NUMBER 1-22-23-23C, FOR THE BUILDING DIVISION OF THE COMMUNITY DEVELOPMENT AND ECONOMIC DEVELOPMENT DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$98,966.82.

WHEREAS, the Building Division is responsible for a variety of services that require frequent operation of a dependable and efficient vehicle for development review work, including on-site inspections, providing emergency response, and enforcement of state and local regulatory laws within City limits. The Building Services Division work requires the use of vehicles for site visits and offsite meetings to support various building tasks; and

WHEREAS, the vehicles will reduce "downtime" for City services and minimize repair costs; and

WHEREAS, the State of California Department of General Services has established a standing purchase contract, that was the subject of formal bidding, with authorized dealers for light trucks, vans, and utility vehicles and the City is using the state contract (Contracts #1-22-23-23C) providing fleet vehicles at pricing to the State of California and local governmental agencies; and

WHEREAS, the cost of the vehicles is a General Fund expenditure that was included in the Building Division's FY2024-24 budget adopted by the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY:

1. Finds the foregoing recitals are true and correct, and are incorporated by this reference into this action;
2. Authorizes the City Manager to purchase two vehicles for the Building Services Division of the Community & Economic Development Department from one of the authorized dealers under the approved State of California's Statewide Contract number 1-22-23-23C in an amount not to exceed Ninety Eight Thousand Nine Hundred Sixty Six Dollars and Eighty Two Cents (\$98,966.82);
3. Appropriating \$41,319.60 from the insurance settlement for the replacement of

the city vehicle that was totaled in an accident;

4. Waive the formal bid procedure pursuant to East Palo Alto Municipal Code Section 2.84.070(D); and
5. Finds that the proposed action is exempt from the California Environmental Quality Act (CEQA) because it is not a “project” pursuant to 15378(b)(4) because it is a fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

PASSED AND ADOPTED this 18th of February 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Martha Barragan, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney

DOWNTOWN  SACRAMENTO

525 N16TH STREET, SACRAMENTO, CA 95811
PHONE: 916-299-3529

S012925 238

QUOTE

Customer

Name ALVIN JEN
Address CITY OF EAST PALO ALTO
City _____ State _____ Zip _____
Phone _____

DATE 1/29/2025
SALES REP SANDRA
PHONE 9162526260
FOB SACRAMENTO

Qty	Description	Unit Price	TOTAL
1	2025 FORD LIGHTNING PRO STATE CONTRACT 1-22-23-20F CLIN 42 EXTERIOR COLOR: WHITE	\$48,817.00	\$48,817.00
1	BACKUP ALARM - INGAGES WHEN REVERSING	\$232.00	\$232.00
1	DAYTIME RUNNING LAMPS	\$47.00	\$47.00
1	SPARE TIRE/WHEEL	\$186.00	\$186.00
1	RUNNING BOARDS	\$686.00	\$686.00
1	SPRAY IN BEDLINER	\$628.00	\$628.00
1	EXTRA KEY	\$399.00	\$399.00
1	CHARGE CABLE	\$528.00	\$528.00
1	DOC FEE	\$85.00	\$85.00
SALES TAX CALCULATED AT 9.875 BASED ON REGISTRATION ADDRESS			

SubTotal	\$51,608.00
DELIVERY	\$500.00
SALES TAX	\$5,096.29
CA Tire Tax	\$8.75
TOTAL	\$57,213.04

Payment Details

- Cash
- Check
- Credit Card

Name _____
CC # _____
Expires _____

Office Use Only

\$500 DISCOUNT WITH PAYMENT IN 20 DAYS

SIGNATURE

DATE

FREEWAY TOYOTA



1835 Glendale Ave
Hanford, CA. 93230

City of East Palo Alto
1960 Tate St
East Palo Alto, CA. 94303
Attn: Alvin Jen

1/16/2025

As per your request for CA State Contract #1-22-23-10C Line Item #16

2024 Toyota Prius Prime (1235)	\$33050.00
Upgrade to 2025 (1235)	\$800.00
Doc Fee	\$85.00
9.875% County Sales Tax	\$3349.39
CA Tire Tax	\$7.00
Delivery to East Palo Alto	\$400.00
Total	<u>\$37,691.39 Each</u>

Protect against future mechanical or electrical issues with Toyota Platinum Extra Care \$0 Deductible

5 Years /100,000 Miles \$1130.00

6 Years / 100,000 Miles \$1450.00

7 Years / 125,000 Miles \$2145.00

Thank you for the opportunity to earn your business.

Patrick G Ireland

Government Fleet Manager



Department of General Services
Procurement Division
707 Third Street, 2nd Floor
West Sacramento, CA 95605-2811

State of California
STATEWIDE CONTRACT
USER INSTRUCTIONS
MANDATORY

Supplement 7
(Incorporates Supplements 1 – 7)

ISSUE AND EFFECTIVE DATE: ***06/16/2023***

CONTRACT NUMBER: 1-22-23-23 A through I

DESCRIPTION: Fleet Vehicles – Vans & SUVs

CONTRACTOR(S): Lithia Nissan of Fresno (1-22-23-23A)
Ocean Honda (1-22-23-23B)
Freeway Toyota (1-22-23-23C)
Winner Chevrolet (1-22-23-23D)
Elk Grove Auto (1-22-23-23E)
Downtown Ford (1-22-23-23F)
Watsonville Fleet Group (1-22-23-23G)
US Fleet Source (1-22-23-23H)
CA Car Group (1-22-23-23I)

CONTRACT TERM: 05/01/2022 through 04/30/2025

STATE CONTRACT ADMINISTRATOR: **Contracts 1-22-23-23A-H**

Eugene Shemereko
279-946-8028
Eugene.Shemereko@dgs.ca.gov

Contract 1-22-23-23I

Robb Parkison
279-946-8302
Robb.Parkison@dgs.ca.gov

The contract user instructions, products, and pricing are included herein. All purchase documents issued under this contract incorporate the contract terms and applicable California General Provisions:

[Non-IT General Provisions \(rev 11/19/2021\)](https://www.dgs.ca.gov/-/media/199A6A32E4DE4BECAFF4EFA7194350CD.ashx) (<https://www.dgs.ca.gov/-/media/199A6A32E4DE4BECAFF4EFA7194350CD.ashx>)

Cal eProcure link: www.caleprocure.ca.gov

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ****Supplement 7****

All changes to most recent Supplement are in ***bold red italic***. Additions are enclosed in asterisks; deletions are enclosed in brackets.

SUMMARY OF CHANGES

Supplement Number	Description/Articles	Supplement Date
<i>*7*</i>	<ul style="list-style-type: none"> ➤ <i>*Attachment A – Contract Pricing – Supplement 6 has been replaced with Attachment A – Contract Pricing – Supplement 7</i> ➤ <i>Downtown Ford’s email address has been updated*</i> 	<i>*06/16/2023*</i>
6	➤ Attachment A – Contract Pricing – Supplement 5 has been replaced with Attachment A – Contract Pricing – Supplement 6	01/23/2023
5	➤ Attachment A – Contract Pricing – Supplement 4 has been replaced with Attachment A – Contract Pricing – Supplement 5	12/06/2022
4	➤ Attachment A – Contract Pricing – Supplement 3 has been replaced with Attachment A – Contract Pricing – Supplement 4	11/04/2022
3	<ul style="list-style-type: none"> ➤ Attachment A – Contract Pricing – Supplement 2 has been replaced with Attachment A – Contract Pricing – Supplement 3 ➤ Contact Information for Downtown Ford has been updated 	09/19/2022
2	➤ Attachment A – Contract Pricing – Supplement 1 has been replaced with Attachment A – Contract Pricing – Supplement 2	08/16/2022
1	<ul style="list-style-type: none"> ➤ Attachment A – Contract Pricing has been replaced with Attachment A – Contract Pricing – Supplement 1 ➤ Attachment D – Vehicle Specifications has been added ➤ Article 25 – Payments, language has been modified 	05/26/2022
N/A	Original Contract Posted	05/01/2022

All other terms and conditions remain the same.

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

TABLE OF CONTENTS

1.	SCOPE	5
2.	CONTRACT USAGE/RULES	5
3.	DGS ADMINISTRATIVE FEES.....	ERROR! BOOKMARK NOT DEFINED.
4.	SB/DVBE OFF-RAMP PROVISION.....	ERROR! BOOKMARK NOT DEFINED.
5.	PROBLEM RESOLUTION/SUPPLIER PERFORMANCE	ERROR! BOOKMARK NOT DEFINED.
6.	CONTRACT ITEMS.....	ERROR! BOOKMARK NOT DEFINED.
7.	SPECIFICATIONS.....	ERROR! BOOKMARK NOT DEFINED.
8.	CUSTOMER SERVICE	ERROR! BOOKMARK NOT DEFINED.
9.	PRODUCT SUBSTITUTIONS	9
10.	PURCHASE EXECUTION.....	ERROR! BOOKMARK NOT DEFINED.
11.	MINIMUM ORDER.....	ERROR! BOOKMARK NOT DEFINED.
12.	ORDERING PROCEDURE	ERROR! BOOKMARK NOT DEFINED.
13.	ORDER ACCEPTANCE	ERROR! BOOKMARK NOT DEFINED.
14.	ORDER ACKNOWLEDMENT.....	ERROR! BOOKMARK NOT DEFINED.
15.	DELAYED PRODUCTION REMEDY.....	ERROR! BOOKMARK NOT DEFINED.
16.	DISCONTINUED VEHICLE REMEDY.....	ERROR! BOOKMARK NOT DEFINED.
17.	DELIVERY PROCEDURES.....	ERROR! BOOKMARK NOT DEFINED.
18.	INSPECTION AND ACCEPTANCE.....	ERROR! BOOKMARK NOT DEFINED.
19.	EMERGENCY/EXPEDITED ORDERS	ERROR! BOOKMARK NOT DEFINED.
20.	FREE ON BOARD (F.O.B.) DESTINATION	ERROR! BOOKMARK NOT DEFINED.
21.	SHIPPED ORDERS.....	ERROR! BOOKMARK NOT DEFINED.
22.	CONTRACT ADMINISTRATION	ERROR! BOOKMARK NOT DEFINED.
23.	RESTOCKING FEES.....	17
24.	INVOICING	ERROR! BOOKMARK NOT DEFINED.
25.	PAYMENT	ERROR! BOOKMARK NOT DEFINED.
26.	CALIFORNIA SELLER'S PERMIT.....	ERROR! BOOKMARK NOT DEFINED.
27.	WARRANTY	19
28.	REPAIR PARTS	ERROR! BOOKMARK NOT DEFINED.
29.	MAINTENANCE PLAN	ERROR! BOOKMARK NOT DEFINED.
30.	RECYCLED CONTENT	ERROR! BOOKMARK NOT DEFINED.
31.	SB/DVBE PARTICIPATION.....	ERROR! BOOKMARK NOT DEFINED.

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ****Supplement 7****

- 32. STATE AND LOCAL GOVERNMENT EMPLOYEE PRICING***ERROR! BOOKMARK NOT DEFINED.**
- 33. ATTACHMENTS..... **ERROR! BOOKMARK NOT DEFINED.**

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

1. SCOPE

The State's contracts provide Fleet Vehicles - Vans & SUVs at contracted pricing to the State of California and local governmental agencies in accordance with the requirements of Contract # 1-22-23-23 A - I. The contractors shall supply the entire portfolio of products as identified in the contract and will be the primary point of contact for data collection, reporting, and distribution of Fleet Vehicles - Vans & SUVs to the State.

The contract term is for three (3) years with an option to extend the contract for two (2) additional one (1) year periods or portion thereof. The terms, conditions, and prices for the contract extension option shall be by mutual agreement between the contractor and the State. If a mutual agreement cannot be met the contract may be terminated at the end of the current contract term.

2. CONTRACT USAGE/RULES

A. State Departments

- The use of this contract is mandatory for State of California departments. State Departments may purchase any vehicle that is awarded to each line item. This contract does not include ranking.
- State departments must adhere to all applicable State laws, regulations, policies, best practices, and purchasing authority requirements, e.g. California Codes, Code of Regulations, State Administrative Manual, Management Memos, and State Contracting Manual Volume 2 and SCM-F as applicable.
- Prior to placing orders against this contract, State departments must have been granted non-IT purchasing authority by the Department of General Services, Procurement Division (DGS-PD) for the use of this statewide contract. State departments that have not been granted purchasing authority by DGS-PD for the use of the State's statewide contracts may contact DGS-PD's Purchasing Authority Management Section by e-mail at pams@dgs.ca.gov.
- Departments must have a Department of General Services (DGS) agency billing code prior to placing orders against this contract. Ordering departments may contact their Purchasing Authority contact or their department's fiscal office to obtain this information.

B. Local Governmental Agencies

- Local governmental agency use of this contract is optional.
- Local government agencies are defined as "any city, county, city and county, district or other governmental body or corporation", per Public Contract Code Chapter 2, Section 10298 (b), empowered to expend public funds for the acquisition of products; this includes the California State Universities (CSU) and University of California (UC) systems, K-12 schools and community colleges. While the State makes this contract available to local governmental agencies, each local

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

governmental agency should determine whether this contract is consistent with its procurement policies and regulations.

- Local governmental agencies shall have the same rights and privileges as the State under the terms of this contract. Any agencies desiring to participate shall be required to adhere to the same responsibilities as do State agencies and have no authority to amend, modify or change any condition of the contract.
 - A DGS issued billing code is not required for local governmental agencies to place orders against this contract.
- C. Unless otherwise specified within this document, the term “ordering agencies” will refer to all State departments and/or local governmental agencies eligible to utilize this contract. Ordering and/or usage instructions exclusive to State departments or local governmental agencies shall be identified within each article.

3. DGS ADMINISTRATIVE FEES

A. State Departments

The DGS will bill each State department an administrative fee for use of this statewide contract. The administrative fee should NOT be included in the order total, nor remitted before an invoice is received from DGS.

Current fees are available online in the [Price Book & Directory of Services](https://www.dgs.ca.gov/OFS/Price-Book) (<https://www.dgs.ca.gov/OFS/Price-Book>) (go to Price Book Download and click on Purchasing under Procurement Division).

B. Local Governmental Agencies

For all local government agency transactions issued against the contract, the Contractor is required to remit the DGS-PD an Incentive Fee of an amount equal to 1.25% of the total purchase order amount excluding taxes and freight. This Incentive Fee shall not be included in the agency’s purchase price, nor invoiced or charged to the purchasing entity. All prices quoted to local governmental agency customers shall reflect State contract pricing, including any and all applicable discounts, and shall include no other add-on fees.

4. SB/DVBE OFF-RAMP PROVISION

There is no SB/DVBE off ramp associated with this contract.

5. PROBLEM RESOLUTION/SUPPLIER PERFORMANCE

Ordering agencies and/or Contractor shall inform the State Contract Administrator of any technical or contractual difficulties encountered during contract performance in a timely manner. This includes and is not limited to informal disputes, supplier performance, outstanding deliveries, etc. The ordering agency should include all relevant information and/or documentation (e.g., purchase documents).

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

6. CONTRACT ITEMS

Contract vehicles and pricing are listed on Attachment A, Contract Pricing. All prices listed shall be fixed as the maximum cost for the contract period unless a price increase is granted.

Each line item description on Attachment A, Contract Pricing, provides a description of the minimum requirements that each vehicle in that line item has met or exceeded.

A Maintenance Plan is offered on all light duty vehicles less than 8500 lbs Gross Vehicle Weight Rating (GVWR). Maintenance Plan pricing is listed on Attachment A, Contract Pricing. The purchase of the Maintenance Plan is optional. See Article 29, Maintenance Plan for more detailed information.

Price Increases

Price increases may be requested with each model year change and will be posted on a quarterly basis.

Quarterly Increases shall be processed on the following calendar days:

- July 1st
- October 1st
- January 1st
- April 1st

Contractors are requested to price protect the contracted price for the duration between the price increase request and the time the increase is processed. If the Contractor is unable to honor the price protection, the Contractor's vehicle(s) will be unavailable for ordering until the price increases have been evaluated and approved.

Multiple Award

Some line items may have multiple vehicles awarded with different make and models available. State Departments may choose any vehicle identified in the subject line item. There is no vehicle ranking associated with this contract.

Sales Tax

The sales tax rate applied should be based on the rate of the "Bill To" address listed on the Purchase Order.

Options

All factory options shall be available and priced at Contractor cost plus up to 10% for an addition or Contractor cost minus up to 10% for a deletion in accordance with the manufacturer's current model year price list. Types of equipment changes which might be made include, but are not limited, to the following:

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

- Add trailer tow package
- Add Bluetooth
- Add parking sensors
- Delete pick up box (bed)

In no case shall options be included or deleted in such a manner as to cause the vehicle to conflict with any other line item on any other vehicle contract.

The Contractor shall provide ordering agencies a copy of the current model year factory price sheet with requested options, within ten calendar days of request.

Third-party upfitting (e.g utility body) may be requested by ordering agencies, however, this service is non-mandatory. When applicable, third-party upfits shall be subject to the same pricing provisions as factory options.

Note: Vehicles with added or deleted options MUST continue to meet the appropriate minimum specification.

Tire Fee

Purchase orders MUST include the State mandated \$1.75 per tire fee.

Document Processing Charge

In accordance with the California Vehicle Code Section 4456.5, a Contractor may charge the ordering agency a document processing charge for the preparation and processing of documents, disclosures, titling, registration, and information security obligations imposed by state and federal law. The document processing charge shall not exceed \$85 per vehicle purchased.

A Contractor may charge the ordering agency an electronic filing fee, which does not exceed the actual amount the Contractor is charged by a first-line service provider. The electronic filing fee shall not exceed \$30 per vehicle purchased.

7. SPECIFICATIONS

All products must conform to the attached State of California Bid Specification Number 2310-4181 dated 08/16/2021 (Attachment B).

Vehicle color shall be a solar reflective color (white, silver metallic, or gold metallic) per SAM Section 3620.1 (exceptions are listed in the same manual section).

8. CUSTOMER SERVICE

The Contractor shall provide office and personnel resources for responding to inquiries, including telephone and email coverage weekdays during the hours of 8:00 a.m. - 5:00 p.m., PT.

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

The customer service unit shall be staffed with individuals that:

- Are trained in the requirements of this contract
- Have the authority to take administrative action to correct problems that may occur

The Contractor’s customer service unit shall respond to all customer inquiries within two (2) business days of initial contact.

Dealer	Contract #	Contact	Phone	Email
Lithia Nissan of Fresno	1-22-23-23A	Pat Ireland	(559) 707-5735	patireland1962@yahoo.com
Ocean Honda	1-22-23-23B	Pat Ireland	(559) 707-5735	patireland1962@yahoo.com
Freeway Toyota of Hanford	1-22-23-23C	Pat Ireland	(559) 707-5735	patireland1962@yahoo.com
Winner Chevrolet	1-22-23-23D	Jerry Powers	(916) 426-5752	jpowers@lasherauto.com
Elk Grove Auto	1-22-23-23E	Jerry Powers	(916) 426-5752	jpowers@lasherauto.com
Downtown Ford Sales	1-22-23-23F	Sandra Scott	(916) 442-9631	*sandrascott@pricesimms.onmicrosoft.com*
Watsonville Fleet Group	1-22-23-23G	Yesenia Covarrubias	(626) 457-5590	yesenia@watsonvillefleetgroup.com
US Fleet Source	1-22-23-23H	Lisa Molino	(626) 344-4285	Info@usfleetsource.com
CA Car Group	1-22-23-23I	Richard M. Slad	(925) 560-4465	RichardMS@cacargroup.com

Note: Ordering agencies are encouraged to have one point of contact for inquiries, quotes, and orders whenever possible. Multiple calls and emails from various requestors for the same information can slow customer service response times.

9. PRODUCT SUBSTITUTIONS

Under no circumstance is the Contractor permitted to make substitutions with non-contract/unauthorized vehicles without approval of the DGS Contract Administrator (CA).

10. PURCHASE EXECUTION

A. State Departments

1) Std. 65 Purchase Documents

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

State departments not transacting in FISCAL must use the Purchasing Authority Purchase Order (Std. 65) for purchase execution. An electronic version of the Std. 65 is available at the Office of State Publishing web site:

<https://www.dgsapps.dgs.ca.gov/osp/StatewideFormsWeb/Forms.aspx> (select Standard Forms).

All Purchasing Authority Purchase Orders (Std. 65) must contain the following:

- Agency Order Number (Purchase Order Number)
- Ordering Agency Name
- Agency Billing Code
- Purchasing Authority Number
- Leveraged Procurement Number (Contract Number)
- Supplier Information (Contact Name, Address, Phone Number, Fax Number, E-mail)
- Line Item number
- Quantity
- Unit of Measure
- Commodity Code Number
- Product Description
- Unit Price
- Extension Price
- Office of Fleet and Asset Management (OFAM) Approval Stamp (State departments only)

2) FISCAL Purchase Documents

State departments transacting in FISCAL will follow the FISCAL procurement and contracting procedures.

3) Blanket Orders

The use of blanket orders against this statewide contract is not allowed.

B. Local Governmental Agencies

Local governmental agencies may use their own purchase document for purchase execution. The purchase documents must include the same data elements as listed above (Exception: Purchasing Authority Number is used by State departments only).

11. MINIMUM ORDER

The minimum order shall be one (1) vehicle.

12. ORDERING PROCEDURE

A. Ordering Methods:

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

Ordering agencies are to submit appropriate purchase documents directly to the contractor(s) via one of the following ordering methods:

- U.S. Mail
- Facsimile
- Email

The contractor's Order Placement Information is as follows:

ORDER PLACEMENT INFORMATION			
Contract # 1-22-23-23A	U.S. Mail: Lithia Nissan of Fresno 5590 N Blackstone Ave Fresno, CA 93710 Attn: Pat Ireland	Facsimile: (559) 961-4601	Email: patireland1962@yahoo.com
Contract # 1-22-23-23B	U.S. Mail: Ocean Honda 3801 Soquel Dr Soquel, CA 95073 Attn: Pat Ireland	Facsimile: (559) 961-4601	Email: patireland1962@yahoo.com
Contract # 1-22-23-23C	U.S. Mail: Freeway Toyota 1835 Glendale Avenue Hanford, CA 93230 Attn: Pat Ireland	Facsimile: (559) 961-4601	Email: patireland1962@yahoo.com
Contract # 1-22-23-23D	U.S. Mail: Winner Chevrolet 8575 Laguna Grove Drive Elk Grove, CA 95757 Attn: Jerry Powers	Facsimile: (916) 421-0149	Email: jpowers@lasherauto.com
Contract # 1-22-23-23E	U.S. Mail: Elk Grove Auto Group 8575 Laguna Grove Drive Elk Grove, CA 95757 Attn: Jerry Powers	Facsimile: (916) 421-0149	Email: jpowers@lasherauto.com
Contract # 1-22-23-23F	U.S. Mail: Downtown Ford Sales 525 N 16 th St Sacramento, CA 95811 Attn: Sandra Scott	Facsimile: (916) 491-3138	Email: *sandrascott@pricesimms.onmicrosoft.com*

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

ORDER PLACEMENT INFORMATION			
Contract # 1-22-23-23G	U.S. Mail: Watsonville Fleet Group 1601 W. Main Street Alhambra, CA 91801 Attn: Yesenia Covarrubias	Facsimile: (626) 457-5593	Email: yesenia@watsonvillefleetgroup.com
Contract # 1-22-23-23H	U.S. Mail: US Fleet Source 979 S. Village Oaks Drive Covina, Ca 91724	Facsimile: (626) 228-3077	Email: info@usfleetsource.com
Contract # 1-22-23-23I	U.S. Mail: CA Car Group 4200 John Monego Ct Dublin, CA 94568 Attn: Richard M. Slade	Facsimile: N/A	Email: RichardMS@cacargroup.com

When using any of the ordering methods specified above, all State departments must conform to proper State procedures.

13. ORDER ACCEPTANCE

The Contractor shall accept orders from any State department or local governmental agency. The Contractor shall not accept purchase documents for this contract that:

- Are incomplete;
- Are submitted without OFAM approval stamp
- Contain non-contract items; or
- Contain non-contract terms and conditions.

The Contractor must not refuse to accept orders from any State department or local governmental agency for any other reason without written authorization from the CA.

14. ORDER ACKNOWLEDGMENT

The Contractor will provide the ordering agencies with an order receipt acknowledgment via e-mail/facsimile within ten (10) calendar days after receipt of an order. The acknowledgement will include:

- Ordering Agency Name
- Agency Order Number (Purchase Order Number)
- Description of Goods
- Vehicle Model Year
- Total Cost
- Date order is placed with manufacturer
- Anticipated Delivery Date

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

- Delayed Production Notification (if applicable)
- Discontinued Vehicle Notification (if applicable)

Contractor shall notify the ordering agency of any delays in production or delays in orders being accepted by the manufacturer for any period of time. Contractor shall provide estimated production start date and delivery date.

15. DELAYED PRODUCTION REMEDY

Upon receipt of order acknowledgment identifying a delay in production or orders not being accepted by the manufacturer, the ordering agencies shall have the following options:

- Request back order; or
- Cancel the item from the order with no penalty

16. DISCONTINUED VEHICLE REMEDY

Upon receipt of order acknowledgment identifying discontinued items, the ordering agencies shall have the following options:

- Amend purchase document to reflect DGS approved replacement vehicle; or
- Cancel the item from the order

Under no circumstance is the Contractor permitted to make substitutions with non-contract/unauthorized vehicles without approval of the DGS CA.

17. DELIVERY PROCEDURES

Pre-Delivery Checklist

Prior to delivery, each vehicle shall be completely inspected, serviced, and detailed by the delivering Contractor and/or the manufacturer's pre-delivery service center. A copy of the pre-delivery checklist shall be completed for each vehicle, signed by a representative of the organization performing the inspection/service, and delivered with the vehicle.

Delivery:

Delivery shall be within one hundred and fifty (150) days after receipt of order unless there is a delay in production/order acceptance from the manufacturer when changing from one model year to the next. Contractor shall notify the ordering agency of such delay per Article 14, Order Acknowledgement.

Orders requiring customized work by a 3rd party supplier may exceed the delivery period requirement. Contractor shall notify ordering agency of extended delivery period per Article 14, Order Acknowledgement.

Caravan or drive-away method of delivery from the factory to a Contractor is not acceptable unless agreed upon by the ordering agency.

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

Drop ship deliveries shall not be made without prior State inspection. All vehicles shall be delivered with no less than five (5) gallons of fuel in the tank.

Unless pre-arranged between the Contractor and the ordering agency, vehicles delivered with more than 50 miles on the odometer may be charged fifty (50) cents per mile in excess of 50 miles. This charge may be reflected on the invoice as a deduction from the order price. Vehicles with more than five hundred (500) miles on the odometer may not be accepted.

**Cab and Chassis trucks may require driving from an out-of-state factory and may exceed the five hundred (500) mile or less expectation. The Contractor shall notify the ordering Department at the time of purchase order execution.

When feasible, Contractor is requested to make deliveries in metropolitan areas during off-peak hours. Off-peak hours are Monday through Friday, 10:00 AM to 4:00 PM PST.

Documents

The following documents shall be delivered to the receiving agency with the vehicle:

- Completed and signed pre-delivery service checklist, including the order number and Vehicle Identification Number (VIN)
- "Line Set Tickets" or "Window (Monroney) Sticker" showing all options installed
- One (1) copy of the warranty, including applicable certificates, cards, etc.
- One (1) copy of the owner's manual.

18. INSPECTION AND ACCEPTANCE

Vehicles ordered for State use will be inspected by a State inspector at the Contractor's place of business or as otherwise agreed to by the Contractor and ordering agency.

Inspection will commence within five (5) working days of notification that a vehicle is ready for inspection. Inspection will include:

- Specification Compliance
- Workmanship
- Appearance
- Proper Operation of all Equipment and Systems
- Presence of all Applicable Documents

In the event deficiencies are detected, the vehicle will be rejected and the Contractor will be required to make the necessary repairs, adjustments or replacements. Payment and/or the commencement of a discount period (if applicable) will not begin until the defects are corrected and the vehicle is re-inspected and accepted.

Completion of inspection or acceptance by the State inspector shall in no way release the Contractor from satisfying the requirements of the contract, specifications, and warranty.

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

Deviations from the specified requirements that are detected by the inspection shall be corrected by the Contractor in an expeditious manner at no expense to the ordering agency.

Inspection by local agencies will be at the Contractor’s place of business or as otherwise agreed to by the Contractor and local agency.

19. EMERGENCY/EXPEDITED ORDERS

Not Applicable.

20. FREE ON BOARD (F.O.B.) DESTINATION

Contractors shall deliver vehicles to State or local agencies located in Sacramento County at no additional cost for delivery. If the Purchase Order indicates delivery outside Sacramento County, the Contractor and agency may negotiate delivery costs. If delivery is subject to an additional delivery charge, it shall be shown as a separate item on the purchase order and invoice.

State departments requesting delivery outside of Sacramento County must contact the Transportation Management Unit for freight rate comparisons to confirm appropriate pricing if the Contractor is delivering the vehicle.

Responsibility and liability for loss or damage for all orders shall remain with the Contractor until final inspection and acceptance, when all responsibility shall pass to the ordering agency, except the responsibility for latent defects, fraud, and the warranty obligations.

21. SHIPPED ORDERS

All shipments shall be in accordance with the General Provisions, Article 12 entitled “Packing and Shipment”.

22. CONTRACT ADMINISTRATION

The State and the Contractors have assigned Contract Administrators as the single points of contact for problem resolution and related contract issues.

State Contact Information	DGS/PD Contract Administrator (Contracts 1-22-23-23A-H)	DGS/PD Contract Administrator (Contract 1-22-23-23I)
Contact Name:	Eugene Shemereko	Robb Parkison
Telephone:	(279) 946-8028	(279) 946-8302
Facsimile:	NA	NA
Email:	Eugene.Shemereko@dgs.ca.gov	Robb.Parkison@dgs.ca.gov
Address:	DGS/Procurement Division Attn: Eugene Shemereko 707 Third Street, 2 nd Floor, MS 201 West Sacramento, CA 95605	DGS/Procurement Division Attn: Robb Parkison 707 Third Street, 2 nd Floor, MS 201 West Sacramento, CA 95605

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

Dealer Contact Information	Lithia Nissan of Fresno Contract # 1-22-23-23A	Ocean Honda Contract # 1-22-23-23B
Contact Name:	Pat Ireland	Pat Ireland
Telephone:	(559) 707-5735	(559) 707-5735
Facsimile:	(559) 961-4601	(559) 961-4601
Email:	patireland1962@yahoo.com	patireland1962@yahoo.com
Address:	Lithia Nissan of Fresno 5590 N Blackstone Ave Fresno, CA 93710	Ocean Honda 3801 Soquel Dr Soquel, CA 95073

Dealer Contact Information	Freeway Toyota of Hanford Contract # 1-18-23-23C	Winner Chevrolet Contract # 1-18-23-23D
Contact Name:	Pat Ireland	Jerry Powers
Telephone:	(559) 707-5735	(916) 426-5752
Facsimile:	(559) 961-4601	(916) 421-0149
Email:	patireland1962@yahoo.com	jpowers@lasherauto.com
Address:	Freeway Toyota 1835 Glendale Avenue Hanford, CA 93230	Winner Chevrolet 8575 Laguna Grove Drive Elk Grove, CA 95757

Dealer Contact Information	Elk Grove Auto Group Contract # 1-22-23-23E	Downtown Ford Sales Contract # 1-22-23-23F
Contact Name:	Jerry Powers	Sandra Scott
Telephone:	(916) 426-5752	(916) 442-9631
Facsimile:	(916) 421-0149	(916) 491-3138
Email:	jpowers@lasherauto.com	*sandrascott@pricesimms.onmicrosoft.com*
Address:	Elk Grove Auto Group 8575 Laguna Grove Dr Elk Grove, CA 95757	Downtown Ford Sales 525 N 16 th St Sacramento, CA 95811

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

Dealer Contact Information	Watsonville Fleet Group Contract # 1-22-23-23G	US Fleet Source Contract # 1-22-23-23H
Contact Name:	Yesenia Covarrubias	Lisa Molino
Telephone:	(626) 457-5590	(626) 344-4285
Facsimile:	(626) 457-5593	(626) 416-3064
Email:	yesenia@watsonvillefleetgroup.com	info@usfleetsource.com
Address:	Watsonville Fleet Group 1601 W. Main Street Alhambra, CA 91801	US Fleet Source 979 S. Village Oaks Drive Covina, Ca 91724

Dealer Contact Information	CA Car Group Contract # 1-22-23-23I
Contact Name:	Richard M. Slade
Telephone:	(925) 560-4465
Facsimile:	N/A
Email:	RichardMS@cacargroup.com
Address:	CA Car Group 4200 John Monego Ct Dublin, CA 94568

23. RESTOCKING FEES

The Contractor may impose a restocking fee to the ordering agency on orders cancelled after the order has been placed with the manufacturer: The Contractor shall notify the ordering agency of the order placement per Article 14, Order Acknowledgment.

Re-stocking fees can be no greater than ten percent (10%) of the value of the vehicle being restocked.

24. INVOICING

Ordering agencies may require separate invoicing, as specified by each ordering organization. Invoices will contain the following information:

- Contractor’s name, address and telephone number
- Leveraged Procurement Number (Contract Number)
- Agency Order Number (Purchase Order Number)
- Item and commodity code number

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

- Quantity purchased
- Contract price and extension
- State sales and/or use tax
- Prompt payment discounts/cash discounts, if applicable
- Totals for each order

25. PAYMENT

A. Terms

Payment terms for contracts 1-22-23-23 A – G include a \$500 per vehicle discount for payment made within twenty (20) days. Contracts 1-22-23-23 H & I offer no discount. The cash discount time is defined by the State as beginning only after the vehicle has been inspected, delivered, and accepted by the receiving agency, or from the date a correct invoice is received in the office specified on the Purchase Order, whichever is later.

Payment is deemed to be made, for the purpose of earning the discount, one (1) working day after the date on the State warrant or check. Typically, acceptance will be accomplished within twenty (20) business hours after a vehicle is delivered.

Payment will be made in accordance with the provisions of the California Prompt Payment Act, Government Code Section 927, et seq. Unless expressly exempted by statute, the Act requires State departments to pay properly submitted, undisputed invoices not more than forty-five (45) days after the date of acceptance of goods, performance of services, or receipt of an undisputed invoice, whichever is later.

B. CAL-Card Use

Use of the CAL-Card for payment of invoices is not allowed under this statewide contract.

C. Payee Data Record

Each State accounting office must have a copy of the Payee Data Record (Std. 204) in order to process payments. State departments should forward a copy of the Std. 204 to their accounting office(s). Without the Std. 204, payment may be unnecessarily delayed. State departments may contact the Contractor for copies of the Payee Data Record.

D. State Financial Marketplace

The State reserves the right to select the form of payment for all procurements, be it either an outright purchase with payment rendered directly by the State, or a financing/lease-purchase or operating lease via the State Financial Marketplace (GS \$Mart and/or Lease \$Mart). If payment is via the financial marketplace, the Contractor will invoice the State and the State will approve the invoice and the selected

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

Lender/Lessor for all product listed on the State's procurement document will pay the Contractor on behalf of the State.

26. CALIFORNIA SELLER'S PERMIT

The California seller permit number for the Contractor is listed below. State departments can verify that permits are currently valid at the following website: www.cdtfa.ca.gov. State departments must adhere to the file documentation required identified in the State Contracting Manual Volume 2 and Volume 3 and SCM-F.

Contractor Name	Seller Permit #
Lithia Nissan of Fresno	97163762
Ocean Honda	101-652579
Freeway Toyota	102-659756
Winner Chevrolet	100-208309
Elk Grove Auto Group	100-197237
Downtown Ford Sales	28600344
Watsonville Fleet Group	245364864 101-135239
US Fleet Source	103-097044
CA Car Group	100-214737

27. WARRANTY

The manufacturer's standard new vehicle warranty shall apply to all vehicles purchased from these contracts. All warranties shall be factory authorized. The warranty shall be honored by all franchised dealers of the vehicle within the State of California. The Warranty term for the vehicles offered under these contracts shall meet the following (as applicable):

- Bumper to bumper warranty shall cover not less than 3 years/36,000 miles, no charge for parts and labor.
- Power train warranty for light duty vehicles weighing 8500 lbs. GVWR or less shall cover not less than 5 years/100,000 miles, no charge for parts and labor.
- Power train warranty for vehicles over 8500 lbs. GVWR shall cover not less than 5 years/60,000 miles, no charge for parts and labor.

The State's established preventative maintenance procedures and practices shall be acceptable to the manufacturer/contractor in lieu of the manufacturer's prescribed procedures which may form a part of the warranty.

All emission-related components shall be warranted in compliance with California Air Resources Board and Federal requirements. Contractor cannot offer independent insurance or statements indicating self insurance. If an additional extended warranty is

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

purchased, a warranty certificate, warranty card, or a statement indicating the extended warranty has been recorded with the manufacturer shall be furnished with each vehicle delivered.

Normal wear items such as tires, belts, hoses, headlamps, light bulbs, brake linings, brake discs/drums, etc. are excluded from warranty coverage. All other items not subject to normal wear or gross operator neglect and abuse, such as window, seat, or wiper motors, chassis electrical switches (door, trunk lid), paint, hinges, locks, etc., shall be covered.

The State reserves the right to use re-refined lubrication oils, where available, in lieu of virgin equivalent oils. The re-refined oils used by the State will meet all API and SAE standards and specifications as set forth by the vehicle manufacturer. The use of said oils shall in no way void or degrade the original manufacturer's standard warranty.

The State reserves the right to use recycled content antifreeze/coolant, where available, in lieu of virgin equivalent antifreeze/coolant when servicing its vehicles. The recycled content antifreeze/coolant used by the State will meet all ATSM standards and specifications as set forth by the vehicle manufacturer.

28. REPAIR PARTS

The manufacture of the awarded vehicle(s) should maintain an adequate stock of all regular and special parts to meet the continuing service and repair parts needs of the State without undue delay.

A special system shall be set up for expediting the procurement of back-order items needed to repair an inoperative vehicle including a system to air freight parts at factory expense when parts are not in stock in California parts depots. Parts must be available within three (3) working days after telephone notification.

Vehicles with new technology emerging into the industry (e.g., fuel cell vehicles) may require more than (3) working days for the availability of certain parts. Contractor must notify the State Contract Administrator and ordering agency when this occurs and provide the estimated date of availability.

29. MAINTENANCE PLAN

A maintenance plan is available for light duty vehicles under 8500 lbs. GVWR. The purchase of a maintenance plan is optional. The maintenance plan covers all regularly scheduled service for a minimum of five (5) years/75,000 miles. The maintenance shall include at a minimum all manufacturer recommended services such as, but not limited to:

- Oil changes;
- Filter changes;
- Fluid changes;
- Lubrications;

Contract (Mandatory) 1-22-23-23 A-I
Contract User Instructions, ***Supplement 7***

- Tire rotations;
- Equipment and safety inspections

The Maintenance Plan is not required to cover wear items such as brake pads/shoes, wiper blades, etc.

Purchase of the Maintenance Plan is non-mandatory for State departments.

The Maintenance Plan is not applicable to vehicles over 8,500 lbs. GVWR.

30. RECYCLED CONTENT

State departments are required to report purchases in many product categories. The Postconsumer-Content Certification Form (CIWMB 74) for the Contractor(s) is attached (Attachment C).

31. SB/DVBE PARTICIPATION

There is no Small Business (SB) or Disabled Veteran Business Enterprise (DVBE) participation for this contract.

32. STATE AND LOCAL GOVERNMENT EMPLOYEE PRICING

In the interest of expanding the California marketplace for Zero Emission Vehicles (ZEV), some Contractors have offered a discount to any interested State of California or local government employee when purchasing a ZEV for personal use. A list of participating Dealers and vehicles can be found at: <https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/State-of-California-Green-Fleet-Employee-Pricing-Program>

33. ATTACHMENTS

- Attachment A – Contract Pricing ***Supplement 7***
- Attachment B – Specification 2310-4181, revised 08/16/2021
- Attachment C – Postconsumer Content Certification Workbook
- Attachment D – Vehicle Specifications



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 18, 2025
TO: Honorable Mayor and Members of the City Council
VIA: Melvin E. Gaines, City Manager
BY: James Colin, City Clerk
SUBJECT: City Council Meeting Minutes

Recommendation

Adopt the January 21, 2025, City Council Meeting Minutes.

Attachments

1. January 21, 2025, City Council Meeting Minutes.



EAST PALO ALTO CITY COUNCIL REGULAR SESSION MINUTES

Tuesday, January 21, 2025, 6:30 PM
EPA Government Center
2415 University Avenue, First Floor
East Palo Alto, CA 94303

1. CALL TO ORDER AND ROLL CALL

The City Council meeting was called to order by Vice Mayor Dinan at 6:42 PM.

Attendee Name	Title	Status	Left
Martha Barragan	Mayor	Remote	11:10 PM
Mark Dinan	Vice Mayor	Present	
Carlos Romero	Councilmember	Present	
Ruben Abrica	Councilmember	Present	
Webster Lincoln	Councilmember	Present	

This City Council meeting was chaired by Vice Mayor Dinan as Mayor Barragan participated remotely due to illness.

2. APPROVAL OF THE AGENDA

A motion to approve the agenda was made by Councilmember Abrica, seconded by Councilmember Romero, and passed unanimously.

3. APPROVAL OF CONSENT CALENDAR

Councilmember Webster Lincoln pulled item 3.7 to ask clarifying questions regarding the process for the Mayoral Committee Appointments.

A motion to approve the consent calendar was made by Councilmember Abrica, seconded by Councilmember Romero, and passed unanimously.

- 3.1 Monthly Cash Treasury Report for November 2024
- 3.2 Primary Grant Agreement for San Mateo County Transportation Authority Measure A and W
- 3.3 Clarification on the 2025 City Council Meeting Calendar
- 3.4 Consent to Joint Representation
- 3.5 Authorization to Amend Telepath Corporation contract to Increase Purchase Order for Installation of Emergency Communication Equipment with Maintenance Services.
- 3.6 City Council Meeting Minutes
- 3.7 Mayoral Committee Appointments and Assignments

A motion to approve item 3.7 was made by Councilmember Abrica, seconded by Councilmember Lincoln, and passed unanimously.

4. CLOSED SESSION

5. PUBLIC COMMENT

The following speakers provided public comment:

- Uhila Makoni
- Gail Wilkerson
- Rebecca Duran
- Jack Biederman
- Michael Mashack

6. INFORMATIONAL REPORTS

7. SPECIAL PRESENTATIONS

8. ADJOURN CITY COUNCIL REGULAR MEETING TO THE EAST PALO ALTO SANITARY DISTRICT BOARD MEETING

9. APPROVAL OF EPASD BOARD MEETING CONSENT CALENDAR

The following speakers provided public comment on this item:

- Uhila Makoni
- Adrienne Bryant

A motion to approve the consent calendar except for item 9.3 was made by Councilmember Abrica, seconded by Councilmember Romero, and passed unanimously.

9.1 EPASD Cash Disbursement Report

9.2 Clarification on EPASD Advisory Committee Meeting Schedule

The following speakers provided public comment on this item:

- Uhila Makoni
- Gail Wilkerson

9.3 Appointment of EPASD Advisory Committee Alternate Seat

Item 9.3 was tabled to a future meeting.

10. EPASD POLICY AND ACTION

10.1 Adopting a Resolution regarding EPASD Board Member Compensation

The following speakers provided public comment on this item:

- Adrienne Bryant
- Gail Wilkerson

A motion to approve item 10.1 was made by Councilmember Abrica, seconded by Councilmember Romero, and passed unanimously.

11. **ADJOURN EAST PALO ALTO SANITARY DISTRICT BOARD MEETING
AND RECONVENE CITY COUNCIL REGULAR MEETING**

12. **PUBLIC HEARINGS**

13. **POLICY AND ACTION**

Council decided to modify the order of the Policy and Action items to reflect the order listed below:

13.1 2025 Summer Park Activation Recommendations

Maurice Baker, Community Services Manager, and Vincent Amelio, Recreation Program Coordinator presented on the item.

The following speakers provided public comment on this item:

- Paris Hill
- Sharifa Wilson

A motion to approve item 13.1 was made by Councilmember Romero, seconded by Councilmember Abrica, and passed unanimously.

13.2 Accept Annual Financial Reports for Fiscal Year 2023 24

Ahmad Gharaibeh, Partner at Eide Bailly provided a presentation on item 13.2.

A motion to approve item 13.2 was made by Councilmember Romero, seconded by Vice Mayor Dinan, and passed unanimously.

13.3 Update on Code Enforcement Priorities

Amy Chen, CEDD Director, presented on item 13.3.

The following speakers provided public comment on this item:

- Kevin Keating
- Sharifa Wilson
- Gail Wilkerson
- Adrienne Bryant
- Court Skinner
- Horacio Barrera
- John Evans

A motion to approve item 13.3 was made by Councilmember Romero, seconded by Councilmember Abrica, and passed unanimously.

13.4 Implementation of 2020 Local Preference Policy

Amy Chen, CEDD Director, presented on item 13.4.

The following speakers provided public comment on this item:

- Laura Rubio
- Stewart Hyland
- Duane Bay
- Gail Wilkerson
- Kenia Najjar
- Lois Williams
- Ofelia Bello
- Sharifa Wilson
- Cristal
- Alexia Gutierrez
- Adrienne Bryant
- Danae Moreno

A motion to approve item 13.4 was made by Councilmember Romero, seconded by Councilmember Abrica, and passed unanimously with Mayor Barragan being absent.

14. COUNCIL REPORTS

15. ADJOURNMENT

The meeting was adjourned at 12:07 AM



EAST PALO ALTO CITY COUNCIL SPECIAL MEETING MINUTES

Tuesday, January 21, 2025, 5:30 PM
EPA Government Center
2415 University Avenue, First Floor
East Palo Alto, CA 94303

1. CALL TO ORDER AND ROLL CALL

The City Council meeting was called to order by Vice Mayor Dinan at 5:31 PM.

Attendee Name	Title	Status	Left
Martha Barragan	Mayor	Remote	
Mark Dinan	Vice Mayor	Present	
Carlos Romero	Councilmember	Present	
Ruben Abrica	Councilmember	Present	
Webster Lincoln	Councilmember	Present	

This City Council meeting was chaired by Vice Mayor Dinan as Mayor Barragan participated remotely due to illness.

2. CLOSED SESSION

- 2.1 **CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6.)**
Unrepresented employee: City Manager.
- 2.2 **CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6.)**
Unrepresented employee: City Attorney.
- 2.3 **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957(b).)**

City Attorney, John D. Lê reported that there was no reportable action taken and direction was given to staff.

3. ADJOURNMENT

The meeting was adjourned at 6:42 PM



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 18, 2025
TO: Honorable Mayor and Members of the City Council
VIA: Melvin E. Gaines, City Manager
BY: Maurice Baker, Community Services Manager
SUBJECT: Age Friendly Action Plan

Recommendation

Receive the presentation on the final draft of the Age Friendly Action Plan for East Palo Alto developed by the Center for Age Friendly Excellence (CAFE)

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority: Promote Health & Public Safety

Priority: Enhance Community Services and Parks for Residents

Background

The City of East Palo Alto partnered with the Center for Age Friendly Excellence (CAFÉ) to obtain Age Friendly city certification from AARP/WHO, achieving certification by June 20, 2023. CAFÉ later secured a grant to develop an **Age Friendly Action Plan**, requiring the formation of an **Age Friendly Task Force**, which was appointed by the City Council on March 1, 2023.

The task force, composed of City officials and senior community representatives, guided the plan's development. Community engagement efforts included a public survey (January–July 2024) and a **Town Hall on Aging** (September 4, 2024), where over 40 participants, grouped by language preference, provided input on the needs of older adults. CAFÉ and City staff also conducted interviews with various departments to assess existing and potential senior-focused initiatives.

SPECIAL PRESENTATION 6.1

The plan's development followed a structured timeline, including surveys, focus groups, stakeholder meetings, and final approval steps from the City Council, AARP, and WHO. Despite low survey participation, the Town Hall and interviews provided valuable insights into enhancing services for East Palo Alto's older adult community.

CAFE will present the draft plan at the February 18, 2025 City Council meeting.

Analysis

Following this presentation, the consultants from CAFE will submit this Plan to the American Association for Retired People (AARP) and the World Health Organization (WHO) who will review the plan for their determination. Pending approval, CAFE will provide staff with the final version and then we will return to Council for adoption. Staff will then return to Council and request guidance on the items to prioritize and present a plan for public distribution while developing a detailed summary on implementation.

Some key findings from the Action Plan are:

1. There is an opportunity in Transportation to provide much desired expanded services to our residents through city services or partnerships.
2. We need to improve Communications to our Older Adult residents through various methods that reach them such as print, direct contact, and media campaigns
3. Social activities have been a success and residents request more opportunities to get out and connect
4. Residents seek more safe opportunities to participate in our outdoor spaces and activities
5. Housing for Seniors continues to concern residents who mention that we have either limited or no assisted living services that allow our residents to Age in Place.

Fiscal Impact

There is no fiscal impact for this item.

Public Notice

The public was provided notice by making the agenda and report available on the City's website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The action being considered does not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

SPECIAL PRESENTATION 6.1

Government Code § 84308

Applicability of Levine Act: No, as the proposed action does not entail an entitlement.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Draft of Action Plan



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 18th, 2025

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Humza Javed, Public Works Director
Batool Zaro, Senior Engineer

SUBJECT: Capital Improvement Project informational presentation

Recommendation

Receive presentation concerning capital improvement projects, including project status updates.

Background

As part of an ongoing effort to keep the City Council informed on the status of capital projects city-wide, an informational presentation will be provided by public works staff

Analysis

The projects to be discussed are included as Attachment 1.

The informational presentation will be available on the City website prior to the meeting:

<https://www.cityofepa.org/publicworks/page/capital-improvement-project-updates>

Fiscal Impact

There is no fiscal impact for this item.

Public Notice

The public was provided notice by making the agenda and report available on the City's website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

INFORMATIONAL REPORTS 7.1

Environmental

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

Government Code § 84308

Applicability of Levine Act: No, as the proposed does not involve an entitlement.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Project List

Current / Active Projects FY 2024-2025

	CIP ID	PROJECT	GENERAL & CIP FUNDS	OTHER LOCAL FUNDING	GRANTS
1	PK-18	<p>Railspur Trail Improvements</p> <p>This project includes enhancing the Railspur Trail to be better used as a shared path, with improved striping and signage to meet current Class I facility standards. New landscaping will be added and improvements to the existing landscape will be made. The lighting will be replaced and upgraded and amenities like benches will be added. The asphalt will also be replaced with improved grading.</p>			\$1,530,000
2	ST-25	<p>Bus Stop Shelter Improvements (closeout)</p> <p>This project will include replacing and upgrading the City's bus stop infrastructure. This project includes improvements to the furniture and sidewalks at SamTrans bus stops throughout the City. The City will be replacing eight (8) bus stop shelters and nine (9) benches to bolster the usage of the transit system. Additionally, nine (9) sign seats will be installed at stops. Furthermore, improvements will be completed on the surrounding sidewalks, curb ramps and infrastructure to enhance accessibility.</p>			\$805,548
3	ST-26	<p>Addison Ave. Improvements (closeout)</p> <p>This project includes green infrastructure and safe routes to school improvements along Addison Avenue from East Bayshore to Bay Road. This projected will be completed in late Summer 2024.</p>	\$37,500		\$2,188,790
4	ST-09	<p>Bicycle and Pedestrian Improvements</p> <p>This project is for the installation of street improvements designed to enhance vehicular, pedestrian and bicycle safety throughout the City. Improvements include the installation of enhanced signage, striping and loop detectors for bicycles. A portion of the project will be constructed in conjunction with the Street Resurfacing Project. This project is in progress and is funded through a multi-year grant received through the Affordable Housing and Sustainable Communities Program (AHSC) as well as</p>		\$1,500,000	\$530,000

		the Gas Tax. This will include pedestrian accessibility improvements as required by the Americans with Disabilities Act (ADA) and California State Law. These improvements will be made at the intersection of University Avenue and Runnymede Street to provide an exclusive left-turn phase.			
5	WS-01A	Woodland/Palo Alto Emergency Intertie This project will establish an emergency intertie with the City of Palo Alto's water system. Establishment of an intertie will allow the City to obtain emergency water in case the City's connection with the Hetch Hetchy Aqueduct is severed. Currently, the City has no emergency source of water if the City's connection with the Hetch Hetchy Aqueduct is severed. This project also includes the installation of a 12 inch water main on Woodland Avenue across University Avenue.	\$433,400		
6	SP-15 FY 23-24 (complete	Slope Repair at SF Creek (closeout) This project included stabilization of the slope in San Francisquito creek that was affected by flooding in recent years. It was completed in Spring 2024.	\$88,612.70		
7	PK-05A	Joel Davis Park Restroom (closeout) This project implemented improvements to Joel Davis Park. The scope of work included the installation of a new double restroom and some concrete and utility associated with the restroom installation. The availability of a restroom will help support greater use of the park. This project was completed in May 2024.	\$228,102		\$196,593
8	ST-08	Univ Ave. Resurfacing/Signal This project provides for pavement resurfacing, restriping, upgrading of traffic signals and various other improvements on University Avenue. The work will also include installation of safety and ADA improvements at various intersections along University Avenue, including improvements to crosswalks and signage. The project will also involve the installation of traffic and bicycle loop detectors at all signalized intersections along University Avenue in the City. Traffic signal modifications will be made at the intersection of University Avenue and Runnymede Street to provide an exclusive left-turn phase. It is funded through HSIP funds.			\$1,234,000

9	ST-04A/E	<p>Street Light Upgrade Project</p> <p>When the City of East Palo Alto was part of unincorporated San Mateo County, street lights in East Palo Alto were placed using a rural lighting standard. This project includes the installation of additional LED streetlights to fill gaps at various locations identified by the community in order to bring East Palo Alto up to urban lighting standards, which typically require a 200 foot maximum spacing between poles. It is estimated that 300 additional LED streetlights should be installed to meet community demand. Installations will only be placed where existing PG&E poles and services are available due to cost factors.</p>		\$570,000	
10	ST-11	<p>Sidewalk Repair Program (PMP)</p> <p>This project provides for maintenance and reconstruction of damaged and inadequate City sidewalks. This program involves the evaluation of the condition of existing sidewalks and the development of a strategy for prioritizing and scheduling repair/reconstruction. Regular maintenance is required to keep existing sidewalks in a condition that will ensure pedestrian safety. This program would also ensure that every existing tree that is removed as part of sidewalk repair or maintenance is replaced with two new trees of an appropriate variety at a location that would not interfere with sidewalk, pavement, or underground utilities in the future</p>		\$750,000	
11	ST-14A/E	<p>Univ Ave Interchange + Pedestrian Overcrossing (101)</p> <p>This project will provide for the widening of the University Avenue/US 101 overpass to provide safer pedestrian and bicycle travel and more efficient vehicle travel. This project includes construction of a 14' wide pedestrian/bicycle bridge along with US 101 on and off ramp improvements at University Avenue. The Project began construction in 2023 and is anticipated to complete in 2025. The design of the improvements will be required to meet Caltrans standards.</p>	\$836,632.10		\$14,665,499.9
12	ST-07	<p>Annual Street Resurfacing (PMP)</p> <p>This project provides for the resurfacing of City streets during the ten-year life of the CIP. The City's Pavement Management Program (PMP) will be updated in 2024. The PMP documented the existing conditions of City streets and</p>		\$23,000,000	

		outlined recommended strategies for systematically maintaining and improving streets with the City's available funding. The PMP divided streets into two categories based on their condition: streets requiring resurfacing for preventative maintenance, and those requiring major reconstruction. This project addresses the City's street resurfacing needs to prevent the deterioration of roads in fair condition into roads that require reconstruction. Roughly \$2,500,000 needs to be expended annually on street resurfacing over the next five years to maintain the City's current pavement condition index (PCI) score.			
13	PK-20	Rutgers Trail Gate The Rutgers Trail Gate was approved to be installed by Midpeninsula Open Space Preserve (Midpen) in February 2024. The gate will be partially funded by Midpen in the amount of \$50,000 with total project costs estimated to be \$100,000.	\$50,000	\$50,000	
14	FA-02	Community Development/ Public Works Building Improvements This project would improve the physical condition of the Community Development Department building. At this time, the Community Development Building requires improvements to create a functional permit center and conference room. The building will also require a new paint job during the next ten years. The complete scope of improvements will be based on the findings of the Community Facilities Master Plan (FA-01). The total estimated expenses for this project will be adjusted based on the findings listed in the Community Facilities Master Plan (FA-01) once it is complete.	\$120,000		
15	FA-15	Cummings Loft Improvements This project involves the construction of an incubator space for small businesses in the community. Several years ago, the City acquired a commercial space (known as Cummings Loft) of nearly 1,000 sq/ft as part of a negotiation with a developer who built a mixed-use project. The intent was to create incubator space for East Palo Alto small businesses and non-profits that were on the verge of being displaced due to gentrification. The developer provided the space in a "cold shell" condition. Therefore, the space needs drywall, plumbing, flooring, paint, and other essential features prior to making the space available for use. To ensure the existing tenants are not impacted by the incubator space, the City also plans to make ingress and egress/security			\$550,000

		upgrades on the outside of the property.			
16	FA-17	Police Department Facility Improvements This project includes improvements to the Police Department trailers. The trailers need plumbing, HVAC, awning, ADA, roof, and security upgrades.	\$400,000		
17	WD-04B	University/Weeks Watermain This project includes the installation of a 12 inch water main along University Avenue from O'Brien Street to Donohoe Street. The project also includes the installation of a 12 inch water main along Weeks Street from Cooley Avenue/University Avenue to Pulgas Avenue. This project will address water pressure and flow issues City wide. The project began construction in 2024 and will continue through 2025.	\$530,319	\$1,000,000	\$5,200,000
18	FA-13	City Hall Tenant Improvements (Phase I) This project is placed on hold	\$350,000		
19	SP-14	Newell Bridge The existing bridge along Newell Road was built in 1911. The California Department of Transportation inspected the over-100-year-old bridge on multiple occasions and determined it is functionally obsolete due to its dimensions. The narrow bridge does not accommodate two directional traffic or meet the current standards for bicycle and pedestrian access. In addition, the bridge presents flood risks due to bridge abutments that create creek constriction. Replacing the bridge will improve safety for all		\$16,000,000	

		<p>modes of transportation, provide a designated crosswalk for pedestrians, and enable the creek channel to convey more flow and mitigate the risk of flood. The project cost is estimated to be \$16,000,000 and is being funded by multiple grants being managed by the City of Palo Alto.</p>			
20	ST-15	<p>Signage and Striping Improvements</p> <p>This project is for the installation of new signage and new striping to improve vehicular, pedestrian and bicycle safety throughout the City. In future years, staff anticipates needing \$50,000 annually to maintain and/or replace striping and signs.</p>		\$150,000	
21	WS-09	<p>Water Tank Siting Study</p> <p>This project would fund a study to identify the best location(s) for a water tank, better serve East Palo Alto residents in the event of a water shortage.</p>	\$150,000		
22	FA-16	<p>City of East Palo Alto Library (Design Phase Only)</p> <p>The project's scope of work includes the design and construction of a library facility owned and operated by the City of East Palo Alto. The current local library is in City Hall and owned by San Mateo County. This project is in the design phase.</p>			\$1,900,000
23	ST-28	<p>East Bayshore Sidewalk Improvements (Design Phase Only)</p> <p>The project involves pedestrian and cyclist safety improvements along East Bayshore Road from Euclid Avenue to Menalton Avenue. As part of the project, the City will install sidewalks, bikeways, traffic calming measures, green infrastructure and lighting as determined in the PS&E package currently being developed</p>	\$20,000		\$400,000
24	SP-02B	<p>San Francisquito Creek Reach II</p> <p>After the construction of flood protection improvements downstream of Highway 101 (SP-02A), the San Francisquito Creek Joint Powers Authority (SFCJPA) is designing and constructing improvements upstream of Highway 101 to improve flood water conveyance through this stretch. A portion of East Palo Alto, along Woodland Avenue, will be affected by this project. The extent</p>	\$3,000,000		

		<p>of the improvements and the City's expected financial contribution are currently unknown.</p> <p>An updated hydraulic model prepared by Schaaf and Wheeler is being used to update the design of this project.</p> <p>The \$2.5 million contribution by the City towards this project was previously estimated to cover the funding shortfall for construction. This will need to be updated as project design is further evaluated.</p>			
25	SP-02C	<p>Safer Bay (Phase 1 Only)</p> <p>This is a long-term project that will build infrastructure to protect East Palo Alto residents and developmental assets that lie within the 100-year floodplain boundary plus 3.5 feet of projected sea level rise. This project will be broken into two components: Flood protection via levee/floodwall and combination of flood protection features. This levee would protect East Palo Alto from the O'Connor pump station northerly to Bay Road. This levee would primarily prevent flooding in the Weeks and Gardens neighborhoods.</p> <p>The second component is a eco-tone transition zone - This enables the restoration of the former salt ponds into tidal marshes with high ecological value and flood protection benefits. This portion of the project is a requirement to mitigate the environmental impacts associated with flood protection elements.</p> <p>This project only includes design and construction of the portion south of Bay Road along with Restoration for R1 and R2.</p>	\$1,162,210		\$3,643,576
26	SD-08	<p>Full Trash Capture Device Installation</p> <p>As part of the City's Municipal Stormwater Permit requirements, the City must move towards 100% trash capture of storm water runoff by the year 2025. The City is presently at 67% full trash capture without "credits" for bag ban,</p>	\$350,000		\$2,225,000

		<p>cleanups, etc. which phased out in 2022/2023. The project in 2024 proposes to install 75 additional trash capture devices at drainage inlets over the next several years in order to meet the requirements of the City's Municipal Regional Stormwater Permit.</p> <p>Caltrans has agreed to fund a full-trash capture device in East Palo Alto, located near its border with Menlo Park, in the amount of \$2,225,000. This device will be installed in 2025.</p>			
27	WD-05	<p>Water Meter Replacement</p> <p>This project will replace water meters, water meter boxes, and lids as well as 100 large meters. The replacement of meters and meter reading equipment will enhance and upgrade the ability to monitor usage and reduce the time associated with meter reading. The schedule of water meter replacement is outlined in the City's Water System Master Plan and will be completed in phases.</p>	\$180,000		
28	ST-29	<p>University Avenue Grand Corridor – Phase 1</p> <p>This project is included in the vision of the City's General Plan. The General Plan envisions University Ave. being transformed from a cut-through corridor into a mixed use boulevard with high-density housing, neighborhood-serving businesses and offices. This includes multimodal and complete streets improvements along University Avenue. The project is currently in Phase 1, with work expected to continue for the lifecycle of this current Capital Improvement Program.</p>	\$1,000,000	\$1,000,000	
29	SD-06A/B	<p>O'Connor Pump Station (Phase I only)</p> <p>Phase I is aimed at making immediate improvements at the existing O'Connor Pump Station which includes replacement of existing pumps, motors, light fixtures, and replacing the existing diesel engine with an electric engine. This phase also includes removal of the underground diesel tank as required by the State.</p>			\$800,000

		Phase II will include major improvements to the existing O'Connor Pump Station existing pumps, electrical facilities and the wet well structure.			
30	ST-12	Traffic Calming Program – Pulgas Roundabouts This project provides for the planning and construction of traffic calming devices throughout East Palo Alto. Identification of appropriate locations for traffic calming devices will be addressed in the Mobility Study (ST-01). The City will look for opportunities to link these improvements with the street resurfacing program (ST-07) for the purpose of achieving complete streets at a lower or more competitive cost. Phase 1 of this project, the design of Pulgas Ave. roundabouts, is underway.	\$500,000	\$340,000	\$400,000
31	FA-10	Electric Vehicle Charging Stations This project is included as an implementation project in the Climate Action Plan. It includes citywide review of potential charging stations and implementation includes the construction of stations at City-owned or operated facilities identified to be high priority for the state of California's new Advanced Clean Fleets regulations. The City is currently in the design phase for the installation of a single 2-port charging station at 1960 Tate Street (the Community Development Building).			\$120,000
32	ST-34	Lighting at Clarke Avenue Overcrossing There are issues with lighting at the Clarke Ave. overcrossing, leaving it dimly lit. This project has been added to improve the safety and quality of the overcrossing for resident use. This project would improve lighting at the Clarke Ave. overcrossing.	\$150,000		
		Total Cost	\$9,586,775 .80	\$44,360,000	\$36,389,006.90



EAST PALO ALTO SANITARY DISTRICT STAFF REPORT

DATE: February 18, 2025

TO: Honorable Members of the City of East Palo Alto City Council,
Governing Board to the East Palo Sanitary District, a Subsidiary of the City of
East Palo Alto

VIA: Melvin E. Gaines, General Manager

BY: Shiri Klima, Assistant General Manager
Humza Javed, Public Works Director

SUBJECT: Adopting a Resolution Terminating an Emergency

Recommendation

Adopt a resolution:

1. Terminating the action regarding the emergency of the failing sewer line along southbound 101 within the Caltrans right-of-way between Willow Road and University Avenue, making findings therefor, and ordering that the remainder of the emergency action, if any, at the facility, be completed by giving notice for bids; and
2. Finding that the adopted resolution is exempt under California Code of Regulations Title 14, Chapter 3, Article 18, Section 15269 (b) and (c) of the California Environmental Quality Act (CEQA), and in Title 14, Division 6, Chapter 3, Articles 1-20, Section 15359 — Emergency.

Background

State law allows a local agency to delegate authority (to, for example, a General Manager) for declaring a local emergency and causing the commencement of repairs pursuant to such authority without complying procurement procedures. However, if such authority is exercised certain steps must be followed, including an obligation imposed on the delegee (here: General Manager) to report back to the governing body of the local agency justifying the declaration of emergency and providing an opportunity to determine whether that emergency should continue or cease.

EPASD CONSENT ITEM 9.1

Upon investigation of an existing six-inch clay sewer line, it was determined that it was failing. On January 30, 2025, the City Manager declared that this situation was an emergency because there was an urgent need to protect the environment as well as public health and safety from the consequences of the sewer line failure. The City Manager adopted a resolution to this effect, which is attached.

On February 4, 2025, the City Manager reported to the Council/ Board the reasons justifying why the emergency did not permit a delay resulting from a competitive solicitation for bids and why the action was necessary to respond to the emergency. The City Council, acting as the EPASD Board, voted unanimously to continue that emergency.

State law also requires that the local agency terminate the emergency at the earliest possible date. With this report, staff is returning to Council to recommend termination of the emergency for the reasons set forth below.

Analysis

California Public Contract Code section 20806, which applies to contracts by sanitary districts such as the EPASD, states if there is an emergency, the Board may declare that the public interest and necessity demand the immediate expenditure of EPASD funds to safeguard life, health, or property. Section 20806 further states that such expenditure may be done without public bidding by complying with Section 22050.

Section 22050—which applies both to the City and to EPASD—sets forth the procedure for an entity facing an emergency to repair or replace a public facility, take any directly related and immediate action required, and procure the necessary equipment, services, and supplies for those purposes, without bidding. The Council/ Board, or if it has delegated this authority to the City Manager or another employee, must make a finding based on substantial evidence that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency. If a person with such delegated authority orders any such action, he or she must report to the Council/Board, within seven days of the action or at the Council's next regularly scheduled meeting, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency. Thereafter, the Council/ Board must review and continue the emergency action at every regularly scheduled meeting until the action is terminated. The Council/ Board must terminate the action at the earliest possible date that conditions warrant so the remainder of the emergency action may be completed by bidding.

Pursuant to East Palo Alto Municipal Code section 2.84.060, the City Council delegated to the City Manager (and in his absence, to any department head) the authority to order any such emergent action. Pursuant to East Palo Alto Municipal Code section 2.12.150, the City Manager has been delegated the authority to act as the General Manager of the EPASD. Taken together, the City Council, acting in its capacity as the Board of Directors of the EPASD, has delegated to the City Manager, acting in his capacity as the General Manager of the

EPASD CONSENT ITEM 9.1

EPASD, the authority to order any such emergent action.

Public Contract Code section 22050 requires the Council/ Board to review the emergency action at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action. The Council/Board must terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by bidding the work.

At this time, C2R (the contractor) replaced the existing six-inch clay pipe and installed new HDPE pipe along 101 southbound between Willow and University. There were three manholes to be raised due to sagging, which was also done. This was a two- to three-day job, and it is now complete.

“That C2R Engineering Inc. (the contractor) replaced 550’ of failed 6inch clay sewer main by way of pipe bursting with 6inch HDPE and brought to grade the three manholes connecting the line segments (C2, C19, C21), along the US101, south bound, between Willow Rd and University Ave. Work is expected to be completed 2/8/2025 as inclement weather persists.”

This concludes the emergency circumstances. Thus, staff requests that the City Council terminate the emergency.

Fiscal Impact

There is no fiscal impact associated with the City Council adopting this resolution continuing the emergency.

Public Notice

The public was provided notice by making the agenda and report available on the City’s website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The proposed action is exempt under California Code of Regulations Title 14, Chapter 3, Article 18, Section 15269 (b) and (c) of the California Environmental Quality Act (CEQA), and in Title 14, Division 6, Chapter 3, Articles 1-20, Section 15359 — Emergency because it entails repairs—replacement of a 6-inch clay sewer line along the southbound 101 between Willow Road and University Avenue—to publicly or privately owned service facilities necessary to maintain service essential to public health, safety or welfare.

Government Code § 84308

Applicability of Levine Act: Yes.

EPASD CONSENT ITEM 9.1

Analysis of Levine Act Compliance: The signatory(ies) for the agreement is Trevor Connolly, President of C2R. Staff is unaware of any other parties or participants relevant to the Council's consideration of this item.

Attachments

1. City Manager Resolution No. CMR-01-2025, Declaring an Emergency
2. City Council Resolution No. _____, Continuing the Emergency
3. Proposed City Council Resolution, Terminating the Emergency

RESOLUTION NO. CMR-01-2025

**A RESOLUTION OF THE CITY MANAGER
OF THE CITY OF EAST PALO ALTO**

**ACTING AS THE CITY MANAGER AND GENERAL MANAGER OF THE EAST PALO ALTO
SANITARY DISTRICT (EPASD), DECLARING AN EMERGENCY DUE TO REPLACE A FAILING
SEWER LINE ALONG SOUTHBOUND 101 WITHIN CALTRANS RIGHT-OF-WAY BETWEEN
WILLOW ROAD AND UNIVERSITY AVENUE, MAKING FINDINGS THEREFOR, AND ORDERING
THAT THE FACILITY BE IMMEDIATELY REPLACED**

WHEREAS, pursuant to California Public Contract Code section 22050 (which applies to EPASD pursuant to Public Contract Code section 20806), in the case of an emergency, a public agency's governing board may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes without giving notice for bids; and

WHEREAS, before a governing body takes any such action, it must make a finding, based on substantial evidence, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency; and

WHEREAS, the governing body may delegate to the to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer the authority to order any such action; and

WHEREAS, East Palo Alto Municipal Code section 2.84.060 states that, when an emergency exists, in the judgment of the department head or designee, which requires immediate action in the interest of public health, safety and welfare, and the City Manager or an appointed designee are not available, the department head, or designee may authorize the necessary supplies, services and equipment; and

WHEREAS, in East Palo Alto Municipal Code section 2.84.060, the City Council delegated to the City Manager (and in his absence, to any department head) the authority to order any such emergent action; and

WHEREAS, pursuant to East Palo Alto Municipal Code section 2.12.150, the City Manager has been delegated the authority to act as the General Manager of the EPASD.

NOW, THEREFORE, based on substantial evidence, the City Manager/General Manager of the City of East Palo Alto/EPASD hereby finds:

1. That the recitals set forth above are true and correct and incorporated in this Resolution as if set forth in full.
2. That upon investigation of an existing 6-inch clay sewer line, it was determined that it is failing, and that this situation is an emergency within the meaning of Public Contract Code section 22050, Public Contract Code section 20806, and East Palo Alto Municipal Code section 2.84.060 because there is an urgent need to protect the environment as well as public health and safety from the consequences of the sewer line failure.
3. That this emergency will not permit a delay resulting from a competitive solicitation for


bids because the existing sewer line is damaged and leaking, thereby demanding prompt replacement. Thus, the public interest and necessity demand the immediate expenditure of EPASD funds to safeguard life, health, and property.

- 4. That the following action is necessary to respond to the emergency:
 - City staff commence immediate negotiations with a vendor to replace the sewer line.
 - Coordinate repair of the sewer line via a contractor with Caltrans' as the location is within their right of way.

THUS, the City Manager of the City of East Palo Alto hereby resolves, determines and orders:

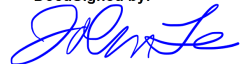
1. That the facility be immediately repaired by taking any directly related and immediate action and procuring the necessary equipment, services and supplies for those purposes, without giving notice for bids to let contracts.
2. That I shall report to the City Council at its meeting on February 4, 2025, the reasons justifying why the emergency did not permit a delay resulting from a competitive solicitation for bids and why the action was necessary to respond to the emergency.
3. That I shall inform the City Council that pursuant to both Public Contract Code section 22050 and East Palo Alto Municipal Code section 2.84.060:
 - a. The City Council must initially review the emergency action not later than seven (7) days after the action;
 - b. The City Council must continue to review the emergency action every fourteen (14) days thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action (unless I have terminated that action before the City Council reviews the emergency action and makes such a determination); and
 - c. The City Council must terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

PASSED AND ADOPTED this 30th day of January 2025.

DocuSigned by:


 Melvin E. Gaines,
 City Manager/EPASD General Manager

APPROVED AS TO FORM:

DocuSigned by:


 John D. Le,
 City Attorney/District Counsel

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO, ACTING IN ITS CAPACITY AS THE BOARD OF DIRECTORS FOR THE EAST PALO ALTO SANITARY DISTRICT (EPASD), TERMINATING THE ACTION REGARDING THE EMERGENCY OF THE FAILING SEWER LINE ALONG SOUTHBOUND 101 WITHIN THE CALTRANS RIGHT-OF-WAY BETWEEN WILLOW ROAD AND UNIVERSITY AVENUE, MAKING FINDINGS THEREFOR, AND ORDERING THAT THE REMAINDER OF THE EMERGENCY ACTION AT THE FACILITY BE TERMINATED BY GIVING NOTICE FOR BIDS

WHEREAS, on January 30, 2025, pursuant to California Public Contract Code (PCC) section 22050 (which applies to EPASD pursuant to PCC section 20806) and East Palo Alto Municipal Code section 2.84.060, the City Manager, acting as the General Manager of the EPASD, adopted Resolution No. CMR-01-2025, declaring an emergency due to a failing sewer line along southbound 101 within the Caltrans right-of-way between Willow Road and University Avenue in East Palo Alto, California (“Facility”), making findings therefor, and ordering that the Facility be immediately replaced;

WHEREAS, on February 4, 2025, which was the next regularly scheduled City Council meeting (and within 7 days), the City Manager reported to the City Council the reasons justifying why the emergency did not permit a delay resulting from a competitive solicitation for bids and why the action was necessary to respond to the emergency; and at that meeting, the City Council reviewed the emergency action and unanimously voted that there was a need to continue that action;

WHEREAS, pursuant to PCC section 22050, the City Council must review this emergency action at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action; and

WHEREAS, PCC section 22050 requires that when the City Council reviews the emergency action, the Council must terminate that action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

NOW, THEREFORE, the City Council of the City of East Palo Alto hereby finds:

1. That the recitals set forth above are true and correct and incorporated in this resolution as if set forth in full.
2. That the City retained C2R, the contractor, who replaced the existing six-inch clay pipe and installed new HDPE pipe along 101 southbound between Willow and University, and the contractor raised the three manholes that were sagging. More

specifically, C2R Engineering Inc. replaced 550' of failed 6inch clay sewer main by way of pipe bursting with 6inch HDPE and brought to grade the three manholes connecting the line segments (C2, C19, C21), along the US101, south bound, between Willow Rd and University Ave. That emergency work has been completed and accordingly there is no need to continue the emergency action as emergency conditions have ceased.

THUS, the City Council of the City of East Palo Alto hereby resolves, determines and orders:

1. That the emergency action is hereby terminated.
2. That the remainder of the emergency action, described herein, if any, be completed by giving notice for bids to let contracts.

PASSED AND ADOPTED THIS February 18, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mark Dinan, Board President

ATTEST:

APPROVED AS TO FORM:

James Colin,
City Clerk/ Board Secretary

John D. Lê,
City Attorney/ District Counsel

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EAST PALO ALTO**

**ACTING IN ITS CAPACITY AS THE BOARD OF DIRECTORS FOR THE EAST PALO ALTO
SANITARY DISTRICT (EPASD), CONTINUING THE ACTION REGARDING THE EMERGENCY OF
THE FAILING SEWER LINE ALONG SOUTHBOUND 101 WITHIN THE CALTRANS RIGHT-OF-
WAY BETWEEN WILLOW ROAD AND UNIVERSITY AVENUE, MAKING FINDINGS THEREFOR,
AND ORDERING THAT THE FACILITY BE IMMEDIATELY REPLACED**

WHEREAS, on January 30, 2025, pursuant to California Public Contract Code section 22050 (which applies to EPASD pursuant to Public Contract Code section 20806) and East Palo Alto Municipal Code section 2.84.060, the City Manager, acting as the General Manager of the EPASD, adopted a resolution declaring an emergency due to a failing sewer line along southbound 101 within the Caltrans right-of-way between Willow Road and University Avenue in East Palo Alto, California (“Facility”), making findings therefor, and ordering that the Facility be immediately replaced; and

WHEREAS, pursuant to Public Contract Code section 22050, if the City Manager orders this emergency action, he must report to the City Council, acting as the Board of Directors for the EPASD, within seven days or at its next regularly scheduled meeting, which this February 4, 2025, meeting is.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY
FINDS:**

1. That the recitals set forth above are true and correct and incorporated in this Resolution as if set forth in full.
2. That upon investigation of an existing 6-inch clay sewer line, it was determined that it is failing, which is an emergency within the meaning of Public Contract Code section 22050, Public Contract Code section 20806, and East Palo Alto Municipal Code section 2.84.060 because there is an urgent need to protect the environment as well as public health and safety from the consequences of the sewer line failure.
3. That the City Manager determined that the following action is necessary to respond to the emergency:
 - City staff commence immediate negotiations with a vendor to replace the sewer line.
 - Coordinate repair of the sewer line via a contractor with Caltrans’ as the location is within their right of way.
4. That the reason justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency is because the existing sewer line is damaged and leaking, thereby demanding prompt replacement. Thus, the public interest and necessity demand the immediate expenditure of EPASD funds to safeguard life, health, and property.
5. That the emergency conditions have not ceased.

THUS, the City Council of the City of East Palo Alto hereby resolves, determines and orders:

- That there is a need to continue the emergency action.
- That the City Council, acting in its capacity as the Board of Directors for the EPASD, understands that in reviewing the emergency action, the Council must terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

PASSED AND ADOPTED this 4th day of February 2025, by the following vote (which requires a 4/5 vote to pass):

AYES:

NOES:

ABSENT:

ABSTAIN:

Martha Barragan, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney/District Counsel



EAST PALO ALTO SANITARY DISTRICT STAFF REPORT

DATE: February 18, 2025
TO: Honorable Mayor and Members of the City Council
VIA: Melvin E. Gaines, City Manager
BY: James Colin, City Clerk
SUBJECT: East Palo Alto Sanitary District Advisory Committee Appointments

Recommendation

Interview the applicants for the East Palo Alto Sanitary District Advisory Committee; and appoint applicants for an Alternate Seat for the Committee.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Priority No. 1: Promote Housing, Economic and Workforce Development
- Priority No. 3: Promote Health & Public Safety
- Priority No. 4: Ensure Our Financial and Organizational Health

Government Code § 84308

Applicability of Levine Act: No

Analysis of Levine Act Compliance: Not applicable

EPASD POLICY AND ACTION ITEM 10.1

Background

The City Council of the City of East Palo Alto is seeking candidates to make appointments for the following seats:

East Palo Alto Sanitary District Advisory Committee appointments:

Alternate Seat: From 2025-28 for the initial term and then 2028-2031 for the subsequent term

The position has remained open until they are filled. The City accepted applications electronically via the SurveyMonkey platform and offered to assist anyone who needed help submitting the application. The City conducted outreach including in-person efforts and through its social media outlets to ensure a comprehensive approach to the outreach process. Social media outlets included various newsletters disseminated to over 4,000 residents, Facebook ads, and the City website.

Selection Process

In order to ensure an efficient and transparent Brown Act compliant selection process, the procedure for review is as follows:

1. City Council will review the applications attached to the February 18, 2025, agenda.
2. City Council will be provided a voting form at the beginning of the agenda item from the City Clerk.
3. City Council will conduct interviews.
4. City Council will make its selections by ballot vote.

Attachments

1. East Palo Alto Sanitary District Advisory Committee Applications (redacted)

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, November 14, 2024 2:40:14 PM
Last Modified: Thursday, November 14, 2024 2:47:21 PM
Time Spent: 00:07:07
IP Address: [REDACTED]

Page 1: East Palo Alto Sanitary District (EPASD) Advisory Committee

Q1

Name

Larry Moody

Q2

Home Address

[REDACTED]

Q3

City

East Palo Alto

Q4

E-mail Address

[REDACTED]

Q5

Phone Number

[REDACTED]

Q6

Why would you like to serve on the East Palo Alto Sanitary District (EPASD) Advisory Committee Application 2024

As a former member of the EPA Sanitary District Board of directors. I could offer a perspective on the assessment & evaluation of services which could help guide the community engagement & communication which the City Managers office would be responsible for conveying to the rate payers.

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 04, 2024 9:28:07 PM
Last Modified: Wednesday, December 04, 2024 9:30:03 PM
Time Spent: 00:01:55
IP Address: [REDACTED]

Page 1: East Palo Alto Sanitary District (EPASD) Advisory Committee

Q1

Name

Ravneel Chaudhary

Q2

Home Address

[REDACTED]

Q3

City

East Palo Alto

Q4

E-mail Address

[REDACTED]

Q5

Phone Number

[REDACTED]

Q6

Why would you like to serve on the East Palo Alto Sanitary District (EPASD) Advisory Committee Application 2024

I am interested in serving on the EPASD Advisory Committee because I am passionate about improving community infrastructure and environmental sustainability. As a resident of East Palo Alto, I understand the importance of effective sanitation services in ensuring the health and well-being of our community. I am eager to collaborate with others to help make informed decisions that improve local public health, sustainability, and overall quality of life in East Palo Alto.

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, December 07, 2024 9:25:04 PM
Last Modified: Saturday, December 07, 2024 9:29:33 PM
Time Spent: 00:04:28
IP Address: [REDACTED]

Page 1: East Palo Alto Sanitary District (EPASD) Advisory Committee

Q1

Name

Anthony Smith

Q2

Home Address

[REDACTED]

Q3

City

East Palo Alto

Q4

E-mail Address

[REDACTED]

Q5

Respondent skipped this question

Phone Number

Q6

Why would you like to serve on the East Palo Alto Sanitary District (EPASD) Advisory Committee Application 2024

I feel that we, as a city. Need to take steps, that make us better. We need to be on the cutting edge, and lead the charge. Making us the biggest, little city in the Bay Area.

#12

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, January 02, 2025 7:01:21 PM
Last Modified: Thursday, January 02, 2025 7:05:20 PM
Time Spent: 00:03:58
IP Address: [REDACTED]

Page 1: East Palo Alto Sanitary District (EPASD) Advisory Committee

Q1

Name

Nathan Mulcahey

Q2

Home Address

[REDACTED]

Q3

City

East Palo Alto

Q4

E-mail Address

[REDACTED]

Q5

Phone Number

[REDACTED]

Q6

Why would you like to serve on the East Palo Alto Sanitary District (EPASD) Advisory Committee Application 2024

Because I believe it is my civic responsibility to give back to the city I have now called home for the past year and I feel serving on an advisory board or commission is a good way for me to accomplish that goal.



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 18, 2025

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Salifu Yakubu, Senior Planner
Elena Lee, Planning Manager
Amy Chen, Community and Economic Development Director

SUBJECT: Development Code Text Amendment (ZTA24-001) to amend various Chapters and Sections of Title 18 (Development Code) of the East Palo Alto Municipal Code

Recommendation

By motion, waive the first reading and introduce an ordinance (Attachment 1):

1. Amending the Title 18 (Development Code) of the East Palo Alto Municipal Code to:
 - a. Amend chapter 18.96 to amend sections 18.96.010, 18.96.030.E.4, 18.96.050.A.2, 18.96.050.A.2, 18.96.090, and 18.96.050.G to reconcile the East Palo Alto Municipal Code (EPAMC) with state legislation on accessory dwelling units.
 - b. Amend sections 18.10.020 Table 2-1, 18.12.020 Table 2-3 and 18.14.020 Table 2-5 to supplement Land Use Regulations and Allowable Uses, and 18.48.060 to facilitate child day care and other care uses.
 - c. Amend sections 18.10.020 Table 2-1, 18.12.020 Table 2-3 and 18.14.020 Table 2-5 to supplement Land Use Regulations and Allowable Uses, 18.08.010 of Chapter 18.08 to add a definition of Low Barrier Navigation Center and add a new section 18.48.116 to chapter 18.48 of the EPAMC to allow the development of Low Barrier Navigation Centers.
 - d. Amend chapter 18.30 to amend sections 18.30.080.B.2 and C.3 and add sections 18.30.010.G and 18.30.080.B.3 to B.5 to allow Unbundled Parking.

 **PUBLIC HEARING ITEM 12.1**

- e. Amend section 18.26.020A.2, add section 18.26.020.E., and amend section 18.90.020 Table 7-3 Types of Minor Variances Allowed to allow seven-foot and certain eight-foot Fences, Hedges and Walls without variance.
- f. Amend sections 18.10.020, 18.12.020 and 18.14.020 to synchronize certain notations under Specific Use Regulations with the right land use provisions.
- g. Amend chapter 15.52 Floodplain Management to realign the responsibilities of staff with respect to Flood Management.
- h. Amend section 18.86.030.A Table 7-2 Review Authority for Site Plan to reclassify various sizes of Non-Residential Construction Activities subject to different review levels.
- i. Amend sections 18.50.060.A Table 5-1 Advisory Agencies for Subdivisions, and 18.54.030.B.4 on the Review of Maps.
- j. Add a new chapter 18.87 on Permit Adjustments and amend section 18.82.020 – Authority for Land Use and Zoning Decisions Table 7-1 to include Adjustment Permits.
- k. Amend sections 18.12.020 Table 2-3 to allow refueling and service station use as a Conditional Use Permit and 18.48.180 Service Stations to facilitate Refueling and Service Stations.
- l. Amend sections 13.24.400.A and B on Turf selection and limitation and 18.30.080.A.4 on Paved Areas in Front Yard to supplement Front Yard Landscape Standards.
- m. Amend sections 18.28.060.G and 18.28.110.A to streamline the processing of Trees on Private Property.
- n. Amend section 18.10.030 Development Standards by adding sub-section 18.10.030.G to facilitate the remodeling of existing single-family dwellings in the R-MD Zone.
- o. Amend chapter 18.24 to increase the height of accessory structures from 15-feet to 17-feet (sections 18.24.020.B.1, 18.24.030.A.1.c, and 18.24.030.B.2) consistent with the height requirements for similar structures such as accessory dwelling units, include a Permit Adjustment (sections 18.24.020.B and 18.24.030.A.1) as a required approval type for accessory structures, and correct the useable rear yard area to be maintained from 750-square feet to 700-square feet (section 18.24.030.A.1.b) as was adopted by Council ordinance on February 6, 2024 with Zoning Text Amendment ZTA23-001.
- p. Amend chapter 18.94 to amend section 18.94.110 to make administratively approved Minor Temporary Use Permits issued for one to six days final upon issuance and not subject to the appeal period.

2. Find the proposed Zoning Text Amendments to be exempt in accordance with CEQA Guidelines Sections 15061(b)(3), 15378 and 15183 of the California Environmental Quality Act (CEQA).

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority 1: Promote Housing, Economic and Workforce Development
Priority 3: Promote Health & Public Safety

Background

The State of California recently made legislative changes that have impacted land use and development codes of many county and city governments. Some new State laws preempt the East Palo Alto Municipal Code (EPAMC) requiring the City to amend its Development Code for alignment.

On February 6, 2024, the City Council adopted a zoning text amendment (ZTA23-001) which, amongst other things, repealed and replaced Chapter 18.96 of the municipal code which regulates accessory dwelling units. The amendment brought the code into conformance with Government Code 65852.2 and 65852.22, adds provisions for second driveways on corner lots, and reduces the usable open space requirement from 750 square feet (sf) to either 500 sf or 50% of the remaining rear yard, whichever is less restrictive for ADUs in single-family residential zones.

The Council deferred decisions related to potentially increasing maximum rear yard fence heights from six to seven feet for residential lots and eight feet for residential and commercial interfaces in order to allow staff to propose landscape solutions to mitigate the effects of the proposed height increase.

Staff recommended the requested landscape solutions for the increased fence heights and other amendments to the Planning Commission in October 2024 and January 2025. On October 28, 2024, the Planning Commission adopted a resolution recommending changes to the Development Code and adopted another resolution on January 13, 2025¹ recommending further Development Code amendments through the approval of zoning text amendment ZTA24-001. The January hearing was held to incorporate an additional minor amendment regarding Minor Temporary Use Permits to the proposed changes discussed previously in October and recommend that the City Council approve the proposed Development Code amendment per the Planning Commission discussion on January 13, 2025.

Sixteen sets of amendments are recommended and discussed in detail in the zoning text amendment, ZTA24-001, with 15 of them endorsed on October 28, 2024² by the Planning Commission, and the last one added on January 13, 2025. The main purpose of the zoning code text amendment (ZTA24-001) can be categorized by the following four goals:

¹ January 13, 2025 Planning Commission staff report: <https://d3n9y02raazwpg.cloudfront.net/cityofepa/97d42492-c4aa-11ef-a9e2-005056a89546-29a637e7-42e3-4737-b76d-b5307e52bbc0-1736467069.pdf>

² October 28, 2024 Planning Commission staff report: <https://d3n9y02raazwpg.cloudfront.net/cityofepa/e0900e48-b714-11ee-bb82-0050569183fa-29a637e7-42e3-4737-b76d-b5307e52bbc0-1729892644.pdf>

1. Continue to reconcile the EPAMC with state legislation.
2. Respond to City Council direction on specific text amendment regarding the height of Fences, Hedges and Walls.
3. Correct typographical errors, realign code provisions with current development review processes or staff responsibilities, and fill in missing information in various sections of the Development Code; and
4. Continue to facilitate the improvement and streamlining of the development review process.

For the sake of brevity, the analyses and conclusions of the various text amendments, and the exhibits associated with them, can be found in the October 28, 2024 and January 13, 2025 staff reports and are not repeated here.

Analysis

Planning Commission Discussions and Recommendations – October 28, 2024

On October 28, 2024, the Planning Commission held a public meeting to discuss 15 proposed amendments to Title 18 (Development Code) of the East Palo Alto Municipal Code (EPAMC), under the following four categories (A-D):

- A. Continue to reconcile the EPAMC with new or updated state legislation. These amendments are meant to bring the City’s Development Code, Title 18, into compliance with State legislative changes to date. A full description and analysis of the following four amendments was included in the October 28, 2024, Planning Commission staff report and is also summarized below:
 1. Accessory Dwelling Units – The Planning Commission discussed the various proposed amendments and recommended them to the City Council for approval. No concerns were expressed about any of them.
 2. Day Cares (Family Day Care Home, Child and Adult Day Care) Uses – The Planning Commission discussed the provisions for the various care facilities and directed staff to revise the original Planning Commission resolution to ensure that child day care facilities and Family Day Care Homes were subject to the same provisions.

A commissioner questioned the usefulness of Cooperatives, and staff explained that they are a “use by right” in the state legislation, hence the need to include them in the City’s Development Code.
 3. Non-traditional housing facilities including Low Barrier Navigation Centers, and Transitional Housing and Supportive Housing – Low barrier navigation centers have now been added to the Development Code as a “use by right” in mixed use and non-residential zones consistent with State legislation. Also, transitional and supportive housing are now subject to the same provisions as other residential uses in all zones that allow residential uses as required by state legislation. Finally, emergency

shelters have been included as conditional uses and not “uses by right”, subject to Planning Commission action, in all commercial zones. This provision is in addition to the designated Industrial Transition Zone for emergency shelters in the Ravenswood Business District /4 Corners Specific Plan area. The Planning Commission was supportive of all these amendments.

4. Unbundled Parking – State legislation mandates 10 counties to ensure that residential rental developments of 16 or more units unbundle parking from rent payments. San Mateo County is not one of the 10 counties subject to this requirement. The Planning Commission recommends the City include unbundled parking in the Development Code for two reasons: 1) because it is a Transportation Demand Management (TDM) strategy that was approved by the Council; and 2) they believe the State may later extend the mandate to more counties and this proactive action would position the City ahead of the curb. The Planning Commission was, however, concerned that unbundled parking could enable some property owners to charge tenants a higher combined amount than the existing “bundled” rent.
- B. Respond to City Council direction on specific text amendment regarding the height of Fences, Hedges and Walls:
5. The Planning Commission supports increased height of rear fences to seven feet by right, and to eight feet with certain design interventions for rear fence walls between residential and commercial developments. The Commission stressed the need to ensure proper and well-maintained landscaping, as intended with the objective landscape standards, to mitigate the eight-foot wall.
- C. Correct typographical errors, realign code provisions with current development review processes and staff responsibilities, and fill in missing information in various sections of the Development Code. The following specific amendments, which were all recommended for approval, were meant to:
6. Synchronize certain notations under Specific Use Regulations with the right land use provisions.
 7. Realign the responsibilities of staff with respect to Flood Management.
 8. Reclassify various sizes of Non-Residential Construction Activities subject to different review levels.
 9. Amend various tables on Subdivisions and the Review of Maps.
- D. Continue to facilitate the improvement and streamlining of the development review process by amending existing sections and/or adding new sections to the Development Code to complement existing land uses and/or improve the review and approval of administrative level entitlements for the benefit of continued economic development. The following six amendments were all recommended for approval with significant discussion on two of them:
10. Add a new chapter on Permit Adjustments and amend section on Authority for Land

Use and Zoning Decisions to include Adjustment Permits.

This was recommended for approval by Council without any concerns.

11. Amend Table on Allowed Uses and Permit Requirements for Mixed Use Zones to allow refueling and service station use as a Conditional Use Permit.

The discussion centered on the possibility of this amendment opening the door for service stations to intensify their site with the addition of car washes and convenience stores when those uses may not be appropriate for their location. Staff explained that such additions are subject to conditional use permits granted by the Planning Commission after review of the attributes and potential impacts of each proposal. The amendment was then recommended for approval by the Council.

12. Amend sections on turf selection and limitation on paved areas in front yards to supplement front yard landscape standards.

This was recommended for approval by Council without any concerns.

13. Streamline the processing of trees on private property.

The discussion revolved around when financial security is due to the city from an awardee of an approved tree removal permit. No financial security is required if evidence of the tree removal and replacement of the impacted tree is furnished within 60 days of the effective date of a permit. The 60 day time frame was increased from 30 pursuant to the direction of the Planning Commission.

14. Facilitate the remodeling of existing single-family dwellings in the R-MD Zone.

This was recommended for approval by Council without any concerns.

15. Increase the height of accessory structures from 15-feet to 17-feet consistent with the height requirements for similar structures such as accessory dwelling units and include a Permit Adjustment as a required approval type for accessory structures.

This was recommended for approval by Council without any concerns.

Planning Commission Discussions and Recommendations – January 13, 2025

On January 13, 2025, the Planning Commission added the following to those amendments it already recommended on October 28, 2024:

16. Amend chapter 18.94 of the EPAMC to amend section 18.94.110 to make administratively approved Minor Temporary Use Permits issued for one to six days final upon issuance and not subject to the appeal period.

This amendment arose from staff's ongoing efforts in reviewing the Development Code and receiving input from community members on ideas and opportunities to streamline the City's development review process. Underlying this amendment is the applicability of an appeal

period to Minor Temporary Use Permits (MTUPs) which are approved administratively without notice and hearing. The Planning Commission endorsed the idea of exempting the MTUPs from the appeal process and recommended its approval by the City Council without any concerns.

The January 13, 2025 hearing also gave the Planning Commission another opportunity to review: 1) the changes it requested at the October 28, 2024 meeting, and 2) the clarifications suggested by a late email correspondence received by staff before the hearing. The editorial changes and clarifications which are mostly addressed in Exhibit D of the original resolution, and the MTUP amendment are all included in the amended resolution (Attachment 2). The purpose of the amendment was threefold, to enable the:

1. Planning Commission to consider an additional Development Code Amendment to exempt Minor Temporary Use Permits, which are approved administratively without notice or hearing, from the permit appeal process;
2. Staff to effect the following three changes that were requested by the Planning Commission at its October 28, 2024 hearing:
 - a. Ensure that the same provisions apply to Child Day Care facilities and Family Day Care Homes.
 - b. Increase the amount of time for awardees of Tree Removal Permits to furnish proof of removal and replacement of impacted trees from 30 days to 60 days of the effective date of the tree removal permit.
 - c. Increase the number of days from 30 to 60 for the required financial security to be provided to the City for impacted trees that are not removed following the effective date of the Tree Removal Permit, and which would be refunded upon the receipt of a final arborist report certifying preservation or proof of replacement upon removal of the tree(s), or payment of an in-lieu impact fee.
3. Staff to clarify Exhibit D of the original resolution in respect of day care facilities, while maintaining consistency with the information from the October 28, 2024 Planning Commission staff report with no substantive changes. The need for this clarification was, in part, driven by a late comment submitted by Kristen Anderson, a Child Care Planning Consultant, who raised issues regarding Family Day Care Homes to which staff responded and copied the Planning Commission. The amended Exhibit D clearly defines Family Day Care Homes and differentiates them from regular Child Day Care and other care facilities.

Next Steps

The draft Ordinance is intended to address those sections of the Municipal Code that conflict with state legislation, to respond to City Council direction on seven-foot and eight-foot fence walls, and to enable the City Council to consider the Planning Commission's recommendations for improvements and efficiencies in the development review processes. If the local Ordinance is out of compliance with the state regulations, the less restrictive state regulations would override local codes. The proposed amendments to the City's ADU Ordinance, and provisions for care facilities, low barrier navigation centers, and supportive and transitional housing will bring the Municipal Code into compliance with the state legislation and enable the City to continue to deliver excellent customer service to city residents.

If approved by the City Council, the Development Code Text Amendment (ZTA24-001) would be scheduled for adoption at a subsequent meeting on March 4, 2025. The Development Code Text Amendment (ZTA24-001) would become effective on the 31st day following the adoption of the Ordinance by the Council.

Fiscal Impact

There is no fiscal impact to the City associated with the proposed Ordinance.

Public Notice

The public was provided notice of this agenda item by posting the City Council agenda on the City's official bulletin board outside City Hall and making the agenda and report available at the City's website and at City Hall located at 2415 University Avenue, East Palo Alto. Additionally, a legal advertisement was placed in the local newspaper on January 31, 2025, more than ten (10) days prior to this meeting.

Environmental

This Ordinance is not subject to CEQA because it is not a "project" which would have a direct physical change or a reasonably foreseeable indirect physical change on the environment pursuant to California Environmental Quality Act ("CEQA") Guidelines section 15378. Even if it were a project subject to CEQA review, this project would be exempt from CEQA Guideline Section 15378 (regulatory actions), and Section 15061(b)(3) in that there is no possibility of the Development Code, by itself, having a significant adverse effect on the environment. Further, in accordance with CEQA Guidelines Section 15183, projects that are consistent with development density established by general plan policies (Vista 2035) for which an EIR has been certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

Government Code § 84308

Applicability of Levine Act: No, as the proposed action does not involve an entitlement.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Draft City Council Ordinance
2. Resolution from January 13, 2025 Planning Commission meeting

ATTACHMENT 1

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF EAST PALO ALTO

ADOPTING DEVELOPMENT CODE TEXT AMENDMENT ZTA24-001 AMENDING TITLE 18 (DEVELOPMENT CODE) OF THE EAST PALO ALTO MUNICIPAL CODE (EPAMC) SPECIFICALLY TO 1) AMEND CHAPTER 18.96 TO AMEND SECTIONS 18.96.010, 18.96.030.E.4, 18.96.050.A.2, 18.96.050.A.2, 18.96.090, AND 18.96.050.G TO RECONCILE THE EAST PALO ALTO MUNICIPAL CODE (EPAMC) WITH STATE LEGISLATION ON ACCESSORY DWELLING UNITS; 2) AMEND SECTIONS 18.10.020 TABLE 2-1, 18.12.020 TABLE 2-3 AND 18.14.020 TABLE 2-5 TO SUPPLEMENT LAND USE REGULATIONS AND ALLOWABLE USES, AND 18.48.060 TO FACILITATE CHILD DAY CARE AND OTHER CARE USES; 3) AMEND SECTIONS 18.10.020 TABLE 2-1, 18.12.020 TABLE 2-3 AND 18.14.020 TABLE 2-5 TO SUPPLEMENT LAND USE REGULATIONS AND ALLOWABLE USES, 18.08.010 OF CHAPTER 18.08 TO ADD A DEFINITION OF LOW BARRIER NAVIGATION CENTER AND ADD A NEW SECTION 18.48.116 TO CHAPTER 18.48 OF THE EPAMC TO ALLOW THE DEVELOPMENT OF LOW BARRIER NAVIGATION CENTERS; 4) AMEND CHAPTER 18.30 TO AMEND SECTIONS 18.30.080.B.2 AND C.3, AND ADD SECTIONS 18.30.010.G AND 18.30.080.B.3 TO B.5 TO ALLOW UNBUNDLED PARKING; 5) AMEND SECTION 18.26.020A.2, ADD SECTION 18.26.020.E., AND AMEND SECTION 18.90.020 TABLE 7-3 TYPES OF MINOR VARIANCES ALLOWED TO ALLOW SEVEN-FOOT AND CERTAIN EIGHT-FOOT FENCES, HEDGES AND WALLS WITHOUT VARIANCE; 6) AMEND SECTIONS 18.10.020, 18.12.020 AND 18.14.020 TO SYNCHRONIZE CERTAIN NOTATIONS UNDER SPECIFIC USE REGULATIONS WITH THE RIGHT LAND USE PROVISIONS; 7) AMEND CHAPTER 15.52 FLOODPLAIN MANAGEMENT TO REALIGN THE RESPONSIBILITIES OF STAFF WITH RESPECT TO FLOOD MANAGEMENT; 8) AMEND SECTION 18.86.030.A TABLE 7-2 REVIEW AUTHORITY FOR SITE PLAN TO RECLASSIFY VARIOUS SIZES OF NON-RESIDENTIAL CONSTRUCTION ACTIVITIES SUBJECT TO DIFFERENT REVIEW LEVELS; 9) AMEND SECTIONS 18.50.060.A TABLE 5-1 ADVISORY AGENCIES FOR SUBDIVISIONS, AND 18.54.030.B.4 ON THE REVIEW OF MAPS; 10) ADD A NEW CHAPTER 18.87 ON PERMIT ADJUSTMENTS AND AMEND SECTION 18.82.020 – AUTHORITY FOR LAND USE AND ZONING DECISIONS TABLE 7-1 TO INCLUDE ADJUSTMENT PERMITS; 11) AMEND SECTIONS 18.12.020 TABLE 2-3 TO ALLOW REFUELING AND SERVICE STATION USE AS A CONDITIONAL USE PERMIT AND 18.48.180 SERVICE STATIONS TO FACILITATE REFUELING AND SERVICE STATIONS; 12) AMEND SECTIONS 13.24.400.A AND B ON TURF SELECTION AND LIMITATION AND 18.30.080.A.4 ON PAVED AREAS IN FRONT YARD TO SUPPLEMENT FRONT YARD LANDSCAPE STANDARDS; 13) AMEND SECTIONS 18.28.060.G AND 18.28.110.A TO STREAMLINE THE PROCESSING OF TREES ON PRIVATE PROPERTY, 14) AMEND SECTION 18.10.030 DEVELOPMENT STANDARDS BY ADDING SUB-SECTION 18.10.030.G TO FACILITATE THE REMODELING OF EXISTING SINGLE-FAMILY DWELLINGS IN THE R-MD ZONE, 15) AMEND CHAPTER 18.24 TO INCREASE THE HEIGHT OF ACCESSORY STRUCTURES FROM 15-FEET TO 17-FEET (SECTIONS 18.24.020.B.1, 18.24.030.A.1.C, AND 18.24.030.B.2) CONSISTENT WITH THE HEIGHT REQUIREMENTS FOR SIMILAR STRUCTURES SUCH AS ACCESSORY DWELLING UNITS, INCLUDES A PERMIT ADJUSTMENT (SECTIONS 18.24.020.B AND

18.24.030.A.1) AS A REQUIRED APPROVAL TYPE FOR ACCESSORY STRUCTURES, AND CORRECT THE USEABLE REAR YARD AREA TO BE MAINTAINED FROM 750-SQUARE FEET TO 700-SQUARE FEET (SECTION 18.24.030.A.1.B) AS WAS ADOPTED BY COUNCIL ORDINANCE ON FEBRUARY 6, 2024 WITH ZONING TEXT AMENDMENT ZTA23-001, AND 16) AMEND CHAPTER 18.94 TO AMEND SECTION 18.94.110 TO MAKE ADMINISTRATIVELY APPROVED MINOR TEMPORARY USE PERMITS ISSUED FOR ONE TO SIX DAYS FINAL UPON ISSUANCE AND NOT SUBJECT TO THE APPEAL PERIOD.

WHEREAS, Chapter 18.114 of the City of East Palo Alto Development Code allows for amendments to the Development Code and provides procedures for processing such amendments; and

WHEREAS, Section 18.114.060 of the City of East Palo Alto Development Code sets forth findings for Development Code amendments; and

WHEREAS, the Planning Commission of the City has reviewed the proposed amendments to the City of East Palo Alto's Development Code at a duly and properly noticed public hearing on October 28, 2024 and considered all evidence, including but not limited to public testimony and the evaluations and recommendations of staff, and has found that the proposed amendments are consistent with the goals and policies of the City's General Plan, and recommends adoption of the proposed amendments by the City Council of the City of East Palo Alto ("City Council"); and

WHEREAS, the City Council conducted duly and properly noticed public hearings on **February 18, 2025** to consider the proposed amendments to the Development Code and considered all evidence, including but not limited to public testimony and the evaluations and recommendations of staff, and finds and determines that the proposed amendments to the City of East Palo Alto Development Code are adopted pursuant to the City's police power authority to protect the public health, safety, and welfare; and

WHEREAS, based on the evidence in the administrative record, the City Council finds foregoing recitals are true and correct, and are incorporated by this reference into this action as a legislative finding of fact, as required by Section 18.114.060 of the City of East Palo Alto Development Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 18.08 AMENDED

Section 18.08.010 is hereby amended to add the definition of "Low Barrier Navigation Center", as follows:

Low Barrier Navigation Center. In compliance with Government Code Section 65660 a "Low Barrier Navigation Center" means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

SECTION 2. CHAPTER 18.10 AMENDED

Section 18.10.020 Table 2-1 Land Use Regulations and Allowable Uses for Residential Zones is hereby amended as shown in Exhibit “A”, attached hereto and incorporated herein by reference.

SECTION 3. CHAPTER 18.12 AMENDED

Section 18.12.020 Table 2-3 Land Use Regulations and Allowable Uses for Mixed Use Zones is hereby amended as shown in Exhibit “B”, attached hereto and incorporated herein by reference.

SECTION 4. CHAPTER 18.14 AMENDED

Section 18.14.020 Table 2-5 Land Use Regulations and Allowable Uses for Commercial Zones is hereby amended as shown in Exhibit “C”, attached hereto and incorporated herein by reference.

SECTION 5. CHAPTER 18.48 AMENDED

Section 18.48.060 Child Day Care is hereby amended to Day Care Facilities as shown in Exhibit “D”, attached hereto and incorporated herein by reference, to facilitate Child Day Care and other Care Uses.

Section 18.48.116 is hereby added to allow the development of Low Barrier Navigation Centers to read:

- A. **Applicability:** “Low Barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:
1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
 2. Pets.
 3. The storage of possessions.
 4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
 5. “Use by right” has the meaning defined in subdivision (i) of Section 65583.2. Division 13 (commencing with Section 21000) of the Public Resources Code shall not apply to actions taken by a public agency to lease, convey, or encumber land owned by a public agency, or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low Barrier Navigation Center constructed or allowed by this section.
- B. **Zoning:** In compliance with Government Code Section 65662 a “Low Barrier Navigation Center” development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses
- C. **Ministerial Approval:** A “Low Barrier Navigation Center” development shall be permitted provided that it meets the following requirements:

1. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
2. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
3. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

D. **Review Conditions:** In compliance with Government Code Section 65664:

1. Within 30 days of receipt of an application for a Low Barrier Navigation Center development, the local jurisdiction shall notify a developer whether the developer's application is complete pursuant to Section 65943.
2. Within 60 days of receipt of a completed application for a Low Barrier Navigation Center development, the local jurisdiction shall act upon its review of the application.

E. **Applicability:** "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

Section 18.48.180 Service Stations is hereby amended to amend sub-sections 18.48.180.B.3 and 18.48.180.B.5 and add subsections 18.48.180B.12 and 18.48.180.B.13 to read:

3. **Allowed uses.** The primary use of a service station shall be the dispensing of motor fuels, lubricants, vehicle recharging, and the exchange of motor vehicle parts in kind. Limited Incidental vehicle/equipment repair shall be limited to the hours of 7:00 a.m. to 7:00 p.m., daily. Such repair/service include air conditioning service, carburetor and fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation.

5. **Sale of ~~alcoholic beverages~~ convenience goods.** The sale of convenience goods, alcoholic beverages, or other items unrelated to the operation of motor vehicles are only allowed subject to the approval of a Conditional Use Permit.

12. Associated Uses. Car Wash use and other uses associated to with service stations may be allowed subject to approval of a Conditional Use Permit. The car wash use shall not include detailing services.

13. Restroom, water point and air supply. Each service station shall provide a restroom, water point and an air supply station for use by patrons at all times when the service station is in operation.

SECTION 6. CHAPTER 18.30 AMENDED

Section 18.30.010 is hereby amended to add sub-section G to read:

G. To ensure the most efficient use of parking spaces through such techniques as shared parking, alternating parking and unbundled parking arrangements.

Sub-section 18.30.080.A Single-Family Residential Zones is hereby amended to amend sub-section 18.30.080.A.4 to read:

4. **Paved areas in front yard.** Paved areas within the front yard, including the driveway and any walkways, shall not exceed 50 percent of the front yard area with the remaining area finished in either or both soft landscaping (vegetative materials including container gardens, turf, ground cover, aquatic/semi-aquatic plants, grasses, trees, organic mulch, etc.) and permeable hard landscaping (pea gravel, crushed granite, disjointed/interspersed brick, rock, stone or concrete, timber, bitumen, glass, metals, inorganic mulch, and other construction materials that may be used to avoid the need for mowing, watering/irrigation, fertilizing, and pesticides) landscaped with live plant material. The use of pervious materials for paved areas such as driveways, walkways, patios, and outdoor living areas is strongly encouraged.

Sub-section 18.30.080.B Multiple-Family Residential Zones is amended to read:

1. Parking spaces shall be provided in off-street parking areas located within 1,000 feet of the use they are intended to serve.
2. It is unlawful to rent, lease or otherwise convey to or allow use of a required parking space by any person who is not a tenant or visitor for whom the parking spaces are required unless with the tenant's consent.
3. ~~For tenancies beginning after June 1, 2014, it is unlawful for any manager or owner of any residential unit to separately charge, require or receive a fee, rent or other remuneration from a resident for the use of the required off-street parking (other than from the consideration received for the rent or lease of the dwelling and its associated parking spaces). All required parking spaces are considered an inseparable part of the rented premises, unless the tenant elects to relinquish access to the off-street parking. For tenancies beginning after January 1, 2025 (AB1317), off-street parking should be unbundled from individual units within multiple-family residential apartment buildings with 16 or more units and rents charged separately for the units and the associated parking spaces with a tenant having, in all cases, the first right of refusal for the parking spaces normally required for the unit. Where a tenant declines the parking space(s) the apartment owner or management may lease the parking spaces to any person on a month-to-month basis.~~
4. Beginning after January 1, 2025 landlords of multiple-family apartment buildings with 16 or more units must maintain separate charges for parking fees and rent for the life of the property. These unbundled fees can be subject to either a distinct rental agreement or an addendum to an existing lease.
5. In the absence of unbundled parking a tenant in a multiple-family residential apartment building shall be allowed to lease the parking spaces assigned to their unit to any person on a month to month.
6. ~~4~~ All on-site required parking spaces shall be available to the occupants of the property. For properties developed after June 1, 2014, the occupants of each unit shall have use of the parking developed for the unit, unless the tenant elects to relinquish

access to the off-street parking. For properties developed before June 1, 2014, with less than two covered parking spaces per unit and where the property owner lives at the multiple-family property, the property owner may reserve for his or her personal use two legal parking spaces (uncovered or covered) which shall be contiguous, if possible. The remaining on-site legal parking spaces not utilized by the property owner shall be allocated among the other units.

7. ~~5.~~ If a landlord removes an on-site, off-street parking space from a tenancy in violation of these provisions
 - a. The tenant may apply for a rent decrease by an amount commensurate with the value of the removed parking space for the temporary period of time during which the space is removed;
 - b. The landlord shall be subject to criminal prosecution; and
 - c. The City may bring a civil action for injunctive relief.
8. ~~6.~~ Temporary removal of a parking space reasonably necessitated by required repair or maintenance does not give rise to a penalty.
9. ~~7.~~ A landlord and tenant are not prohibited from voluntarily agreeing to the substitution of one parking space for another at the same property.

Sub-section 18.30.080.C.3 is amended to read:

3. Required parking spaces shall not be rented, leased or otherwise conveyed or used by any person who is not a tenant of, visitor to, or employee for who the parking spaces are required, unless it is determined by a Parking Study that such a lease, rental, or other conveyance will not be detrimental to tenants of, visitors to, or employees for who the parking spaces are required. No employee shall be restricted from using the parking spaces required for the use where he or she is employed. Parking spaces developed in excess of the minimum required for the use may be rented or leased to another business or use.

SECTION 7. CHAPTER 18.26 AMENDED

Sub-section 18.26.020.A.2 is hereby amended to read:

2. Fences, walls, and hedges not exceeding ~~six~~ seven feet in height may occupy any side or rear setback area, provided:
 - a. They do not extend into any required front setback; and
 - b. In the case of a corner parcel, they do not extend into the side setback area required along a side street or into that portion of the rear setback area abutting a side street that is equal to the width of the side setback required on the side street, except where the side frontage is more than 100 feet from the corner of the parcel as determined by the intersection of the front and side property lines.

Section 18.26.020 is hereby amended to add sub-section 18.26.020.E to read:

- E. Interface between Single-Family Dwellings and Non-Residential Uses. Rear yard fences between single-family dwellings and non-residential uses may go up to eight feet in height subject to approval of an Adjustment Permit by the Director, provided:
 1. The visual impact of the fence on the single-family dwelling is softened by the use of architectural ornamentation or articulation, or soft landscaping as follows:

- a. The soft landscape features may include appropriate shrub and vine species with the following characteristics:
 - Capable of providing cover, shade and aesthetic value through beautiful foliage and blossoms.
 - Be drought-tolerant or at a minimum be able to survive common seasonal droughts.
 - Be able to recover quickly from inclement weather or human interference.
 - Not be invasive to the detriment of other soft landscaping at the dwelling.
 - Should be capable of growing up to eight feet with trimming.
- b. The soft landscaping should be strategically planted to promote good growth and cover, with a recommended spacing of 10 to 12 inches for vines and up to three feet for shrubs.
- c. The use of cables, wires or climbing lattice is recommended to aid the growth and coverage of vines and to prevent potential damage caused by direct contact with the fence.
- d. The architectural ornamentation may include the use of pilasters, wainscoting, cornices or decorative coping, architraves, decorative moldings, trims, etc.
2. The Adjustment Permit application may be initiated by either the owner of the single-family dwelling or non-residential property, with the other concurring with the application.
3. The Adjustment Permit application shall be accompanied by a written statement acknowledging the requirement for the architectural ornamentation or soft landscaping per section E.1. above and assigning responsibility for its implementation.

SECTION 8. CHAPTER 18.90 VARIANCES AND MINOR VARIANCES AMENDED

Section 18.90.020 Table 7-3 Types of Minor Variances Allowed is hereby amended as shown in Exhibit "E", attached hereto and incorporated herein by reference.

SECTION 9. CHAPTER 15.52 FLOODPLAIN MANAGEMENT AMENDED

Sections 15.52.040.PR Definitions, 18.52.050.B General Provisions, and 15.52.070.A.3 Elevation and Floodproofing are hereby amended to read:

Section 15.52.040.PR Definitions: "Special flood hazard area" or "SFHA" means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. SFHA may also be designated by the City of East Palo Alto ~~Community Development~~ Public Works Department for riverines not shown on the FIRM, when a hydraulic study has defined the base flood elevations and the area of inundation.

Section 15.52.050.B General Provisions: Basis for Establishing Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS), dated September 19, 1984 and accompanying Flood Insurance Rate Map (FIRM), and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which

are recommended to the city council by the floodplain administrator. The study and FIRM are on file at the City of East Palo Alto ~~Community Development~~ Public Works Department.

Section 15.52.070.A.3 Elevation and floodproofing:

- a. New construction and substantial improvement of any structure shall have the lowest floor, including basement elevated eighteen (18) inches above the base flood elevation. Nonresidential structures may meet the standards in Section 15.52.070.A.3.b. Upon the completion of the structure, the elevation of the lowest floor including the basement shall be certified by a registered professional engineer or surveyor, and verified by the community chief building official to be properly elevated. Such certification and verification shall be recorded and filed ~~at the community development department, planning division~~ with the floodplain administrator.

SECTION 10. CHAPTER 18.86 AMENDED

Section 18.86.030 Table 7-2 Review Authority for Site Plan and Design Review is hereby amended as shown in Exhibit “F”, attached hereto and incorporated herein by reference.

SECTION 11. CHAPTER 18.50 AMENDED

Section 18.50.060 Table 5-1 Subdivision Review Authorities is hereby amended as shown in Exhibit “G”, attached hereto and incorporated herein by reference.

SECTION 12. CHAPTER 18.54 AMENDED

Sub-section 18.54.30.B.4 is hereby amended to read:

4. The material shall be transmitted to the Council Review Authority for its consideration of the map.

SECTION 13. CHAPTER 18.87 ADDED

New sections are added to Chapter 18.87 to read:

Section 18.87.010 Purpose and Intent: An Adjustment Permit is the procedure used by the City to approve alterations, relocations, rebuilding, or minor additions, enlargements, or modifications to previously approved development permits while maintaining compliance with the uses allowed in the applicable zone and the development standards applicable to the use or structure.

Section 18.87.020 Applicability/Permit Requirement:

- A. The director may, at the director's sole discretion, approve an adjustment for the following elements of a previously issued development permit, subject to and in accordance with the provisions of this section:
 1. General Extensions. An extension of the term of an approved development permit for a period of up to but not exceeding one year; provided that no more than two such term extensions may be approved for any development permit.

2. Changes to an approved development permit, but only for minor modification of architectural elements or landscape details, (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.
3. Minor changes to signs which do not increase the existing surface area by more than 10% and conform to Chapter 18.32 of the East Palo Alto Municipal Code (EPAMC).
4. Additions, accessory structures and minor structures such as trellises, patio covers, and decks less than not exceeding **1,000 square feet** in total area or **50% of the total area of the existing primary dwelling whichever is less**, and swimming pools for **one-family residences** which were approved and are subject to an existing development permit.
5. Building additions of less than not exceeding **500 square feet** in total area or less than ten percent of the building area prior to the addition, whichever is smaller, to **two-family dwellings**, provided that current parking regulations are being met and would continue to be met after the completion of any addition.
6. Building mounted wireless communications antenna as long as proposal is at least 500 feet away from residential uses.
- 7.
78. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
89. The creation, on or above ground through installation, construction, or replacement, of less than one gross acre of impervious surface.
940. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.
1044. Building additions of less than not exceeding **1,000 500 square feet** in area to nonresidential buildings provided that current parking regulations are being met and would continue to be met after the completion of any addition, provided the primary building was not originally a single-family residence, and site circulation, ingress and egress are not being altered.
1142. Generators, preferably, with California Air Resources Board (CARB) certification and meeting the Development Code performance standards for noise and air pollution.
1243. Above-ground storage tanks of two thousand gallons or less provided that it is not used to store hazardous materials or other substances that require a permit from the Department of Toxic Substances Control.

B. Adjustments may be issued only where issuance of the adjustment would be consistent and comply with all applicable local laws in effect at the time of issuance, including without limitation the city's general plan, the provisions of the East Palo Alto Municipal Code, and the provisions of Title 18 of the Code.

C. An application for an adjustment to extend the term of a development permit must be filed on the form provided by the director on or before the date that is three business days prior to the expiration of the development permit proposed for adjustment and accompanied by the fees as set forth in the schedule of fees adopted by resolution of the City Council.

D. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the director shall be final, and nothing herein shall be deemed or construed to confer on an applicant a right to an adjustment or to require the director to issue an adjustment. If the director denies an adjustment, nothing herein shall

preclude the applicant from thereafter filing an application for an appropriate development permit.

E. Where property was developed prior to 1983 or the requirement of a site-development review permit, adjustments for projects may be approved without the necessity of the issuance of a full design review permit.

F. A Permit Adjustment shall be obtained before the City issues a new or modified business license in compliance with Municipal Code Chapter 5.04, if applicable.

Section 18.87.030 Review Authority: The Director may issue a Permit Adjustment only after confirming that the proposed land use and/or structure is in full compliance with all of the applicable provisions of the Development Code.

Section 18.87.040 Review Procedures: Adjustment Permit approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Director.

SECTION 14. CHAPTER 18.82 AMENDED

Section 18.82.020 Table 7-1 Review Authority is hereby amended to include Adjustment Permits as shown in Exhibit “H”, attached hereto and incorporated herein by reference.

SECTION 15. CHAPTER 18.12 AMENDED

Section 18.12.020 Table 2-3 Allowed Uses and Permit Requirements is hereby amended to allow Refueling and Service Stations with Conditional Use Permits as shown in Exhibit “I”, attached hereto and incorporated herein by reference.

SECTION 16. CHAPTER 13.24 AMENDED

Sub-sections 13.24.400.A and 13.24.400.B Turf Selection and Limitations are hereby amended to read:

- A. No more than fifty percent (50%) of the total area not covered by structures for multifamily residential projects shall be covered by a combination of turf, pools, spas, and other improved recreational areas finished in soft and hard landscaping. Of this area, no more than seventy-five percent (75%) shall be covered with turf.
- B. For single-family residential projects, 50% or more of the front yard shall be finished with soft landscaping (vegetative materials including container gardens, turf, ground cover, aquatic/semi-aquatic plants, grasses, trees, organic mulch, etc.) and/or hard landscaping (pea gravel, crushed granite, disjointed/interspersed brick, rock, stone or concrete, timber, bitumen, glass, metals, inorganic mulch, and other construction materials that may be used to avoid the need for mowing, watering/irrigation, fertilizing, and pesticides) with no more than forty percent (40%) ~~of the front yard may be~~ covered with turf.

SECTION 17. CHAPTER 18.28 AMENDED

Sub-section 18.28.060.G Financial Security is hereby amended to read:

G. **Financial Security.** A check, or an alternative form of payment if approved by the City shall be provided to the City for the appraised value of the trees impacted by development and the value of replacement trees as mitigation for the removal of trees, as well as the cost of staff time if the applicant does not furnish proof of removal of the impacted tree(s) and replacement planting within 30 60 days of the effective date of the tree removal permit approved by the Director. The proof of replanting shall be by virtue of photographic evidence or an arborist report certifying the replacement. The financial security, provided to the City for impacted trees that are not removed within 3060 days of the effective date of the tree removal permit, shall be refunded upon the receipt of a final arborist report certifying preservation or proof of replacement upon removal of the tree(s), or payment of an in-lieu impact fee.

Sub-Section 18.28.110.A Violations is hereby amended to read:

A. **Violations.** Violation of a provision contained in this chapter is unlawful and a public nuisance. The Director may serve notice upon any person violating any provision of this chapter. Violators shall be subject to the provisions set forth in Chapter 18.118.

SECTION 18. CHAPTER 18.10 AMENDED

Section 18.10.030 Development Standards is hereby amended to add:

G. **Setback Exception for existing single-family homes in the R-MD District.** Existing single family homes, which are permitted uses in the R-MD Zone, are exempted from the 20-foot rear setback requirement of the R-MD Zone and may utilize the 10-foot rear setback requirement of the R-LD Single-Family Residential Zone for building expansions, additions, and other remodeling works. The front and side setback requirements of the R-MD Zone would still apply to existing single-family dwellings in order to ensure a uniform front transect or street-facing silhouette of the neighborhood block from the public right-of-way.

SECTION 19. CHAPTER 18.24 AMENDED

Sub-sections 18.24.020.b, 18.24.030.A.1, and 18.24.030.B.2 are hereby amended as shown in Exhibit "J", attached hereto and incorporated herein by reference.

SECTION 20. CHAPTER 18.96 AMENDED

Sub-sections 18.96.010, 18.96.030.E.4, and 18.96.050.A.2, 18.96.090, and 18.96.050.G are hereby amended as shown in Exhibit "K", attached hereto and incorporated herein by reference.

SECTION 21. CHAPTER 18.94 AMENDED

Section 18.94.110 is hereby amended to exempt Minor Temporary Use Permits from the appeal period, as follows:

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on a all Temporary Use Permit applications, except that Minor Temporary Use Permits will not be subject to appeals.

SECTION 22. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

This Ordinance is not subject to CEQA because it is not a " project" which would have a direct physical change or a reasonably foreseeable indirect physical change on the environment pursuant to California Environmental Quality Act (" CEQA") Guidelines section 15378. Even if it were a project subject to CEQA review, this project would be exempt from CEQA Guideline Section 15378 (regulatory actions), Section 15061(b)(3) in that there is no possibility of the Development Code, by itself, having a significant adverse effect on the environment, and Section 15183 because the proposed amendments are consistent with the general plan and zoning as applicable. In addition, the Vista 2035 General Plan EIR meets the CEQA requirement for Zoning Code amendments.

SECTION 23. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a 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 and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 24. EFFECTIVE DATE.

This Ordinance shall take effect and be in full force thirty (30) days after the date of its adoption.

SECTION 25. PUBLICATION.

The City Clerk is hereby directed to cause publication of this Ordinance as required by Government Code Section 36933.

INTRODUCED at a regular City Council meeting held February 18, 2025, and

PASSED AND ADOPTED at a regular City Council meeting held on _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

_____, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney

EXHIBITS

- Exhibit A – Table 2-1 Allowed Uses and Permit Requirements for Residential Zones
- Exhibit B – Table 2-3 Allowed Uses and Permit Requirements for Mixed Use Zones
- Exhibit C - Table 2-5 Allowed Uses and Permit Requirements for Commercial Zones
- Exhibit D - Day Care Facilities
- Exhibit E - Table 7-3 Types of Minor Variances Allowed
- Exhibit F - Table 7-2 Review Authority for Site Plan and Design Review
- Exhibit G - Table 5-1 Subdivision Review Authorities
- Exhibit H - Table 7-1 Review Authority
- Exhibit I - Table 2-3 Refueling and Service Station Zones
- Exhibit J – Accessory Structures
- Exhibit K – Accessory Dwelling Units

EXHIBIT A

Table 2-1 Allowed Uses and Permit Requirements for Residential Zones

Table 2-1 Allowed Uses and Permit Requirements	Residential Zones Permit Requirements				
	P Permitted By-Right CUP Conditional Use Permit (Chapter 18.88) AUP Administrative Use Permit (Chapter 18.88) TUP Temporary Use Term Permit (Chapter 18.94) — Prohibited				
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	R-LD	R-MD	R-HD	R- UHD	Specific Use Regulations
Residential Uses					
Guest Houses	P	P	P	P	Section 18.48. 090 <u>100</u>
Home Businesses	HOP	HOP	HOP	HOP	Section 18.48. 100 <u>110</u>
Multi-Family Dwellings	—	P	P	P	
Residential Model Homes	AUP	AUP	AUP	AUP	
Accessory Dwelling Unit	P	P	P	P	Chapter 18.96
Junior Accessory Dwelling Unit	P	P	P	P	Chapter 18.96
Single-Family Dwellings, Attached	P	P	P	P	
Single-Family Dwellings, Detached	P	P	P	P	
Single Room Occupancy Facilities (DROs)	P	P	P	P	
Supportive Housing	P	P	P	P	
Two-Family Dwellings	—	P	P	P	
Transitional Housing (six or less occupants)	P	P	P	P	
Visitor Accommodations, Residential					
Bed & Breakfast Inns	—	CUP	CUP	CUP	
Short-Term Lodging	—	CUP	CUP	CUP	
Care Uses					
<u>Note: Family Day Care Homes are allowed by right wherever residential uses are allowed</u>					
Adult Day Care ¹					
Small (68 <u>or fewer</u>)	P	P	P	P	
Large (79 <u>to 14</u>)	AUP	AUP	AUP	AUP	
Child Day Care					

Small (8 or fewer)	P	P	P	P	
Large (9 to 14)	AUPP	AUPP	AUPP	AUPP	Section 18.48.050 060
<u>Cooperatives (12 or fewer)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 18.48.060</u>
<u>Commercial Day Care, General (1415 or more)</u>	CUP	CUP	CUP	CUP	
Cooperatives	P	P	P	P	Section 18.48.050
Convalescent Facilities	—	—	—	—	
Residential Care Facilities					
Limited (68 or fewer)	P	P	P	P	
General (79 or more)	CAUP	CAUP	CAUP	CAUP	
Other Uses					
Accessory Structures and Uses	P	P	P	P	Section 18.48. <u>010020</u>
Agricultural Uses - Limited to Community Gardens Only	P	P	P	P	
Animal Keeping	P	P	P	P	Section 18.48. <u>040050</u>
Charitable Organizations and Institutions	CUP	CUP	CUP	CUP	
Cultural Institutions	CUP	CUP	CUP	CUP	
Institutional and Community Facilities	CUP	CUP	CUP	CUP	
Neighborhood Service Uses	—	—	CUP	CUP	Section 18.10.030
Public Assembly/Meeting Facilities	—	CUP	CUP	CUP	
Public Buildings, Facilities, and Uses	—	—	—	—	
Schools, Public and Private	CUP	CUP	CUP	—	
Special Events	Municipal Code Chapter 12.08				
Temporary Uses	TUP	TUP	TUP	TUP	Chapter 18.94 <u>Minor TUP exempt from Appeal</u>
Utilities, Minor	P	P	P	P	
Utilities, Major	—	CUP	CUP	CUP	

EXHIBIT B

Table 2-3 Allowed Uses and Permit Requirements for Mixed Use Zones

Table 2-3 Allowed Uses and Permit Requirements	Mixed Use Zones	
	Permit Requirements	
	P	Permitted By-Right
CUP	Conditional Use Permit (Chapter 18.88)	
AUP	Administrative Use Permit (Chapter 18.88)	

	TUP Temporary Use Term Permit (Chapter 18.94) — Prohibited			
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	MUC	MUL	MUH	Specific Use Regulations
Industry, Manufacturing and Processing, Warehousing Uses				
Industry	—	—	—	
Research and Development	CUP	CUP	CUP	
Recreation, Education, and Public Assembly Uses				
Charitable Organizations and Institutions	—	—	—	
Clubs	—	—	—	
Commercial Recreation and Entertainment	—	—	—	
Cultural Institutions	CUP	CUP	CUP	
Institutional and Community Facilities	—	—	—	
Park/Plaza/Open Space	CUP	CUP	CUP	
Public Assembly/Meeting Facilities	CUP	CUP	CUP	
Schools, Public and Private	—	—	—	
Residential Uses				
Multiple-Family Dwellings				
Located on 1 st floor	P	—	—	
Located above 1 st floor	P	P	P	
<u>Navigation Centers, Low Barrier</u>	—	—	—	
<u>Located on 1st floor</u>	<u>P</u>	<u>—</u>	<u>—</u>	
<u>Located above 1st floor</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Single-Family Dwellings - Attached Only				
Located on 1st floor	P	—	—	
Located above 1st floor	P	P	P	
Supportive Housing	—	—	—	
<u>Located on 1st floor</u>	<u>P</u>	<u>—</u>	<u>—</u>	
<u>Located above 1st floor</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Accessory Dwelling Unit ²	<u>P</u>	<u>P</u>	<u>P</u>	Chapter 18.96
<u>Located on 1st floor</u>	<u>P</u>	<u>—</u>	<u>—</u>	
<u>Located above 1st floor</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Junior Accessory Dwelling Unit, where single-family residences are permitted				Chapter 18.96
Located on 1st floor	P	—	—	
Located above 1st floor	P	P	P	

Two-Family Dwellings - Attached Only				
Located on 1 st floor	CUP	CUP	CUP	
Located above 1 st floor	P	P	P	
Transitional Housing	—	—	—	
<u>Located on 1st floor</u>	<u>P</u>	<u>—</u>	<u>—</u>	
<u>Located above 1st floor</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Home Businesses	HBP	HBP	HBP	Section 18.48.100
Live-work Units	CUP	CUP	CUP	Not allowed on 1st floor
Care Uses				
<i>Note: Family Day Care Homes are allowed by right wherever residential uses are allowed</i>				
Adult Day Care ³				
Small (6 8 or fewer)	—	—	—	
<u>Located on 1st floor</u>	<u>AUP</u>	<u>—</u>	<u>—</u>	
<u>Located above 1st floor</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	
Large (9 to 14)				Section 18.48. 050 .100
<u>Located on 1st floor</u>	<u>CUP</u>	<u>—</u>	<u>—</u>	
<u>Located above 1st floor</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
Child Day Care				
Small (8 or fewer)	—	—	—	
<u>Located on 1st floor</u>	<u>AUP</u>	<u>—</u>	<u>—</u>	
<u>Located above 1st floor</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	
Large (9 to 14)				
<u>Located on 1st floor</u>	<u>AUP</u>	<u>—</u>	<u>—</u>	
<u>Located above 1st floor</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	
Cooperative (12 or fewer)				
<u>Located on 1st floor</u>	<u>P</u>	<u>—</u>	<u>—</u>	
<u>Located above 1st floor</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Day Care, General (15 or more)	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
Residential Care Facility				
Limited (6 8 or fewer)				
<u>Located on 1st floor</u>	<u>AUP</u>	<u>—</u>	<u>—</u>	
<u>Located above 1st floor</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	
General (7 9 or fewer)				
<u>Located on 1st floor</u>	<u>AUPCUP</u>	<u>—</u>	<u>—</u>	
<u>Located above 1st floor</u>	<u>AUPCUP</u>	<u>AUPCUP</u>	<u>AUPCUP</u>	
Retail Trade Uses				
Alcohol Sales (off-site-sale)	CUP	CUP	CUP	Section 18.48.030
Alcohol Sales (off-site-sale), Accessory	CUP	CUP	CUP	Section 18.48.030
Alcohol Sales (on-site-sale)	CUP	CUP	CUP	Section 18.48.030

Retail Sales	P	P	P	
Retail Sales (Used Merchandise)	P	P	P	Section 18.48.170
Retail Sales (Used Merchandise) - Restricted	AUP	AUP	AUP	Municipal Code Chapter 5.40
Service Uses - Business, Financial, Medical, and Professional				
ATM's	P	P	P	
Emergency Health Care Facilities/Urgent Care	CUP	CUP	CUP	
Financial Institutions and Related Services	CUP	CUP	CUP	
Financial Institutions and Related Services, Non-Chartered	—	—	—	Section 18.48.080
Offices - Business	P	P	P	
Offices - Medical and Dental	CUP	CUP	P	
Offices - Professional	CUP	CUP	P	
Prescription Pharmacies, Only When in Connection With Medical Offices	P	P	P	
Service Uses - General				
Animal Sales and Services				
Animal Grooming	—	—	—	
Animal Retail Sales	—	—	—	
Veterinary Services	—	—	—	
Artists Studios	CUP	CUP	CUP	
Eating and Drinking Establishments				
Food Service (no alcohol sales [bars, lounges, or nightclubs], drive-through, fast-food, or late hours)	P	P	P	
Food Service (with alcohol sales [bars, lounges, or nightclubs], drive-through, fast-food, or late hours)	CUP	CUP	CUP	
Health/Fitness Facilities				
Small - Less than 2,000 sq. ft.	P	P	P	
Large - 2,000 sq. ft. or greater	AUP	AUP	AUP	
Laboratories	CUP	CUP	CUP	No Hazardous Materials
Maintenance and Repair Services	CUP	CUP	CUP	
Personal Services				
Massage Establishments	CUP	—	—	
Massage Services, Accessory	CUP	—	—	

Nail Salons	AUP	AUP	AUP	
Personal Services - General	CUP	CUP	CUP	
Personal Services - Restricted	CUP	CUP	CUP	
Personal Storage (Mini Storage)	AUP	AUP	—	
Postal and Package Shipping Services	P	P	P	
Printing and Duplicating Services	AUP	AUP	AUP	
Smoking Lounges	—	—	—	
Visitor Accommodations				
Hotels, Motels, and Time Shares	CUP	CUP	CUP	
Bed and Breakfast Inns	CUP	CUP	CUP	
Transportation, Communications and Infrastructure Uses				
Utilities, Minor	P	P	P	
Utilities, Major	AUP	AUP	AUP	
Wireless Telecommunication Facilities	See Chapter 18.42			
Vehicle Rental, Sale and Service Uses				
Vehicle/Equipment Rentals				
Vehicle Washing	—	—	—	
Refueling/Service Stations	— <u>C</u>	— <u>C*</u>	— <u>C*</u>	<u>Section 18.48.180.B.3</u> <u>No incidental repair/service</u>
Other Uses				
Accessory Structures and Uses	P	P	P	
Charitable Organizations and Institutions	CUP	CUP	CUP	
Emergency Shelters	See Chapter 6 of the Specific Plan for Emergency Shelters			
Personal Property Sales	—	—	—	
Public Buildings, Facilities, and Uses	CUP	CUP	CUP	
Special Events	Municipal Code Chapter 12.08			
Temporary Uses	TUP	TUP	TUP	<u>Chapter 18.94</u> <u>Minor TUP exempt from Appeal</u>

EXHIBIT C

Table 2-5 Allowed Uses and Permit Requirements for Commercial Zones

	Commercial Zones Permit Requirements
--	---

Table 2-5 Allowed Uses and Permit Requirements	P Permitted By-Right			
	CUP Conditional Use Permit (Chapter 18.88)			
	AUP Administrative Use Permit (Chapter 18.88)			
	TUP Temporary Use Term Permit (Chapter 18.94)			
	— Prohibited			
Land Use	C-G	C-N	C-0	Specific Use Regulations
See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.				
Industry, Manufacturing and Processing, and Warehousing Uses				
Handicraft Industry	P	P	—	
Industry				
Industry, Small (Less than 5,000 sq. ft.)	P	—	—	
Industry, Small (5,000 sq. ft. or greater)	AUP	P	—	
Personal Storage (Mini Storage)	CUP	—	—	
Recycling Facilities				
Small Collection Facilities	CUP	CUP	CUP	
Large Collection Facilities	—	—	—	
Research and Development, General	CUP	CUP	CUP	
Research and Development, Restricted	CUP	CUP	CUP	
Recreation, Education, and Public Assembly Uses				
Charitable Organizations and Institutions	—	—	—	
Clubs	CUP	—	CUP	
Commercial Recreation and Entertainment				
Indoor Facilities	P	AUP	—	
Outdoor Facilities	P	CUP	—	
Dance Academies and Halls	AUP	AUP	AUP	
Electronic Amusement Devices (Up to 5)	—	—	—	
Electronic Amusement Devices (6 or more)	—	—	—	
Cultural Institutions	CUP	—	CUP	
Institutional and Community Facilities	AUP	AUP	AUP	
Park/Plaza/Open Space	P	P	P	
Public Assembly/Meeting Facilities	CUP	CUP	CUP	
Schools, Public and Private	CUP	CUP	CUP	
Retail Trade Uses				
Alcohol Sales (off-site sale)	CUP	CUP	CUP	Section 18.48.030

Alcohol Sales (off-site sale), Accessory Uses	CUP	CUP	CUP	Section 18.48.030
Alcohol Sales (on-site sale)	CUP	CUP	CUP	Section 18.48.030
Prescription Pharmacies, Medical Supplies	P	P	P	
Retail Sales				
Retail Sales (less than 10,000 sq. ft.)	P	P	P	Section 18.48.170
Retail Sales (10,000 sq. ft. or greater)	AUP	AUP	AUP	
Retail Sales (Used Merchandise) - General	P	—	—	Section 18.48.170
Retail Sales (Used Merchandise) - Restricted	AUP	—	—	Municipal Code Chapter 5.40
Residential Uses				
<u>Note: Family Day Care Homes are allowed by right wherever residential uses are allowed</u>				
<u>Adult Day Care</u>				
<u>Small (8 or fewer)</u>	<u>CUP</u>	<u>AUP</u>	<u>CUP</u>	
<u>Large (9 to 14)</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
<u>Child Day Care</u>				
Small (8 or fewer)	<u>CUP</u>	<u>AUP</u>	<u>CUP</u>	
Large (9 to 14)	<u>CUP</u>	<u>AUP</u>	<u>CUP</u>	Section 18.48. <u>050060</u>
Small (8 or fewer), as an accessory use to a large commercial project	CUP	CUP	CUP	
Large (9 to 14), as an accessory use to a large commercial project	CUP	CUP	CUP	Section 18.48. <u>050060</u>
Cooperatives (<u>12 or fewer</u>)	CUP	<u>CUP P</u>	CUP	Section 18.48. <u>050060</u>
<u>Day Care, General (15 or more)</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
<u>Emergency Shelters</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
Accessory Dwelling Unit	—	P	—	Chapter 18.96
Junior Accessory Dwelling Unit, where single-family residences are permitted				Chapter 18.96
Located on 1st Floor	—	—	—	
Located Above 1st Floor	—	P	—	
<u>Multi-Family Dwellings</u>				
Located on 1 st Floor	—	—	—	
Located Above 1 st Floor	—	P	—	
<u>Navigation Centers, Low Barrier</u>				
<u>Located on 1st Floor</u>	<u>—</u>	<u>—</u>	<u>—</u>	
<u>Located Above 1st Floor</u>	<u>—</u>	<u>P</u>	<u>—</u>	
<u>Single-Family Dwellings - Attached Only</u>				
Located on 1 st Floor	—	—	—	

Located Above 1 st Floor	—	P	—	
Two-Family Dwellings - Attached Only				
Located on 1 st Floor	—	—	—	
Located Above 1 st Floor	—	P	—	
Home Businesses	—	HOP	—	Section 18.48. 100110
Live-work Units	P	P	P	Not allowed on 1 st floor
<u>Residential Care Facility</u>				
<u>Limited (8 or fewer)</u>	<u>CUP</u>	<u>AUP</u>	<u>CUP</u>	
<u>General (9 or more)</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
Service Uses - Business, Financial, Medical, and Professional				
ATM's	P	P	P	
Convalescent Facilities	AUP	AUP	—	
Emergency Health Care Facilities/Urgent Care	CUP	CUP	CUP	
Financial Institutions and Related Services	P	P	P	
Financial Institutions and Related Services, Non-Chartered	CUP	CUP	—	Section 18.48.080
Hospitals, Rest Homes, and Sanitariums	CUP	—	CUP	
Offices - Business	P	P	P	
Offices - Corporate	P	P	P	
Offices - Financial Institutions	P	P	P	
Offices - Medical and Dental	P	P	P	
Offices - Professional	P	P	P	
Outpatient Surgery Facility	CUP	CUP	CUP	
Prescription Pharmacies, Only When in Connection With Medical Offices	P	P	P	
Service Uses - General				
Ambulance Services	CUP	CUP	CUP	
Animal Sales and Services (Small)				
Animal Boarding/Kennels	—	—	—	
Animal Grooming	—	—	—	
Animal Retail Sales	—	—	—	
Veterinary Services	CUP	CUP	CUP	
Catering Services	AUP	AUP	AUP	
Dry Cleaning Establishments (Retail Only)	AUP	CUP	—	
Eating and Drinking Establishments				
Food Service (no alcohol sales [bars, lounges, or nightclubs], drive-through, fast-food, or late hours)	P	P	P	

Food Service (with alcohol sales [bars, lounges, or nightclubs], drive-through, fast-food, or late hours)	CUP	CUP	CUP	
Funeral Homes and Mortuaries, No Crematorium	—	—	—	
Funeral Homes and Mortuaries, With Crematorium	—	—	—	
Health/Fitness Facilities				
Small - Less than 2,000 sq. ft.	P	P	P	
Large - 2,000 sq. ft. or greater	AUP	—	AUP	
Laboratories	P	—	AUP	
Maintenance and Repair Services	P	P	P	
Personal Services				
Massage Establishments	—	—	—	
Massage Services, Accessory	—	—	—	
Nail Salons	P	P	P	
Personal Services - General	P	P	P	
Personal Services - Restricted	AUP	AUP	AUP	
Studio	P	P	P	
Postal and Package Shipping Services	P	P	P	
Printing and Duplicating Services	P	P	P	
Smoking Lounges	—	—	—	Prohibited throughout the City
Visitor Accommodations				
Hotels, Motels, and Time-Shares	AUP	CUP	AUP	
Bed and Breakfast Inns	CUP	CUP	CUP	
Transportation, Communications, and Infrastructure Uses				
Communication Facilities	P	—	P	
Heliports and Helistops	—	—	—	
Parking Facilities for On-site Uses	P	P	P	
Parking Structures, Adjacent to Residential Zone	AUP	AUP	AUP	
Utilities, Minor	P	P	P	
Utilities, Major	AUP	AUP	AUP	
Wireless Telecommunication Facilities	See Chapter 18.42			
Vehicle Rental, Sale, and Service Uses				
Vehicle Sales	CUP	CUP	CUP	
Other Uses				
Accessory Structures and Uses	P	P	P	
Emergency Shelters	See Chapter 6 of the Specific Plan for Emergency Shelters			
Outdoor Advertising Structures/Signs	—	—	—	Chapter 18.32

Outdoor Storage and Display	—	—	—	
Special Events	Municipal Code Chapter 12.08			
Temporary Uses	TUP	TUP	TUP	Chapter 18.94 <u>Minor TUP exempt from Appeal</u>

(Ord. No. 08-2020, § 3, 11-17-2020)

EXHIBIT D

18.48.060 Day Care Facilities

- A. **Applicability.** The provisions in this section apply to care facilities, including Family Day Care Homes, child ~~Child-day~~ Day Care, and Adult Day Care facilities where allowed. Residential Care care facilities are subject to Section 18.48.160 – Residential Care Facilities – General of the East Palo Alto Municipal Code.
- B. **Permit and license required.**
 - 1. No person shall establish or operate a ~~large family-Child day-Day care-Care (small or large) home-facility, as defined in Health and Safety Code Section 1596.78(a), in any residential zone, unless the applicable license or permit is approved by the Review Authority.-The operator of a ~~large family day care-facility-home~~ also shall also obtain ~~the requisite-a~~ license from the California Department of Social Services, as applicable.~~
 - 2. The requirement for a discretionary permit shall not apply to any ~~large family Family day Day care Care hHome (FDCH), as defined in Health and Safety Code Section 1596.78(a), in any zone allowing residential uses, on condition that the operator shall obtain a license from the California Department of Social Services.licensed by the State before Octoer 19, 1992 and designated as an allowed use in compliance with Article 2 Said Family Day Care Home means a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large Family Day Care Home or a small Family Day Care Home.~~
 - a. Large Family Day Care Home means a facility that provides care, protection, and supervision for 9 to 14 children inclusive, including children under 10 years of age who reside at the home, as set forth in Government Code Section 1597.465 and as defined in the regulations.
 - b. Small Family Day Care Home means a facility that provides care, protection, and supervision for eight (8) or fewer children, including children under 10 years of age who reside at the home, as set forth in Government Code Section 1597.44 and as defined in regulations.

FDCH uses are allowed by right in any dwelling without any planning permit or business license or home occupation permit unless physical changes are being planned to the site or structure whereupon a planning permit may be required. The approval of local fire, safety and occupancy permits are still required in addition to other mandatory state permits and licenses.

The operator must give the landlord a 30-day notice to add a 7th and 8th child of a small FDCH and the 13th and 14th child of a large FDCH.

Facilities that have 15 or more children are classified as Day Care, General and subject to a Conditional Use Permit in all zones.

3. Permit or license required: The requirement for a discretionary permit and business license shall apply to any care facility, other than Family Day Care Homes, including a Child Day Care, Adult Day Care, and Residential Care Facility defined as follows:

- a. A Child Day Care or Day Care Center means a child day care facility, other than a Family Day Care Home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers, and includes child care centers licensed pursuant to Government Code Section 1596.951.
- b. Adult Day Care as defined in Section 18.08.010-General of Chapter 18.08-Definitions of the East Palo Alto Municipal Code (EPAMC).
- c. Residential Care Facility is defined in Section 18.08.010-General of Chapter 18.08-Definitions of the EPAMC as a facility in which multiple unrelated people reside, including but not limited to, health facilities, community care facilities, and alcoholism or drug abuse recovery or treatment facilities as defined in the Health and Safety Code and other similar care facilities. See Section 18.48.160 – Residential Care Facilities – General of the EPAMC for requirements applicable to Residential Care Facilities. ~~1–8 children requires a business license; 9–14 children requires an Administrative Use Permit; 15 or more children requires a Conditional Use Permit.~~

4. All Child Day Care and Adult Day Care facilities that have 15 or more children or adults are classified as Day Care, General and subject to a Conditional Use Permit in all zones.

However, small and large Child Day Care, and small Adult Day Care are a Use by Right in all residential zones, meaning they do not require planning or zoning permits. Business license, and fire and building permits are still applicable.

All other care facilities in non-residential zones that either allow residential uses or prohibit residential uses will be subject to either Administrative or Conditional Use permits as specified in Sections 18.10.020 – Land Use Regulations and Allowable Uses, 18.12.020 – Land Use Regulations and Allowable Uses, and 18.14.020 – Land Use Regulations and Allowable Uses of the EPAMC.

5. In all residential zones and mixed use zones where residential uses are permitted a) small (8 or fewer children) and large (9 – 14 children) Child Day Care, small Adult Day Care (8 or fewer) and Limited Residential Care fFacilities (8 or fewer) are allowed by right; and b) large Adult Day Care (9 to 14) and General Residential Care facilities (9 or more) are subject to Administrative Use Permits and Conditional Use Permits respectively in any zone.

In all Mixed Use and non-Residential zones that allow residential uses all non FDCH facilities, with the exception of large Adult Day Care and General Residential Care facilities, are subject to Administrative Use Permits. Large Adult Day Care and General Residential Care facilities are subject to Conditional Use Permits.

In all non-residential zones that do not allow residential uses all care facilities, with the exception of FDCH facilities, are subject to Conditional Use Permits. ~~e) large Adult Day Care (9 to 14) and General Residential Care Facilities (9 or more) are subject to Administrative Use Permits (AUP); and e) in commercial zones all large Adult Day Care (9 to 14) and General Residential Care Facilities (9 or more) are subject to Conditional Use Permits. Small Adult Day care and Limited Residential Care Facilities are prohibited in all commercial zones.~~

6. Family Day Care Homes ~~Child Day Care~~ and Cooperative Care uses are allowed by right in all the residential zones, in mixed use zones where residential is allowed, and subject to Conditional Use Permits uses in all commercial zones where residential uses are prohibited.

7. **Cooperative.** In a cooperative arrangement, parents shall combine their efforts so that each parent, or set of parents, rotates as the responsible caregiver with respect to all the children in the cooperative. Other conditions that apply to a cooperative include:

- a. Any person caring for children shall be a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children in the cooperative.
- b. There can be no payment of money or receipt of in-kind income in exchange for the provision of care. This does not prohibit in-kind contributions of snacks, games, toys, blankets for napping, pillows, and other materials parents deem appropriate for their children. It is not the intent of this paragraph to prohibit payment for outside activities, the amount of which may not exceed the actual cost of the activity.
- c. No more than 12 children are receiving care in the same place at the same time.

C. **Permit application.** When applicable, An an application for a discretionary permit shall be filed with the Department and shall include all of the following information: :

1. A scale drawing of any structural alterations or improvements being made to the premises for the purpose of operating the day care facility;
2. A drawing of the site and the residential structure, showing the size, dimensions, and location of the interior and exterior areas to be utilized for operation of the day care facility, including the location and number of on-site parking spaces and the street access for drop-off and pick-up of children. The drawing shall have a reasonable degree of accuracy and shall contain details as may be required by the Director;
3. Color photographs of the premises, showing all interior and exterior areas to be itemized for operation of the day care facility;
4. A general description of the manner in which the day care facility will be operated, including the maximum number and range of ages of children for whom day care will be provided, the days of the week and hours of the day during which the facility will be operated, the number of persons providing day care services, and designation as to whether the persons are residents of the home; and
5. Any additional information or exhibits as may be required by the Director in order to evaluate the application and the potential impact of the facility upon the neighborhood.

D. **Inspection of premises.** After the application has been deemed to be complete, the Director shall cause an inspection of the premises to determine whether the facility complies with applicable Building Code requirements for single-family residences and any special fire

and life safety standards for large family day care homes as may be adopted by the State Fire Marshal in compliance with Health and Safety Code Section 1597.46(d).

- E. **Standards.** ~~Proposed non FDCH facilities that are not "Uses by Right" Large family day care homes uses~~ shall comply with all of the following:
1. **Care provider occupancy.** The single-family dwelling in which each ~~large family day care home use~~ is located shall ~~is not required to~~ be the principal residence of the care provider. ~~However, in residential zones and~~ the use shall be clearly residential in character, ~~and shall be accessory to the use of the property as a residence subject to State requirements;~~
 2. **Separation requirement.** ~~A proposed~~ large ~~family day care home~~ facility within a residential zone or mixed use zone shall not be located within 500 feet of another large ~~child day~~ care facility;
 3. **Drop-off/pick-up area.** A minimum of two off-street parking spaces as a drop-off and pick-up area shall be provided, in addition to the spaces required for the dwelling unit. A driveway may be used to provide the required parking spaces; ~~all subject to State requirements~~ and
 4. **Noise.** In order to protect residents in adjacent dwellings from noise impacts, a facility within a residential zone or mixed use zone shall only ~~operate a maximum of 14 hours each day between the hours of 6:00 a.m. and 8:00 p.m. and shall only~~ conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m.
- F. **Findings.** The Review Authority may ~~allow grant a discretionary permit for a large family day care home Care facility~~ only if it first finds and determines that:
1. The facility will not create adverse traffic or noise impacts upon the neighborhood; and
 2. The facility will comply with all applicable building, fire, and life safety requirements and regulations.
- G. **Action by Review Authority.**
1. The Review Authority may approve, approve with conditions, or deny the application for a discretionary permit, and ~~if~~ approved, the permit shall be subject to all imposed conditions; and
 2. Every approved discretionary permit shall be subject to the express condition that the permit shall not become effective until the applicant is licensed by the State in compliance with Health and Safety Code Division 2, Chapter 3.6 ~~(commencing with Section 1597.30)~~ to operate a ~~large family day care~~ Care home facility at the subject property, as applicable. The holder of the discretionary permit shall furnish to the Director a copy of the application submitted to the State and a copy of the final determination made by the State. If the application is denied by the State, the discretionary permit approved in compliance with this Section is void.
- H. **Expiration, extension, and review of permit.**
1. A discretionary permit approved in compliance with this section shall expire 12 months from the date on which the approval of the permit became effective unless, before the expiration date, the ~~day-care~~ Care facility is established and operating on the approved site.
 2. The established expiration date may be extended by the Review Authority for a period(s) of time not exceeding a total of 24 months. Application for extension shall be filed before the expiration date. No fees or costs shall be imposed for the filing and processing of the application. A public hearing shall be conducted on the application for extension. Extension of a discretionary permit is not a matter of right and the application may be denied or approved subject to conditions.

3. The Review Authority may, at any time, either on its own initiative or in response to an application or request to do so, modify or delete any conditions of the permit or impose new conditions if the Review Authority first determines that the action is necessary in order to mitigate any adverse impacts that may be created from the operation of the ~~day care~~ Care facility.

EXHIBIT E

Table 7-3 Types of Minor Variances Allowed

Table 7-3 Types of Minor Variances Allowed	Maximum Variance
1. Allowable height of a fence, hedge, or wall. An increase of the allowed maximum height of a fence, hedge, or wall located within a side or rear setback.	Up to seven feet—
1. Distances between structures. A decrease of the minimum required distances between detached accessory structures and main structures on the same site.	10 percent
2. Impervious surface coverage. An increase of the maximum allowable impervious surface coverage.	10 percent
3. Projections. An increase in the allowed projection of chimneys, eaves, fireplaces, landings, overhangs, stairways, and steps into any required front, side, or rear setbacks.	10 percent
4. Reduction of landscape standards. Reduction of required on-site landscaping standards.	10 percent
5. Setbacks. A decrease of the maximum required setback areas (e.g., front, rear, and side) for structures.	10 percent
6. Signs. Sign regulations (other than prohibited signs).	10 percent
7. Structure heights. An increase in the maximum allowed height of structures.	5 percent
8. Code Enforcement. A reduction in development standards, if doing so will help the City abate a public nuisance as part of a code enforcement hearing or process.	10 percent
9. Nonconforming Adjustments	10 percent

EXHIBIT F

Table 7-2 Review Authority for Site Plan and Design Review

Table 7-2 Review Authority for Site Plan and Design Review	Review Level⁽¹⁾⁽²⁾	
	Director	Commission⁽³⁾
New Construction, Additions and Modifications		
Additions, New Construction or Modifications \leq 1,000 sq. ft.	Decision	Appeal

Additions, New Construction or Modifications >1,001,000 sq. ft.	Recommend	Decision
Other Non-Residential Construction		
Façade or exterior improvements ≤1,000 sq. ft.	Decision	Appeal

EXHIBIT G
Table 5-1 Subdivision Review Authorities

Table 5-1 Subdivision Review Authorities				
Type of Decision*	Applicable Chapter or Section	Director	Commission	Council⁽³⁾
Condominiums: Residential Condominiums	18.64	<u>Recommend</u>	Recommend <u>Decision</u>	Decision <u>Appeal</u>
Residential Condominium Conversions	18.66	<u>N/A</u>	Recommend	Decision
Non-Residential Condominium Conversions	18.68	<u>Recommend</u>	Recommend <u>Decision</u>	Decision <u>Appeal</u>
Final Parcel Maps, Without Dedications	18.54.040	Recommend <u>Decision</u>	Decision <u>Appeal</u>	Appeal
Final Parcel Maps, With Dedications**	18.54.040 <u>B.2.c</u>	Recommend	N/A Decision	Appeal <u>Decision</u>
Final Tract Maps, Vesting Tract Maps <u>without Dedications</u>	18.54.040 <u>B.2.c</u>	Recommend <u>Decision</u>	Decision <u>Appeal</u>	Appeal
<u>Final Tract Maps, Vesting Tract Maps, with Dedications **</u>	<u>18.54.040 C</u>	<u>Recommend</u>	<u>N/A</u>	<u>Decision</u>
Tentative Parcel Maps, with dedications*	18.52.040	Recommend	Decision	<u>Appeal</u>

EXHIBIT H

Table 7-1 Review Authority

Table 7-1 Review Authority				
Type of Action	Applicable Code Citation	Role of Review Authority⁽¹⁾⁽²⁾		
		Director	Commission	Council
A. Administrative Permits and Actions				
<u>Adjustment Permits</u>	<u>Ch. 18.87</u>	<u>Decision</u>	<u>N/A</u>	<u>N/A</u>
Administrative Use Permits	Ch. 18.86	Decision	Appeal	Appeal
Development Code Interpretations	Ch. 18.12	Decision	Appeal	Appeal
Joint/Off-Site Parking Plans	Ch. 18.36	Decision	Appeal	Appeal
Minor Variances	Ch. 18.90	Decision	Appeal	Appeal
Preliminary Ministerial Review Clearances	Ch. 18.85	Decision	N/A	N/A
Reasonable Accommodations	Ch. 18.94	Decision	Appeal	Appeal
Sign Permits/Comprehensive Sign Programs	Ch. 18.38	See Table 7-2 (Site Plan and Design Review Authorities) ⁽³⁾		
Site Plan and Design Reviews	Ch. 18.86	See Table 7-2 (Site Plan and Design Review Authorities) ⁽³⁾		
Temporary Use Permits <u>(TUP)</u>	Ch. 18.94	Decision <u>Minor TUP exempt from Appeal</u>	Appeal	Appeal
Tree Removal Permits	Ch. 18.28	Decision	Appeal	N/A
Zoning Clearances	Ch. 18.84	Issuance	Appeal	Appeal

EXHIBIT I

Table 2-3 Refueling and Service Station Zones

Table 2-3 Allowed Uses and Permit Requirements	Mixed Use Zones Permit Requirements			
		P Permitted By-Right CUP Conditional Use Permit (Chapter 18.88) AUP Administrative Use Permit (Chapter 18.88) TUP Temporary Use Term Permit (Chapter 18.94) — Prohibited		
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	MUC	MUL	MUH	Specific Use Regulations
Vehicle Rental, Sale and Service Uses				

Vehicle/Equipment Rentals				
Vehicle Washing	—	—	—	
Refueling/Service Stations	— <u>C</u>	— <u>C*</u>	— <u>C*</u>	<u>Section 18.48.180.B.3</u> <ul style="list-style-type: none"> • <u>No incidental repair/service</u>

EXHIBIT J
Chapter 18.24 Accessory Structures

<p>Permit Requirements (§18.24.020)</p>	<p>B. Exemptions for Residential Zones. Storage sheds and other similar accessory structures that comply with the following regulations are required to receive a Zoning Clearance <u>or Permit Adjustment</u>.</p> <ol style="list-style-type: none"> 1. The footprint of the structure is not more than 120 square feet and is less than 45<u>17</u> feet in total height; 2. The structure does not occupy more than 25 percent of the rear setback area; 3. The structure is located at least three feet from all property lines and at least three feet from any adjacent structures; 4. The structure does not exceed the site coverage limitations for the zone in which it is located; 5. The structure is constructed of materials that are visually appealing, painted or stained (unless natural wood will weather attractively), and if the structure has a pitched roof, the roof does not produce glare; 6. The structure is built to the specifications of the California Building Code as well as any other applicable codes in force; 7. If the structure is proposed on a corner parcel, it shall not encroach upon the exterior side setback; and 8. The structure is not proposed in any setback other than the rear setback, unless approved by the Director.
<p>Standards for Accessory Structures (§18.24.030)</p>	<p>A. Residential Zones, Nonexempt Structures.</p> <ol style="list-style-type: none"> 1. Structures greater than 120 square feet. A one-story detached accessory structure with a footprint greater than 120 square feet may be constructed after approval of a Zoning Clearance <u>or Permit Adjustment</u> and obtaining building permits, if all of the following requirements are met: <ol style="list-style-type: none"> a. The structure does not occupy more than 25 percent of the front or rear yard. b. At least 750<u>700</u> square feet of useable rear yard area is maintained. c. The structure has a height no greater than <u>45</u><u>17</u> feet. d. The structure is located as follows: <ol style="list-style-type: none"> (1) At least six feet from the rear property line; (2) In the rear half of the lot; (3) At least three feet from side property lines; and (4) At least six feet from any adjacent structures.

	<ul style="list-style-type: none"> e. The structure has a projected roof area of less than 1,000 square feet; f. The structure does not exceed the site coverage limitations for the zone in which it is located; g. The structure is constructed of a material that is visually appealing, painted or stained, fully enclosed, and with a hip or other approved roof that does not produce glare, and of a compatible exterior appearance with the principal structure on the premises; h. The applicant has submitted plans to the Building Official and has received a building permit to proceed with construction; and i. If the structure is proposed on a corner parcel, the structure does not encroach upon the exterior side setback. <p>B. Nonresidential Zones, Development Standards. All of the following regulations apply to all accessory structures in nonresidential and mixed use zones:</p> <ul style="list-style-type: none"> 1. Incidental to the primary structure or use. The accessory structure shall serve occupants and/or patrons of the primary structure or use and shall not alter the character of the site or use; 2. Height. The height is limited to one story no greater than 45<u>17</u> feet in height; 3. Setbacks. All accessory structures shall meet the setback requirements for the zone in which they are located; 4. Site coverage. The total square footage of all accessory structures on a parcel, including any exempt structures, counts toward the calculation of total site coverage for the zone in which they are located; and 5. Architectural consistency. All accessory structures shall be consistent in exterior appearance with the primary structure through the use of similar/matching exterior paint colors, material types, roof materials, and architectural style, as determined by the Director.
--	--

EXHIBIT K
Chapter 18.96 Accessory Dwelling Units

<p>§18.96.010 - Definitions</p>	<p>detached residential dwelling unit providing complete independent living facilities for one or more persons containing permanent provisions for living, sleeping, eating, cooking, and sanitation facilities which are defined as a full bathroom (tub/shower, sink, and a toilet). An ADU also includes an efficiency unit, as defined in Health and Safety Code Section 17958.1 and a manufactured home, as defined in Health and Safety Code Section 18007.</p> <p>Junior Accessory Dwelling Unit (JADU). A residential dwelling unit that is no more than 500 square feet in size, includes an efficiency kitchen including a cooking facility with appliances, food preparation counter and storage cabinets of reasonable size in relation to the size of the JADU and consistent with building code standards, is contained entirely within a single-family residence, including an attached garage, and may include separate sanitation facilities or may share</p>
---------------------------------	---

	<p>sanitation facilities with the existing structure.</p> <p>Livable Space. <u>Livable space means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.</u></p> <p>Primary Dwelling Unit. The single-family dwelling or multiple-family dwelling but does not include an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU). An attached garage is considered part of the primary dwelling unit.</p> <p>Public Transit. Public transit means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.</p>
<p>§18.96.030.A.4 – General Provisions</p>	<p>Except as otherwise provided in this chapter, an Accessory Dwelling Unit (ADU) or a Junior Accessory Dwelling Unit (JADU) that meets all of the following specified development standards shall be approved by the City:</p> <ul style="list-style-type: none"> A. Zoning. ADUs are allowed on parcels zoned to allow single-family dwellings or multiple-family dwellings, including mixed-use zones. JADUs are allowed on parcels zoned to allow single-family dwellings and are not permitted on a property with a multiple-family dwelling. B. Density. An ADU or JADU unit conforming to the requirements of this chapter shall not be included in the calculation of residential density for the purpose of determining general plan and zoning conformance and is deemed to be a residential use consistent with the existing General Plan and zoning designations for the parcel. C. Single-Family Dwellings. Any of the following may be permitted on a parcel with an existing or proposed single-family dwelling: <ul style="list-style-type: none"> 1. One JADU that meets the standards in Section 18.96.060 below. JADUs are only permitted on a parcel with no more than one existing or proposed single-family dwelling. 2. One new construction, attached or detached ADU that meets the standards in Section 18.96.050 below. 3. One accessory dwelling unit created from converted existing space within the walls of a proposed or existing single-family detached dwelling or within an existing accessory structure, including a detached garage, that meets the standards in Section 18.96.050. An existing single-family residence may be converted to an ADU in conjunction with the development of a new primary dwelling unit on the site and in conformity with the development standards in Section 18.96.050. D. Multiple-family Dwellings. Multiple-family dwelling units as specified in Subsection 18.96.030.E below. For purposes of this Chapter 18.96 only, multiple-family dwelling units includes two family dwellings. E. Statewide Exemption ADUs. Any of the following will be ministerially permitted on a parcel and are not required to meet the additional development and design standards in the underlying zoning district or in Section 18.96.050, unless specified: <ul style="list-style-type: none"> 1. One ADU and one JADU per parcel with a proposed or

	<p>existing single-family dwelling if all of the following apply:</p> <ul style="list-style-type: none"> a. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure. An expansion beyond the physical dimensions of the existing structure shall be limited to accommodating ingress and egress. b. The space has exterior access from the proposed or existing single-family dwelling. c. The side and rear setbacks are sufficient for fire and safety. d. The JADU complies with the requirements of Section 18.96.060 below. <p>2. One detached, new construction ADU that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling, does not exceed 800 square feet in floor area, and does not exceed the allowed height in Subsection 18.96.050.C, below. The ADU may be combined with a JADU that meets the standards as described in Section 18.96.060.</p> <p>3. Multiple ADUs within the portions of a multiple-family building that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. The number of ADUs permitted is equivalent to up to 25 percent of the number of existing, legally permitted units in the multiple-family dwelling, or one, whichever is greater.</p> <p>4. Not more than two <u>Multiple</u> detached ADUs, <u>not to exceed:</u></p> <ul style="list-style-type: none"> a. <u>Eight detached accessory dwelling units on a lot with an existing multi-family dwelling. However, the number of accessory dwelling units shall not exceed the number of existing units on the lot.</u> b. <u>Two detached accessory dwelling units on a lot with a proposed multi-family dwelling.</u> c. that are located on a lot that has an existing or proposed multiple-family dwelling. The ADUs must not exceed the allowed height in Subsection 18.96.050.C and must have a minimum rear and side setbacks of four feet. If the existing multifamily dwelling has a rear or side setback of less than four feet, the existing multifamily dwelling will not be required to be modified to meet this setback.
<p>§18.96.050.A.2 – Development Standards</p>	<p>A. The ADU shall comply with the requirements of the underlying zoning district unless:</p> <ul style="list-style-type: none"> 1. The requirements are inconsistent with the provisions of this chapter, in which case the standards of this section shall apply; 2. The application is to legalize an unpermitted ADU <u>or unpermitted JADU</u> that was constructed prior to <u>January 1,</u>

	<p>2018<u>January 1, 2020</u>, even if the ADU <u>or JADU</u> is nonconforming with local zoning, Government Code Section 65852.2, and/or California and local building code requirements. However, the City may deny the application for an unpermitted accessory dwelling <u>unit or junior accessory dwelling unit</u> if the City makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure <u>comply with the standards specified in Section 17920.3 of the Health and Safety Code</u>. The section shall not apply to a building that is deemed substandard pursuant to Health and Safety Code Section 17920.3; or</p> <p>3. Limits on size based on a percentage of the proposed or existing primary dwelling, lot coverage, floor area ratio, front set back, open space, and size shall permit, or shall be waived in order to allow, a detached or attached ADU up to 800 square feet in size with four-foot side and rear yards, if the proposed ADU is in compliance with all other development standards.</p>
<p>§18.96.090 – Non-Permitted ADUs and JADUs</p>	<p>The establishment or continuance of an ADU <u>or JADU</u> without a permit as required under this chapter is declared to be unlawful and shall constitute a misdemeanor violation of this chapter and a public nuisance. ADUs <u>and JADUs</u> constructed prior to January 1, 2018<u>2020</u> shall be issued a permit in accordance with Section 18.96.050. Any violation of this chapter shall be subject to the enforcement provisions and penalties as prescribed in Chapter 18.118. The enforcement of the code violation abatement shall be consistent with Health & Safety Code Section 17980.12</p>
<p>§18.96.050.G – Development Standards</p>	<p>g. Replacement Parking: Replacement parking shall not be required when a garage, <u>carport</u>, or covered parking structure, <u>or uncovered parking space</u> is demolished in conjunction with the construction of an ADU, or conversion of that parking structure into an ADU.</p>

RESOLUTION NO. PC 2024-10**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EAST PALO ALTO****RECOMMENDATION TO THE CITY COUNCIL TO ADOPT ZONING TEXT AMENDMENT
(ZTA24-001) AMENDING VARIOUS CHAPTERS AND SECTIONS OF TITLE 18
(DEVELOPMENT CODE) OF THE EAST PALO ALTO MUNICIPAL CODE (EPAMC)**

WHEREAS, the Planning Commission held a duly noticed public hearing on September 23, 2024, to consider Zoning Text Amendment (ZTA24-001); and

WHEREAS, the State of California Government Code Section 1947.1, slated for implementation on January 1, 2025, mandates owners of qualifying residential properties providing parking with the qualifying residential property to unbundle parking from the price of rent; and

WHEREAS, the State of California Government Code Section 65660 provides for Low Barrier Navigation Centers (LBNC) and specifies that an LBNC is a use by right, which has the same definition used in Government Code § Section 65583.2 (i) that states that local government review may not require a conditional use permit or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code; and

WHEREAS, the State of California Health and Safety Code Section 1597.40(c) and Senate Bill SB 234 include provisions that allow family care homes by right in all dwellings, and preclude cities and counties from requiring zoning permits or business licenses for licensed small and large family care homes; and

WHEREAS, the City proposes to amend its Development Code to come into conformance with the above-mentioned Government Code Sections; and

WHEREAS, the City endeavors to continue reconciling the East Palo Alto Municipal Code (EPAMC) with all existing state legislation including those regarding Day Care, Non-traditional Housing Facilities including Supportive Housing, Transitional Housing and Low Barrier Navigation Centers, and Unbundled Parking; and

WHEREAS, the City is desirous of correcting any typographical errors and filling in any missing information in the EPAMC as long as such corrections are internally consistent with the rest of the Code and do not conflict with the letter and spirit of the Vista 2035 General Plan; and

WHEREAS, the City is desirous of improving and streamlining the development review process by amending sections of the Development Code to complement existing land uses and improve the review and approval of administrative level entitlements for the benefit of continued economic development in the City; and

WHEREAS, the City is desirous of streamlining the Minor Temporary Use Permit process to eliminate the applicability of the required appeal process; and

WHEREAS, at a public hearing on February 6, 2024, the City Council directed the Planning staff to develop criteria and landscape solutions to mitigate the potential effects of increasing rear yard fence heights from six to seven feet and to eight feet for residential and commercial interfaces for future Council consideration; and

WHEREAS, the Planning Commission determines that the proposal is aligned with City Council Strategic Plan policies to Promote Housing, Economic and Workforce Development and Promote Health & Public Safety; and

WHEREAS, the proposed ordinance is not subject to CEQA because it is not a " project" which would have a direct physical change or a reasonably foreseeable indirect physical change on the environment pursuant to California Environmental Quality Act (" CEQA") Guidelines section 15378. Even if it were a project subject to CEQA review, this project would be exempt from CEQA Guideline Section 15378 (regulatory actions), Section 15061(b)(3) in that there is no possibility of the Development Code, by itself, having a significant adverse effect on the environment, and Section 15183 because the proposed amendments are consistent with the general plan and zoning as applicable. In addition, the Vista 2035 General Plan EIR meets the CEQA requirement for Zoning Code amendments.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF EAST PALO ALTO HEREBY adopts a resolution recommending that the East Palo Alto City Council approve Zoning Text Amendment, ZTA24-001, as set forth in Exhibit A and incorporated by this reference, that:

1. Amends chapter 18.96 to amend sections 18.96.010 (Figure A1a), 18.96.030.E.4 (Figure A1b), 18.96.050.A.2 (Figure A1b), 18.96.050.G (Figure A1c), and 18.96.090 (Figure A1d). to reconcile the East Palo Alto Municipal Code (EPAMC) with state legislation on accessory dwelling units.
2. Amends sections 18.10.020 Table 2-1, 18.12.020 Table 2-3 and 18.14.020 Table 2-5 to supplement Land Use Regulations and Allowable Uses, and 18.48.060 to facilitate Child Day Care and other Care Uses.
3. Amends sections 18.10.020 Table 2-1, 18.12.020 Table 2-3 and 18.14.020 Table 2-5 to supplement Land Use Regulations and Allowable Uses, 18.08.010 of Chapter 18.08 to add a definition of Low Barrier Navigation Center and adds a new section 18.48.116 to chapter 18.48 of the EPAMC to allow the development of Low Barrier Navigation Centers.
4. Amends chapter 18.30 to amend sections 18.30.080.B.2 and C.3 and adds sections 18.30.010.G and 18.30.080.B.3 to B.5 to allow Unbundled Parking.
5. Amends section 18.26.020A.2, adds section 18.26.020.E., and amends section 18.90.020 Table 7-3 Types of Minor Variances Allowed to allow seven-foot and certain eight-foot

Fences, Hedges and Walls without variance.

6. Amends sections 18.10.020, 18.12.020 and 18.14.020 to synchronize certain notations under Specific Use Regulations with the right land use provisions.
7. Amends chapter 15.52 Floodplain Management to realign the responsibilities of staff with respect to Flood Management.
8. Amends section 18.86.030.A Table 7-2 Review Authority for Site Plan to reclassify various sizes of Non-Residential Construction Activities subject to different review levels.
9. Amends sections 18.50.060.A Table 5-1 Advisory Agencies for Subdivisions, and 18.54.030.B.4 on the Review of Maps.
10. Adds a new chapter 18.87 on Permit Adjustments and amends section 18.82.020 – Authority for Land Use and Zoning Decisions Table 7-1 to include Adjustment Permits.
11. Amends sections 18.12.020 Table 2-3 to allow refueling and service station use as a Conditional Use Permit and 18.48.180 Service Stations to facilitate Refueling and Service Stations.
12. Amends sections 13.24.400.A and B on Turf selection and limitation and 18.30.080.A.4 on Paved Areas in Front Yard to supplement Front Yard Landscape Standards.
13. Amends sections 18.28.060.G and 18.28.110.A to streamline the processing of Trees on Private Property.
14. Amends section 18.10.030 Development Standards by adding sub-section 18.10.030.G to facilitate the remodeling of existing single-family dwellings in the R-MD Zone.
15. Amends chapter 18.24 to increase the height of accessory structures from 15-feet to 17-feet (sections 18.24.020.B.1, 18.24.030.A.1.c, and 18.24.030.B.2) consistent with the height requirements for similar structures such as accessory dwelling units, includes a Permit Adjustment (sections 18.24.020.B and 18.24.030.A.1) as a required approval type for accessory structures, and corrects the useable rear yard area to be maintained from 750-square feet to 700-square feet (section 18.24.030.A.1.b) as was adopted by Council ordinance on February 6, 2024 with Zoning Text Amendment ZTA23-001.
16. Amends chapter 18.94 to amend section 18.94.110 to make administratively approved Minor Temporary Use Permits issued for one to six days final upon issuance and not subject to the appeal period.
17. Finds the proposed Zoning Text Amendments to be exempt in accordance with CEQA Guidelines Sections 15061(b)(3), and 15282(h)15378 and 15183 of the California Environmental Quality Act (CEQA) Guidelines.

PASSED AND ADOPTED this 13th day of January 2025, by the following vote:

AYES: Fisk, Sherrard, Mashack, Monette, Hernandez, Mendez

NOES:

ABSTAIN:

ABSENT: Brown-Austin

SIGNED:



Michael Mashack, Chair

ATTEST:

APPROVED AS TO FORM:



Matthew Ball, Interim Planning Secretary



John D. Lê, City Attorney

EXHIBIT A

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF EAST PALO ALTO

ADOPTING DEVELOPMENT CODE TEXT AMENDMENT ZTA24-001 AMENDING TITLE 18 (DEVELOPMENT CODE) OF THE EAST PALO ALTO MUNICIPAL CODE (EPAMC) SPECIFICALLY TO 1) AMEND CHAPTER 18.96 TO AMEND SECTIONS 18.96.010, 18.96.030.E.4, 18.96.050.A.2, 18.96.050.A.2, 18.96.090, AND 18.96.050.G TO RECONCILE THE EAST PALO ALTO MUNICIPAL CODE (EPAMC) WITH STATE LEGISLATION ON ACCESSORY DWELLING UNITS; 2) AMEND SECTIONS 18.10.020 TABLE 2-1, 18.12.020 TABLE 2-3 AND 18.14.020 TABLE 2-5 TO SUPPLEMENT LAND USE REGULATIONS AND ALLOWABLE USES, AND 18.48.060 TO FACILITATE CHILD DAY CARE AND OTHER CARE USES; 3) AMEND SECTIONS 18.10.020 TABLE 2-1, 18.12.020 TABLE 2-3 AND 18.14.020 TABLE 2-5 TO SUPPLEMENT LAND USE REGULATIONS AND ALLOWABLE USES, 18.08.010 OF CHAPTER 18.08 TO ADD A DEFINITION OF LOW BARRIER NAVIGATION CENTER AND ADD A NEW SECTION 18.48.116 TO CHAPTER 18.48 OF THE EPAMC TO ALLOW THE DEVELOPMENT OF LOW BARRIER NAVIGATION CENTERS; 4) AMEND CHAPTER 18.30 TO AMEND SECTIONS 18.30.080.B.2 AND C.3, AND ADD SECTIONS 18.30.010.G AND 18.30.080.B.3 TO B.5 TO ALLOW UNBUNDLED PARKING; 5) AMEND SECTION 18.26.020A.2, ADD SECTION 18.26.020.E., AND AMEND SECTION 18.90.020 TABLE 7-3 TYPES OF MINOR VARIANCES ALLOWED TO ALLOW SEVEN-FOOT AND CERTAIN EIGHT-FOOT FENCES, HEDGES AND WALLS WITHOUT VARIANCE; 6) AMEND SECTIONS 18.10.020, 18.12.020 AND 18.14.020 TO SYNCHRONIZE CERTAIN NOTATIONS UNDER SPECIFIC USE REGULATIONS WITH THE RIGHT LAND USE PROVISIONS; 7) AMEND CHAPTER 15.52 FLOODPLAIN MANAGEMENT TO REALIGN THE RESPONSIBILITIES OF STAFF WITH RESPECT TO FLOOD MANAGEMENT; 8) AMEND SECTION 18.86.030.A TABLE 7-2 REVIEW AUTHORITY FOR SITE PLAN TO RECLASSIFY VARIOUS SIZES OF NON-RESIDENTIAL CONSTRUCTION ACTIVITIES SUBJECT TO DIFFERENT REVIEW LEVELS; 9) AMEND SECTIONS 18.50.060.A TABLE 5-1 ADVISORY AGENCIES FOR SUBDIVISIONS, AND 18.54.030.B.4 ON THE REVIEW OF MAPS; 10) ADD A NEW CHAPTER 18.87 ON PERMIT ADJUSTMENTS AND AMEND SECTION 18.82.020 – AUTHORITY FOR LAND USE AND ZONING DECISIONS TABLE 7-1 TO INCLUDE ADJUSTMENT PERMITS; 11) AMEND SECTIONS 18.12.020 TABLE 2-3 TO ALLOW REFUELING AND SERVICE STATION USE AS A CONDITIONAL USE PERMIT AND 18.48.180 SERVICE STATIONS TO FACILITATE REFUELING AND SERVICE STATIONS; 12) AMEND SECTIONS 13.24.400.A AND B ON TURF SELECTION AND LIMITATION AND 18.30.080.A.4 ON PAVED AREAS IN FRONT YARD TO SUPPLEMENT FRONT YARD LANDSCAPE STANDARDS; 13) AMEND SECTIONS 18.28.060.G AND 18.28.110.A TO STREAMLINE THE PROCESSING OF TREES ON PRIVATE PROPERTY, 14) AMEND SECTION 18.10.030 DEVELOPMENT STANDARDS BY ADDING SUB-SECTION 18.10.030.G TO FACILITATE THE REMODELING OF EXISTING SINGLE-FAMILY DWELLINGS IN THE R-MD ZONE, 15) AMEND CHAPTER 18.24 TO INCREASE THE HEIGHT OF ACCESSORY STRUCTURES FROM 15-FEET TO 17-FEET (SECTIONS 18.24.020.B.1, 18.24.030.A.1.C, AND 18.24.030.B.2) CONSISTENT WITH THE HEIGHT REQUIREMENTS FOR SIMILAR STRUCTURES SUCH AS ACCESSORY

DWELLING UNITS, INCLUDES A PERMIT ADJUSTMENT (SECTIONS 18.24.020.B AND 18.24.030.A.1) AS A REQUIRED APPROVAL TYPE FOR ACCESSORY STRUCTURES, AND CORRECT THE USEABLE REAR YARD AREA TO BE MAINTAINED FROM 750-SQUARE FEET TO 700-SQUARE FEET (SECTION 18.24.030.A.1.B) AS WAS ADOPTED BY COUNCIL ORDINANCE ON FEBRUARY 6, 2024 WITH ZONING TEXT AMENDMENT ZTA23-001, AND 16) AMEND CHAPTER 18.94 TO AMEND SECTION 18.94.110 TO MAKE ADMINISTRATIVELY APPROVED MINOR TEMPORARY USE PERMITS ISSUED FOR ONE TO SIX DAYS FINAL UPON ISSUANCE AND NOT SUBJECT TO THE APPEAL PERIOD

WHEREAS, Chapter 18.114 of the City of East Palo Alto Development Code allows for amendments to the Development Code and provides procedures for processing such amendments; and

WHEREAS, Section 18.114.060 of the City of East Palo Alto Development Code sets forth findings for Development Code amendments; and

WHEREAS, the Planning Commission of the City has reviewed the proposed amendments to the City of East Palo Alto's Development Code at a duly and properly noticed public hearing on October 28, 2024 and considered all evidence, including but not limited to public testimony and the evaluations and recommendations of staff, and has found that the proposed amendments are consistent with the goals and policies of the City's General Plan, and recommends adoption of the proposed amendments by the City Council of the City of East Palo Alto ("City Council"); and

WHEREAS, the City Council conducted duly and properly noticed public hearings on **February 18, 2025** to consider the proposed amendments to the Development Code and considered all evidence, including but not limited to public testimony and the evaluations and recommendations of staff, and finds and determines that the proposed amendments to the City of East Palo Alto Development Code are adopted pursuant to the City's police power authority to protect the public health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 18.08 AMENDED

Section 18.08.010 is hereby amended to add the definition of "Low Barrier Navigation Center", as follows:

Low Barrier Navigation Center. In compliance with Government Code Section 65660 a "Low Barrier Navigation Center" means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

SECTION 2. CHAPTER 18.10 AMENDED

Section 18.10.020 Table 2-1 Land Use Regulations and Allowable Uses for Residential Zones is hereby amended as shown in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 3. CHAPTER 18.12 AMENDED

Section 18.12.020 Table 2-3 Land Use Regulations and Allowable Uses for Mixed Use Zones is hereby amended as shown in Exhibit "B", attached hereto and incorporated herein by reference.

SECTION 4. CHAPTER 18.14 AMENDED

Section 18.14.020 Table 2-5 Land Use Regulations and Allowable Uses for Commercial Zones is hereby amended as shown in Exhibit "C", attached hereto and incorporated herein by reference.

SECTION 5. CHAPTER 18.48 AMENDED

Section 18.48.060 Child Day Care is hereby amended to Day Care Facilities as shown in Exhibit "D", attached hereto and incorporated herein by reference, to facilitate Child Day Care and other Care Uses.

Section 18.48.116 is hereby added to allow the development of Low Barrier Navigation Centers to read:

- A. **Applicability:** "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:
1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
 2. Pets.
 3. The storage of possessions.
 4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
 5. "Use by right" has the meaning defined in subdivision (i) of Section 65583.2. Division 13 (commencing with Section 21000) of the Public Resources Code shall not apply to actions taken by a public agency to lease, convey, or encumber land owned by a public agency, or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low Barrier Navigation Center constructed or allowed by this section.
- B. **Zoning:** In compliance with Government Code Section 65662 a "Low Barrier Navigation Center" development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses
- C. **Ministerial Approval:** A "Low Barrier Navigation Center" development shall be permitted provided that it meets the following requirements:

1. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
2. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
3. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

D. Review Conditions: In compliance with Government Code Section 65664:

1. Within 30 days of receipt of an application for a Low Barrier Navigation Center development, the local jurisdiction shall notify a developer whether the developer's application is complete pursuant to Section 65943.
2. Within 60 days of receipt of a completed application for a Low Barrier Navigation Center development, the local jurisdiction shall act upon its review of the application.

E. Applicability: "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

Section 18.48.180 Service Stations is hereby amended to amend sub-sections 18.48.180.B.3 and 18.48.180.B.5 and add subsections 18.48.180B.12 and 18.48.180.B.13 to read:

3. **Allowed uses.** The primary use of a service station shall be the dispensing of motor fuels, lubricants, vehicle recharging, and the exchange of motor vehicle parts in kind. Incidental vehicle/equipment repair shall be limited to the hours of 7:00 a.m. to 7:00 p.m., daily. Such repair/service include air conditioning service, carburetor and fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation.

5. **Sale of convenience goods.** The sale of convenience goods, alcoholic beverages, or other items unrelated to the operation of motor vehicles are only allowed subject to the approval of a Conditional Use Permit.

12. **Associated Uses.** Car Wash use and other uses associated to with service stations may be allowed subject to approval of a Conditional Use Permit. The car wash use shall not include detailing services.

13. **Restroom, water point and air supply.** Each service station shall provide a restroom, water point and an air supply station for use by patrons at all times when the service station is in operation.

SECTION 6. CHAPTER 18.30 AMENDED

Section 18.30.010 is hereby amended to add sub-section G to read:

G. To ensure the most efficient use of parking spaces through such techniques as shared parking, alternating parking and unbundled parking arrangements.

Sub-section 18.30.080.A Single-Family Residential Zones is hereby amended to amend sub-section 18.30.080.A.4 to read:

4. **Paved areas in front yard.** Paved areas within the front yard, including the driveway and any walkways, shall not exceed 50 percent of the front yard area with the remaining area finished in either or both soft landscaping (vegetative materials including container gardens, turf, ground cover, aquatic/semi-aquatic plants, grasses, trees, organic mulch, etc.) and permeable hard landscaping (pea gravel, crushed granite, disjointed/interspersed brick, rock, stone or concrete, timber, bitumen, glass, metals, inorganic mulch, and other construction materials that may be used to avoid the need for mowing, watering/irrigation, fertilizing, and pesticides) landscaped with live plant material. The use of pervious materials for paved areas such as driveways, walkways, patios, and outdoor living areas is strongly encouraged.

Sub-section 18.30.080.B Multiple-Family Residential Zones is amended to read:

1. Parking spaces shall be provided in off-street parking areas located within 1,000 feet of the use they are intended to serve.
2. It is unlawful to rent, lease or otherwise convey to or allow use of a required parking space by any person who is not a tenant or visitor for whom the parking spaces are required unless with the tenant's consent.
3. For tenancies beginning after January 1, 2025 (AB1317), off-street parking should be unbundled from individual units within multiple-family residential apartment buildings with **16 or more units** and rents charged separately for the units and the associated parking spaces with a tenant having, in all cases, the first right of refusal for the parking spaces normally required for the unit. Where a tenant declines the parking space(s) the apartment owner or management may lease the parking spaces to any person on a month-to-month basis.
4. Beginning after January 1, 2025 landlords of multiple-family apartment buildings with **16 or more units** must maintain separate charges for parking fees and rent for the life of the property. These unbundled fees can be subject to either a distinct rental agreement or an addendum to an existing lease.
5. In the absence of unbundled parking a tenant in a multiple-family residential apartment building shall be allowed to lease the parking spaces assigned to their unit to any person on a month to month.
6. All on-site required parking spaces shall be available to the occupants of the property. For properties developed after June 1, 2014, the occupants of each unit shall have use of the parking developed for the unit, unless the tenant elects to relinquish access to the off-street parking. For properties developed before June 1, 2014, with less than two covered parking spaces per unit and where the property owner lives at the multiple-family property, the property owner may reserve for his or her personal use two legal parking spaces (uncovered or covered) which shall be contiguous, if possible. The

remaining on-site legal parking spaces not utilized by the property owner shall be allocated among the other units.

7. If a landlord removes an on-site, off-street parking space from a tenancy in violation of these provisions
 - a. The tenant may apply for a rent decrease by an amount commensurate with the value of the removed parking space for the temporary period of time during which the space is removed;
 - b. The landlord shall be subject to criminal prosecution; and
 - c. The City may bring a civil action for injunctive relief.
8. Temporary removal of a parking space reasonably necessitated by required repair or maintenance does not give rise to a penalty.
9. A landlord and tenant are not prohibited from voluntarily agreeing to the substitution of one parking space for another at the same property.

Sub-section 18.30.080.C.3 is amended to read:

3. Required parking spaces shall not be rented, leased or otherwise conveyed or used by any person who is not a tenant of, visitor to, or employee for who the parking spaces are required, unless it is determined by a Parking Study that such a lease, rental, or other conveyance will not be detrimental to tenants of, visitors to, or employees for who the parking spaces are required. No employee shall be restricted from using the parking spaces required for the use where he or she is employed. Parking spaces developed in excess of the minimum required for the use may be rented or leased to another business or use.

SECTION 7. CHAPTER 18.26 AMENDED

Sub-section 18.26.020.A.2 is hereby amended to read:

2. Fences, walls, and hedges not exceeding seven feet in height may occupy any side or rear setback area, provided:
 - a. They do not extend into any required front setback; and
 - b. In the case of a corner parcel, they do not extend into the side setback area required along a side street or into that portion of the rear setback area abutting a side street that is equal to the width of the side setback required on the side street, except where the side frontage is more than 100 feet from the corner of the parcel as determined by the intersection of the front and side property lines.

Section 18.26.020 is hereby amended to add sub-section 18.26.020.E to read:

- E. Interface between Single-Family Dwellings and Non-Residential Uses. Rear yard fences between single-family dwellings and non-residential uses may go up to eight feet in height subject to approval of an Adjustment Permit by the Director, provided:
 1. The visual impact of the fence on the single-family dwelling is softened by the use of architectural ornamentation or articulation, or soft landscaping as follows:
 - a. The soft landscape features may include appropriate shrub and vine species with the following characteristics:

- Capable of providing cover, shade and aesthetic value through beautiful foliage and blossoms.
 - Be drought-tolerant or at a minimum be able to survive common seasonal droughts.
 - Be able to recover quickly from inclement weather or human interference.
 - Not be invasive to the detriment of other soft landscaping at the dwelling.
 - Should be capable of growing up to eight feet with trimming.
- b. The soft landscaping should be strategically planted to promote good growth and cover, with a recommended spacing of 10 to 12 inches for vines and up to three feet for shrubs.
 - c. The use of cables, wires or climbing lattice is recommended to aid the growth and coverage of vines and to prevent potential damage caused by direct contact with the fence.
 - d. The architectural ornamentation may include the use of pilasters, wainscoting, cornices or decorative coping, architraves, decorative moldings, trims, etc.
2. The Adjustment Permit application may be initiated by either the owner of the single-family dwelling or non-residential property, with the other concurring with the application.
 3. The Adjustment Permit application shall be accompanied by a written statement acknowledging the requirement for the architectural ornamentation or soft landscaping per section E.1. above and assigning responsibility for its implementation.

SECTION 8. CHAPTER 18.90 VARIANCES AND MINOR VARIANCES AMENDED

Section 18.90.020 Table 7-3 Types of Minor Variances Allowed is hereby amended as shown in Exhibit "E", attached hereto and incorporated herein by reference.

SECTION 9. CHAPTER 15.52 FLOODPLAIN MANAGEMENT AMENDED

Sections 15.52.040.PR Definitions, 18.52.050.B General Provisions, and 15.52.070.A.3 Elevation and Floodproofing are hereby amended to read:

Section 15.52.040.PR Definitions: "Special flood hazard area" or "SFHA" means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. SFHA may also be designated by the City of East Palo Alto Public Works Department for riverines not shown on the FIRM, when a hydraulic study has defined the base flood elevations and the area of inundation.

Section 15.52.050.B General Provisions: Basis for Establishing Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS), dated September 19, 1984 and accompanying Flood Insurance Rate Map (FIRM), and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator. The study and FIRM are on file at the City of East Palo Alto Public Works Department.

Section 15.52.070.A.3 Elevation and floodproofing:

- a. New construction and substantial improvement of any structure shall have the lowest floor, including basement elevated eighteen (18) inches above the base flood elevation. Nonresidential structures may meet the standards in Section 15.52.070.A.3.b. Upon the completion of the structure, the elevation of the lowest floor including the basement shall be certified by a registered professional engineer or surveyor, and verified by the chief building official to be properly elevated. Such certification and verification shall be recorded and filed with the floodplain administrator.

SECTION 10. CHAPTER 18.86 AMENDED

Section 18.86.030 Table 7-2 Review Authority for Site Plan and Design Review is hereby amended as shown in Exhibit "F", attached hereto and incorporated herein by reference.

SECTION 11. CHAPTER 18.50 AMENDED

Section 18.50.060 Table 5-1 Subdivision Review Authorities is hereby amended as shown in Exhibit "G", attached hereto and incorporated herein by reference.

SECTION 12. CHAPTER 18.54 AMENDED

Sub-section 18.54.30.B.4 is hereby amended to read:

4. The material shall be transmitted to the Review Authority for its consideration of the map.

SECTION 13. CHAPTER 18.87 ADDED

New sections are added to Chapter 18.87 to read:

Section 18.87.010 Purpose and Intent: An Adjustment Permit is the procedure used by the City to approve alterations, relocations, rebuilding, or minor additions, enlargements, or modifications to previously approved development permits while maintaining compliance with the uses allowed in the applicable zone and the development standards applicable to the use or structure.

Section 18.87.020 Applicability/Permit Requirement:

- A. The director may, at the director's sole discretion, approve an adjustment for the following elements of a previously issued development permit, subject to and in accordance with the provisions of this section:
 1. General Extensions. An extension of the term of an approved development permit for a period of up to but not exceeding one year; provided that no more than two such term extensions may be approved for any development permit.
 2. Changes to an approved development permit, but only for minor modification of architectural elements or landscape details, (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape

furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.

3. Minor changes to signs which do not increase the existing surface area by more than 10% and conform to Chapter 18.32 of the East Palo Alto Municipal Code (EPAMC).
 4. Additions, accessory structures and minor structures such as trellises, patio covers, and decks not exceeding **1,000 square feet** in total area, and swimming pools for **one-family residences** which were approved and are subject to an existing development permit.
 5. Building ~~additions~~ not exceeding **500 square feet** in total area or less than ten percent of the building area prior to the addition, whichever is smaller, to **two-family dwellings**, provided that current parking regulations are being met and would continue to be met after the completion of any addition.
 6. Building mounted wireless communications antenna as long as proposal is at least 500 feet away from residential uses.
 7. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
 8. The creation, on or above ground through installation, construction, or replacement, of less than one gross acre of impervious surface.
 9. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.
 10. Building additions not exceeding **500 square feet** in area to nonresidential buildings provided that current parking regulations are being met and would continue to be met after the completion of any addition, provided the primary building was not originally a single-family residence, and site circulation, ingress and egress are not being altered.
 11. Generators, preferably, with California Air Resources Board (CARB) certification and meeting the Development Code performance standards for noise and air pollution.
 12. Above-ground storage tanks of two thousand gallons or less provided that it is not used to store hazardous materials or other substances that require a permit from the Department of Toxic Substances Control.
- B. Adjustments may be issued only where issuance of the adjustment would be consistent and comply with all applicable local laws in effect at the time of issuance, including without limitation the city's general plan, the provisions of the East Palo Alto Municipal Code, and the provisions of Title 18 of the Code.
- C. An application for an adjustment to extend the term of a development permit must be filed on the form provided by the director on or before the date that is three business days prior to the expiration of the development permit proposed for adjustment and accompanied by the fees as set forth in the schedule of fees adopted by resolution of the City Council.
- D. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the director shall be final, and nothing herein shall be deemed or construed to confer on an applicant a right to an adjustment or to require the director to issue an adjustment. If the director denies an adjustment, nothing herein shall preclude the applicant from thereafter filing an application for an appropriate development permit.
- E. Where property was developed prior to 1983 or the requirement of a site-development review permit, adjustments for projects may be approved without the necessity of the issuance of a full design review permit.

- F. A Permit Adjustment shall be obtained before the City issues a new or modified business license in compliance with Municipal Code Chapter 5.04, if applicable.

Section 18.87.030 Review Authority: The Director may issue a Permit Adjustment only after confirming that the proposed land use and/or structure is in full compliance with all of the applicable provisions of the Development Code.

Section 18.87.040 Review Procedures: Adjustment Permit approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Director.

SECTION 14. CHAPTER 18.82 AMENDED

Section 18.82.020 Table 7-1 Review Authority is hereby amended to include Adjustment Permits as shown in Exhibit "H", attached hereto and incorporated herein by reference.

SECTION 15. CHAPTER 18.12 AMENDED

Section 18.12.020 Table 2-3 Allowed Uses and Permit Requirements is hereby amended to allow Refueling and Service Stations with Conditional Use Permits as shown in Exhibit "I", attached hereto and incorporated herein by reference.

SECTION 16. CHAPTER 13.24 AMENDED

Sub-sections 13.24.400.A and 13.24.400.B Turf Selection and Limitations are hereby amended to read:

- A. No more than fifty percent (50%) of the total area not covered by structures for multifamily residential projects shall be covered by a combination of turf, pools, spas, and other improved recreational areas finished in soft and hard landscaping. Of this area, no more than seventy-five percent (75%) shall be covered with turf.
- B. For single-family residential projects, 50% or more of the front yard shall be finished with soft landscaping (vegetative materials including container gardens, turf, ground cover, aquatic/semi-aquatic plants, grasses, trees, organic mulch, etc.) and/or hard landscaping (pea gravel, crushed granite, disjointed/interspersed brick, rock, stone or concrete, timber, bitumen, glass, metals, inorganic mulch, and other construction materials that may be used to avoid the need for mowing, watering/irrigation, fertilizing, and pesticides) with no more than forty percent (40%) covered with turf.

SECTION 17. CHAPTER 18.28 AMENDED

Sub-section 18.28.060.G Financial Security is hereby amended to read:

- G. **Financial Security.** A check, or an alternative form of payment if approved by the City shall be provided to the City for the appraised value of the trees impacted by development and the value of replacement trees as mitigation for the removal of trees, as well as the cost of staff time if the applicant does not furnish proof of removal of the impacted tree(s) and replacement planting within 60 days of the effective date of the tree removal permit approved by the Director.

The proof of replanting shall be by virtue of photographic evidence or an arborist report certifying the replacement. The financial security, provided to the City for impacted trees that are not removed within 60 days of the effective date of the tree removal permit, shall be refunded upon the receipt of a final arborist report certifying preservation or proof of replacement upon removal of the tree(s), or payment of an in-lieu impact fee.

Sub-Section 18.28.110.A Violations is hereby amended to read:

A. **Violations.** Violation of a provision contained in this chapter is unlawful and a public nuisance. The Director may serve notice upon any person violating any provision of this chapter. Violators shall be subject to the provisions set forth in Chapter 18.118.

SECTION 18. CHAPTER 18.10 AMENDED

Section 18.10.030 Development Standards is hereby amended to add:

G. **Setback Exception for existing single family homes in the R-MD District.** Existing single family homes, which are permitted uses in the R-MD Zone, are exempted from the 20-foot rear setback requirement of the R-MD Zone and may utilize the 10-foot rear setback requirement of the R-LD Single-Family Residential Zone for building expansions, additions, and other remodeling works. The front and side setback requirements of the R-MD Zone would still apply to existing single-family dwellings in order to ensure a uniform front transect or street-facing silhouette of the neighborhood block from the public right-of-way.

SECTION 19. CHAPTER 18.24 AMENDED

Sub-sections 18.24.020.b, 18.24.030.A.1, and 18.24.030.B.2 are hereby amended as shown in Exhibit "J", attached hereto and incorporated herein by reference.

SECTION 20. CHAPTER 18.96 AMENDED

Sub-sections 18.96.010, 18.96.030.E.4, and 18.96.050.A.2, 18.96.090, and 18.96.050.G are hereby amended as shown in Exhibit "K", attached hereto and incorporated herein by reference.

SECTION 21. CHAPTER 18.94 AMENDED

Section 18.94.110 is hereby amended to exempt Minor Temporary Use Permits from the appeal period, as follows:

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on all Temporary Use Permit applications, except that Minor Temporary Use Permits will not be subject to appeals.

SECTION 22. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

This Ordinance is not subject to CEQA because it is not a " project" which would have a direct physical change or a reasonably foreseeable indirect physical change on the environment pursuant to California Environmental Quality Act (" CEQA") Guidelines section 15378. Even if it were a project subject to CEQA review, this project would be exempt from CEQA Guideline Section 15378 (regulatory actions), Section 15061(b)(3) in that there is no possibility of the Development Code, by itself, having a significant adverse effect on the environment, and Section 15183 because the proposed amendments are consistent with the general plan and zoning as applicable. In addition, the Vista 2035 General Plan EIR meets the CEQA requirement for Zoning Code amendments.

SECTION 23. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a 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 and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 24. EFFECTIVE DATE.

This Ordinance shall take effect and be in full force thirty (30) days after the date of its adoption.

SECTION 25. PUBLICATION.

The City Clerk is hereby directed to cause publication of this Ordinance as required by Government Code Section 36933.

INTRODUCED at a regular City Council meeting held February 18, 2025, and

PASSED AND ADOPTED at a regular City Council meeting held on _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

_____, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John Lê, City Attorney

EXHIBITS

Exhibit A – Table 2-1 Allowed Uses and Permit Requirements for Residential Zones

Exhibit B – Table 2-3 Allowed Uses and Permit Requirements for Mixed Use Zones

Exhibit C - Table 2-5 Allowed Uses and Permit Requirements for Commercial Zones

Exhibit D - Day Care Facilities

Exhibit E - Table 7-3 Types of Minor Variances Allowed

Exhibit F - Table 7-2 Review Authority for Site Plan and Design Review

Exhibit G - Table 5-1 Subdivision Review Authorities

Exhibit H - Table 7-1 Review Authority

Exhibit I - Table 2-3 Refueling and Service Station Zones

Exhibit J – Accessory Structures

Exhibit K – Accessory Dwelling Units

EXHIBIT A

Table 2-1 Allowed Uses and Permit Requirements for Residential Zones

Table 2-1 Allowed Uses and Permit Requirements	Residential Zones				
	Permit Requirements				
	P	Permitted By-Right			
	CUP	Conditional Use Permit (Chapter 18.88)			
	AUP	Administrative Use Permit (Chapter 18.88)			
	TUP	Temporary Use Term Permit (Chapter 18.94)			
	—	Prohibited			
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	R-LD	R-MD	R-HD	R- UHD	Specific Use Regulations
Residential Uses					
Guest Houses	P	P	P	P	Section 18.48. 100
Home Businesses	HOP	HOP	HOP	HOP	Section 18.48.110
Multi-Family Dwellings	—	P	P	P	
Residential Model Homes	AUP	AUP	AUP	AUP	
Accessory Dwelling Unit	P	P	P	P	Chapter 18.96
Junior Accessory Dwelling Unit	P	P	P	P	Chapter 18.96
Single-Family Dwellings, Attached	P	P	P	P	
Single-Family Dwellings, Detached	P	P	P	P	
Single Room Occupancy Facilities (DROs)	P	P	P	P	
Supportive Housing	P	P	P	P	
Two-Family Dwellings	—	P	P	P	
Transitional Housing	P	P	P	P	
Visitor Accommodations, Residential					
Bed & Breakfast Inns	—	CUP	CUP	CUP	
Short-Term Lodging	—	CUP	CUP	CUP	
Care Uses					
Note: Family Day Care Homes are allowed by right wherever residential uses are allowed					
Adult Day Care ¹					
Small (8_or fewer)	P	P	P	P	
Large (9_to 14)	AUP	AUP	AUP	AUP	
Child Day Care					
Small (8 or fewer)	P	P	P	P	
Large (9 to 14)	P	P	P	P	Section 18.48. 060

Cooperatives (12 or fewer)	P	P	P	P	Section 18.48.060
Day Care, General (15 or more)	CUP	CUP	CUP	CUP	
Convalescent Facilities	—	—	—	—	
Residential Care Facilities					
Limited (8 or fewer)	P	P	P	P	
General (9 or more)	UP	UP	UP	UP	
Other Uses					
Accessory Structures and Uses	P	P	P	P	Section 18.48.020
Agricultural Uses - Limited to Community Gardens Only	P	P	P	P	
Animal Keeping	P	P	P	P	Section 18.48.050
Charitable Organizations and Institutions	CUP	CUP	CUP	CUP	
Cultural Institutions	CUP	CUP	CUP	CUP	
Institutional and Community Facilities	CUP	CUP	CUP	CUP	
Neighborhood Service Uses	—	—	CUP	CUP	Section 18.10.030
Public Assembly/Meeting Facilities	—	CUP	CUP	CUP	
Public Buildings, Facilities, and Uses	—	—	—	—	
Schools, Public and Private	CUP	CUP	CUP	—	
Special Events	Municipal Code Chapter 12.08				
Temporary Uses	TUP	TUP	TUP	TUP	Chapter 18.94
Utilities, Minor	P	P	P	P	
Utilities, Major	—	CUP	CUP	CUP	

EXHIBIT B

Table 2-3 Allowed Uses and Permit Requirements for Mixed Use Zones

Table 2-3 Allowed Uses and Permit Requirements	Mixed Use Zones Permit Requirements			
	P Permitted By-Right CUP Conditional Use Permit (Chapter 18.88) AUP Administrative Use Permit (Chapter 18.88) TUP Temporary Use Term Permit (Chapter 18.94) — Prohibited			
Land Use See Article 1 for land use	MUC	MUL	MUH	Specific Use Regulations

definitions. See Chapter 18.04 for unlisted uses.				
Industry, Manufacturing and Processing, Warehousing Uses				
Industry	—	—	—	
Research and Development	CUP	CUP	CUP	
Recreation, Education, and Public Assembly Uses				
Charitable Organizations and Institutions	—	—	—	
Clubs	—	—	—	
Commercial Recreation and Entertainment	—	—	—	
Cultural Institutions	CUP	CUP	CUP	
Institutional and Community Facilities	—	—	—	
Park/Plaza/Open Space	CUP	CUP	CUP	
Public Assembly/Meeting Facilities	CUP	CUP	CUP	
Schools, Public and Private	—	—	—	
Residential Uses				
Multiple-Family Dwellings				
Located on 1 st floor	P	—	—	
Located above 1 st floor	P	P	P	
Navigation Centers, Low Barrier				
Located on 1 st floor	P	—	—	
Located above 1 st floor	P	P	P	
Single-Family Dwellings - Attached Only				
Located on 1st floor	P	—	—	
Located above 1st floor	P	P	P	
Supportive Housing	—	—	—	
Located on 1st floor	P	—	—	
Located above 1st floor	P	P	P	
Accessory Dwelling Unit ²				Chapter 18.96
Located on 1st floor	P	—	—	
Located above 1st floor	P	P	P	
Junior Accessory Dwelling Unit, where single-family residences are permitted				Chapter 18.96
Located on 1st floor	P	—	—	
Located above 1st floor	P	P	P	
Two-Family Dwellings - Attached Only				
Located on 1 st floor	CUP	CUP	CUP	
Located above 1 st floor	P	P	P	
Transitional Housing	—	—	—	
Located on 1st floor	P	—	—	
Located above 1st floor	P	P	P	

Home Businesses	HBP	HBP	HBP	Section 18.48.100
Live-work Units	CUP	CUP	CUP	Not allowed on 1st floor
Care Uses				
Note: Family Day Care Homes are allowed by right wherever residential uses are allowed				
Adult Day Care³				
Small (8 or fewer)	—	—	—	
Located on 1st floor	AUP	—	—	
Located above 1st floor	AUP	AUP	AUP	
Large (9 to 14)				Section 18.48.100
Located on 1st floor	CUP	—	—	
Located above 1st floor	CUP	CUP	CUP	
Child Day Care				
Small (8 or fewer)	—	—	—	
Located on 1st floor	AUP	—	—	
Located above 1st floor	AUP	AUP	AUP	
Large (9 to 14)				
Located on 1st floor	AUP	—	—	
Located above 1st floor	AUP	AUP	AUP	
Cooperative (12 or fewer)				
Located on 1st floor	P	—	—	
Located above 1st floor	P	P	P	
Day Care, General (15 or more)	CUP	CUP	CUP	
Residential Care Facility				
Limited (8 or fewer)				
Located on 1st floor	AUP	—	—	
Located above 1st floor	AUP	AUP	AUP	
General (9 or fewer)				
Located on 1st floor	CUP	—	—	
Located above 1st floor	CUP	CUP	CUP	
Retail Trade Uses				
Alcohol Sales (off-site-sale)	CUP	CUP	CUP	Section 18.48.030
Alcohol Sales (off-site-sale), Accessory	CUP	CUP	CUP	Section 18.48.030
Alcohol Sales (on-site-sale)	CUP	CUP	CUP	Section 18.48.030
Retail Sales	P	P	P	
Retail Sales (Used Merchandise)	P	P	P	Section 18.48.170
Retail Sales (Used Merchandise) - Restricted	AUP	AUP	AUP	Municipal Code Chapter 5.40
Service Uses - Business, Financial, Medical, and Professional				
ATM's	P	P	P	
Emergency Health Care Facilities/Urgent Care	CUP	CUP	CUP	

Financial Institutions and Related Services	CUP	CUP	CUP	
Financial Institutions and Related Services, Non-Chartered	—	—	—	Section 18.48.080
Offices - Business	P	P	P	
Offices - Medical and Dental	CUP	CUP	P	
Offices - Professional	CUP	CUP	P	
Prescription Pharmacies, Only When in Connection With Medical Offices	P	P	P	
Service Uses - General				
Animal Sales and Services				
Animal Grooming	—	—	—	
Animal Retail Sales	—	—	—	
Veterinary Services	—	—	—	
Artists Studios	CUP	CUP	CUP	
Eating and Drinking Establishments				
Food Service (no alcohol sales [bars, lounges, or nightclubs], drive-through, fast-food, or late hours)	P	P	P	
Food Service (with alcohol sales [bars, lounges, or nightclubs], drive-through, fast-food, or late hours)	CUP	CUP	CUP	
Health/Fitness Facilities				
Small - Less than 2,000 sq. ft.	P	P	P	
Large - 2,000 sq. ft. or greater	AUP	AUP	AUP	
Laboratories	CUP	CUP	CUP	No Hazardous Materials
Maintenance and Repair Services	CUP	CUP	CUP	
Personal Services				
Massage Establishments	CUP	—	—	
Massage Services, Accessory	CUP	—	—	
Nail Salons	AUP	AUP	AUP	
Personal Services - General	CUP	CUP	CUP	
Personal Services - Restricted	CUP	CUP	CUP	
Personal Storage (Mini Storage)	AUP	AUP	—	
Postal and Package Shipping Services	P	P	P	
Printing and Duplicating Services	AUP	AUP	AUP	
Smoking Lounges	—	—	—	
Visitor Accommodations				
Hotels, Motels, and Time Shares	CUP	CUP	CUP	
Bed and Breakfast Inns	CUP	CUP	CUP	
Transportation, Communications and Infrastructure Uses				
Utilities, Minor	P	P	P	

Utilities, Major	AUP	AUP	AUP	
Wireless Telecommunication Facilities	See Chapter 18.42			
Vehicle Rental, Sale and Service Uses				
Vehicle/Equipment Rentals				
Vehicle Washing	—	—	—	
Refueling/Service Stations	C	C*	C*	Section 18.48.180.B.3 No incidental repair/service
Other Uses				
Accessory Structures and Uses	P	P	P	
Charitable Organizations and Institutions	CUP	CUP	CUP	
Emergency Shelters	See Chapter 6 of the Specific Plan for Emergency Shelters			
Personal Property Sales	—	—	—	
Public Buildings, Facilities, and Uses	CUP	CUP	CUP	
Special Events	Municipal Code Chapter 12.08			
Temporary Uses	TUP	TUP	TUP	Chapter 18.94

EXHIBIT C

Table 2-5 Allowed Uses and Permit Requirements for Commercial Zones

Table 2-5 Allowed Uses and Permit Requirements	Commercial Zones Permit Requirements			
	P Permitted By-Right			
	CUP Conditional Use Permit (Chapter 18.88)			
	AUP Administrative Use Permit (Chapter 18.88)			
	TUP Temporary Use Term Permit (Chapter 18.94)			
— Prohibited				
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	C-G	C-N	C-0	Specific Use Regulations
Industry, Manufacturing and Processing, and Warehousing Uses				
Handicraft Industry	P	P	—	
Industry				
Industry, Small (Less than 5,000 sq. ft.)	P	—	—	
Industry, Small (5,000 sq. ft. or greater)	AUP	P	—	
Personal Storage (Mini Storage)	CUP	—	—	

Recycling Facilities				
Small Collection Facilities	CUP	CUP	CUP	
Large Collection Facilities	—	—	—	
Research and Development, General	CUP	CUP	CUP	
Research and Development, Restricted	CUP	CUP	CUP	
Recreation, Education, and Public Assembly Uses				
Charitable Organizations and Institutions	—	—	—	
Clubs	CUP	—	CUP	
Commercial Recreation and Entertainment				
Indoor Facilities	P	AUP	—	
Outdoor Facilities	P	CUP	—	
Dance Academies and Halls	AUP	AUP	AUP	
Electronic Amusement Devices (Up to 5)	—	—	—	
Electronic Amusement Devices (6 or more)	—	—	—	
Cultural Institutions	CUP	—	CUP	
Institutional and Community Facilities	AUP	AUP	AUP	
Park/Plaza/Open Space	P	P	P	
Public Assembly/Meeting Facilities	CUP	CUP	CUP	
Schools, Public and Private	CUP	CUP	CUP	
Retail Trade Uses				
Alcohol Sales (off-site sale)	CUP	CUP	CUP	Section 18.48.030
Alcohol Sales (off-site sale), Accessory Uses	CUP	CUP	CUP	Section 18.48.030
Alcohol Sales (on-site sale)	CUP	CUP	CUP	Section 18.48.030
Prescription Pharmacies, Medical Supplies	P	P	P	
Retail Sales				
Retail Sales (less than 10,000 sq. ft.)	P	P	P	Section 18.48.170
Retail Sales (10,000 sq. ft. or greater)	AUP	AUP	AUP	
Retail Sales (Used Merchandise) - General	P	—	—	Section 18.48.170
Retail Sales (Used Merchandise) - Restricted	AUP	—	—	Municipal Code Chapter 5.40
Residential Uses				
Note: Family Day Care Homes are allowed by right wherever residential uses are allowed				
Adult Day Care				
Small (8 or fewer)	CUP	AUP	CUP	
Large (9 to 14)	CUP	CUP	CUP	

Child Day Care				
Small (8 or fewer)	CUP	AUP	CUP	
Large (9 to 14)	CUP	AUP	CUP	Section 18.48.060
Small (8 or fewer), as an accessory use to a large commercial project	CUP	CUP	CUP	
Large (9 to 14), as an accessory use to a large commercial project	CUP	CUP	CUP	Section 18.48.060
Cooperatives (12 or fewer)	CUP	P	CUP	Section 18.48.060
Day Care, General (15 or more)	CUP	CUP	CUP	
Emergency Shelters	CUP	CUP	CUP	
Accessory Dwelling Unit	—	P	—	Chapter 18.96
Junior Accessory Dwelling Unit, where single-family residences are permitted				Chapter 18.96
Located on 1st Floor	—	—	—	
Located Above 1st Floor	—	P	—	
Multi-Family Dwellings				
Located on 1 st Floor	—	—	—	
Located Above 1 st Floor	—	P	—	
Navigation Centers, Low Barrier				
Located on 1 st Floor	—	—	—	
Located Above 1 st Floor	—	P	—	
Single-Family Dwellings - Attached Only				
Located on 1 st Floor	—	—	—	
Located Above 1 st Floor	—	P	—	
Two-Family Dwellings - Attached Only				
Located on 1 st Floor	—	—	—	
Located Above 1 st Floor	—	P	—	
Home Businesses	—	HOP	—	Section 18.48.110
Live-work Units	P	P	P	Not allowed on 1 st floor
Residential Care Facility				
Limited (8 or fewer)	CUP	AUP	CUP	
General (9 or more)	CUP	CUP	CUP	
Service Uses - Business, Financial, Medical, and Professional				
ATM's	P	P	P	
Convalescent Facilities	AUP	AUP	—	
Emergency Health Care Facilities/Urgent Care	CUP	CUP	CUP	
Financial Institutions and Related Services	P	P	P	

Financial Institutions and Related Services, Non-Chartered	CUP	CUP	—	Section 18.48.080
Hospitals, Rest Homes, and Sanitariums	CUP	—	CUP	
Offices - Business	P	P	P	
Offices - Corporate	P	P	P	
Offices - Financial Institutions	P	P	P	
Offices - Medical and Dental	P	P	P	
Offices - Professional	P	P	P	
Outpatient Surgery Facility	CUP	CUP	CUP	
Prescription Pharmacies, Only When in Connection With Medical Offices	P	P	P	
Service Uses - General				
Ambulance Services	CUP	CUP	CUP	
Animal Sales and Services (Small)				
Animal Boarding/Kennels	—	—	—	
Animal Grooming	—	—	—	
Animal Retail Sales	—	—	—	
Veterinary Services	CUP	CUP	CUP	
Catering Services	AUP	AUP	AUP	
Dry Cleaning Establishments (Retail Only)	AUP	CUP	—	
Eating and Drinking Establishments				
Food Service (no alcohol sales [bars, lounges, or nightclubs], drive-through, fast-food, or late hours)	P	P	P	
Food Service (with alcohol sales [bars, lounges, or nightclubs], drive-through, fast-food, or late hours)	CUP	CUP	CUP	
Funeral Homes and Mortuaries, No Crematorium	—	—	—	
Funeral Homes and Mortuaries, With Crematorium	—	—	—	
Health/Fitness Facilities				
Small - Less than 2,000 sq. ft.	P	P	P	
Large - 2,000 sq. ft. or greater	AUP	—	AUP	
Laboratories	P	—	AUP	
Maintenance and Repair Services	P	P	P	
Personal Services				
Massage Establishments	—	—	—	
Massage Services, Accessory	—	—	—	
Nail Salons	P	P	P	
Personal Services - General	P	P	P	
Personal Services - Restricted	AUP	AUP	AUP	

Studio	P	P	P	
Postal and Package Shipping Services	P	P	P	
Printing and Duplicating Services	P	P	P	
Smoking Lounges	—	—	—	Prohibited throughout the City
Visitor Accommodations				
Hotels, Motels, and Time-Shares	AUP	CUP	AUP	
Bed and Breakfast Inns	CUP	CUP	CUP	
Transportation, Communications, and Infrastructure Uses				
Communication Facilities	P	—	P	
Heliports and Helistops	—	—	—	
Parking Facilities for On-site Uses	P	P	P	
Parking Structures, Adjacent to Residential Zone	AUP	AUP	AUP	
Utilities, Minor	P	P	P	
Utilities, Major	AUP	AUP	AUP	
Wireless Telecommunication Facilities	See Chapter 18.42			
Vehicle Rental, Sale, and Service Uses				
Vehicle Sales	CUP	CUP	CUP	
Other Uses				
Accessory Structures and Uses	P	P	P	
Emergency Shelters	See Chapter 6 of the Specific Plan for Emergency Shelters			
Outdoor Advertising Structures/Signs	—	—	—	Chapter 18.32
Outdoor Storage and Display	—	—	—	
Special Events	Municipal Code Chapter 12.08			
Temporary Uses	TUP	TUP	TUP	Chapter 18.94

(Ord. No. 08-2020, § 3, 11-17-2020)

EXHIBIT D

18.48.060 Day Care Facilities

- A. **Applicability.** The provisions in this section apply to care facilities, including Family Day Care Homes, Child Day Care, and Adult Day Care facilities where allowed. Residential Care facilities are subject to Section 18.48.160 – Residential Care Facilities – General of the East Palo Alto Municipal Code.
- B. **Permit and license required.**
1. No person shall establish or operate a Child Day Care (small or large) facility—in any zone, unless the applicable license or permit is approved by the Review Authority.-The

operator of a care-facility shall also obtain the requisite license from the California Department of Social Services, as applicable.

2. The requirement for a discretionary permit shall not apply to any Family Day Care Home (FDCH), as defined in Health and Safety Code Section 1596.78(a), in any zone allowing residential uses, on condition that the operator shall obtain a license from the California Department of Social Services. Said Family Day Care Home means a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large Family Day Care Home or a small Family Day Care Home.
 - a. Large Family Day Care Home means a facility that provides care, protection, and supervision for 9 to 14 children inclusive, including children under 10 years of age who reside at the home, as set forth in Government Code Section 1597.465 and as defined in the regulations.
 - b. Small Family Day Care Home means a facility that provides care, protection, and supervision for eight (8) or fewer children, including children under 10 years of age who reside at the home, as set forth in Government Code Section 1597.44 and as defined in regulations.

FDCH uses are allowed by right in any dwelling without any planning permit or business license or home occupation permit unless physical changes are being planned to the site or structure whereupon a planning permit may be required. The approval of local fire, safety and occupancy permits are still required in addition to other mandatory state permits and licenses.

The operator must give the landlord a 30-day notice to add a 7th and 8th child of a small FDCH and the 13th and 14th child of a large FDCH.

Facilities that have 15 or more children are classified as Day Care, General and subject to a Conditional Use Permit in all zones.

3. Permit or license required: The requirement for a discretionary permit and business license shall apply to any care facility, other than Family Day Care Homes, including a Child Day Care, Adult Day Care, and Residential Care Facility defined as follows:
 - a. A Child Day Care or Day Care Center means a child day care facility, other than a Family Day Care Home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers, and includes child care centers licensed pursuant to Government Code Section 1596.951.
 - b. Adult Day Care as defined in Section 18.08.010-General of Chapter 18.08-Definitions of the East Palo Alto Municipal Code (EPAMC).
 - c. Residential Care Facility is defined in Section 18.08.010-General of Chapter 18.08-Definitions of the EPAMC as a facility in which multiple unrelated people reside, including but not limited to, health facilities, community care facilities, and alcoholism or drug abuse recovery or treatment facilities as defined in the Health and Safety Code and other similar care facilities. See Section 18.48.160 – Residential Care

Facilities – General of the EPAMC for requirements applicable to Residential Care Facilities.

4. All Child Day Care and Adult Day Care facilities that have 15 or more children or adults are classified as Day Care, General and subject to a Conditional Use Permit in all zones. However, small and large Child Day Care, and small Adult Day Care are a Use by Right in all residential zones, meaning they do not require planning or zoning permits. Business license, and fire and building permits are still applicable.

All other care facilities in non-residential zones that either allow residential uses or prohibit residential uses will be subject to either Administrative or Conditional Use permits as specified in Sections 18.10.020 – Land Use Regulations and Allowable Uses, 18.12.020 – Land Use Regulations and Allowable Uses, and 18.14.020 – Land Use Regulations and Allowable Uses of the EPAMC.

5. In all residential zones a) small (8 or fewer children) and large (9 – 14 children) Child Day Care, small Adult Day Care (8 or fewer) and Limited Residential Care facilities (8 or fewer) are allowed by right; and b) large Adult Day Care (9 to 14) and General Residential Care facilities (9 or more) are subject to Administrative Use Permits and Conditional Use Permits respectively.

In all Mixed Use and non-Residential zones that allow residential uses all non FDCH facilities, with the exception of large Adult Day Care and General Residential Care facilities, are subject to Administrative Use Permits. Large Adult Day Care and General Residential Care facilities are subject to Conditional Use Permits.

In all non-residential zones that do not allow residential uses all care facilities, with the exception of FDCH facilities, are subject to Conditional Use Permits.

6. Family Day Care Homes and Cooperative Care uses are allowed by right in all the residential zones, in mixed use zones where residential is allowed, and subject to Conditional Use Permits uses in all commercial zones where residential uses are prohibited.
7. **Cooperative.** In a cooperative arrangement, parents shall combine their efforts so that each parent, or set of parents, rotates as the responsible caregiver with respect to all the children in the cooperative. Other conditions that apply to a cooperative include:
 - a. Any person caring for children shall be a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children in the cooperative.
 - b. There can be no payment of money or receipt of in-kind income in exchange for the provision of care. This does not prohibit in-kind contributions of snacks, games, toys, blankets for napping, pillows, and other materials parents deem appropriate for their children. It is not the intent of this paragraph to prohibit payment for outside activities, the amount of which may not exceed the actual cost of the activity.
 - c. No more than 12 children are receiving care in the same place at the same time.

- C. **Permit application.** When applicable, an application for a discretionary permit shall be filed with the Department and shall include all of the following information:
1. A scale drawing of any structural alterations or improvements being made to the premises for the purpose of operating the day care facility;
 2. A drawing of the site and the residential structure, showing the size, dimensions, and location of the interior and exterior areas to be utilized for operation of the day care facility, including the location and number of on-site parking spaces and the street access for drop-off and pick-up of children. The drawing shall have a reasonable degree of accuracy and shall contain details as may be required by the Director;
 3. Color photographs of the premises, showing all interior and exterior areas to be itemized for operation of the day care facility;
 4. A general description of the manner in which the day care facility will be operated, including the maximum number and range of ages of children for whom day care will be provided, the days of the week and hours of the day during which the facility will be operated, the number of persons providing day care services, and designation as to whether the persons are residents of the home; and
 5. Any additional information or exhibits as may be required by the Director in order to evaluate the application and the potential impact of the facility upon the neighborhood.
- D. **Inspection of premises.** After the application has been deemed to be complete, the Director shall cause an inspection of the premises to determine whether the facility complies with applicable Building Code requirements for single-family residences and any special fire and life safety standards for large family day care homes as may be adopted by the State Fire Marshal in compliance with Health and Safety Code Section 1597.46(d).
- E. **Standards.** Proposed non FDCH facilities that are not "Uses by Right" shall comply with all of the following:
1. **Care provider occupancy.** The single-family dwelling in which each care use is located shall not be required to be the principal residence of the care provider. However, in residential zones the use shall be clearly residential in character, subject to State requirements.
 2. **Separation requirement.** A proposed large care facility within a residential zone or mixed use zone shall not be located within 500 feet of another large care facility.
 3. **Drop-off/pick-up area.** A minimum of two off-street parking spaces as a drop-off and pick-up area shall be provided, in addition to the spaces required for the dwelling unit. A driveway may be used to provide the required parking spaces; all subject to State requirements and
 4. **Noise.** In order to protect residents in adjacent dwellings from noise impacts, a facility within a residential zone or mixed use zone shall only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m.
- F. **Findings.** The Review Authority may allow grant a discretionary permit for a Care facility only if it first finds and determines that:
1. The facility will not create adverse traffic or noise impacts upon the neighborhood; and
 2. The facility will comply with all applicable building, fire, and life safety requirements and regulations.
- G. **Action by Review Authority.**
1. The Review Authority may approve, approve with conditions, or deny the application for a discretionary permit, and if approved, the permit shall be subject to all imposed conditions; and

2. Every approved discretionary permit shall be subject to the express condition that the permit shall not become effective until the applicant is licensed by the State in compliance with Health and Safety Code Division 2, Chapter 3.6 to operate a Care facility at the subject property, as applicable. The holder of the discretionary permit shall furnish to the Director a copy of the application submitted to the State and a copy of the final determination made by the State. If the application is denied by the State, the discretionary permit approved in compliance with this Section is void.

H. **Expiration, extension, and review of permit.**

1. A discretionary permit approved in compliance with this section shall expire 12 months from the date on which the approval of the permit became effective unless, before the expiration date, the Care_facility is established and operating on the approved site.
2. The established expiration date may be extended by the Review Authority for a period(s) of time not exceeding a total of 24 months. Application for extension shall be filed before the expiration date. No fees or costs shall be imposed for the filing and processing of the application. A public hearing shall be conducted on the application for extension. Extension of a discretionary permit is not a matter of right and the application may be denied or approved subject to conditions.
3. The Review Authority may, at any time, either on its own initiative or in response to an application or request to do so, modify or delete any conditions of the permit or impose new conditions if the Review Authority first determines that the action is necessary in order to mitigate any adverse impacts that may be created from the operation of the Care_facility.

EXHIBIT E

Table 7-3 Types of Minor Variances Allowed

Table 7-3 Types of Minor Variances Allowed	Maximum Variance
1. Distances between structures. A decrease of the minimum required distances between detached accessory structures and main structures on the same site.	10 percent
2. Impervious surface coverage. An increase of the maximum allowable impervious surface coverage.	10 percent
3. Projections. An increase in the allowed projection of chimneys, eaves, fireplaces, landings, overhangs, stairways, and steps into any required front, side, or rear setbacks.	10 percent
4. Reduction of landscape standards. Reduction of required on-site landscaping standards.	10 percent
5. Setbacks. A decrease of the maximum required setback areas (e.g., front, rear, and side) for structures.	10 percent
6. Signs. Sign regulations (other than prohibited signs).	10 percent
7. Structure heights. An increase in the maximum allowed height of structures.	5 percent
8. Code Enforcement. A reduction in development standards, if doing so will help the City abate a public nuisance as part of a code enforcement hearing or process.	10 percent

9. Nonconforming Adjustments	10 percent
------------------------------	------------

EXHIBIT F

Table 7-2 Review Authority for Site Plan and Design Review

Table 7-2 Review Authority for Site Plan and Design Review	Review Level ⁽¹⁾⁽²⁾	
	Director	Commission ⁽³⁾
New Construction, Additions and Modifications		
Additions, New Construction or Modifications ≤1,000 sq. ft.	Decision	Appeal
Additions, New Construction or Modifications >1,000 sq. ft.	Recommend	Decision
Other Non-Residential Construction		
Façade or exterior improvements ≤1,000 sq. ft.	Decision	Appeal

EXHIBIT G

Table 5-1 Subdivision Review Authorities

Table 5-1 Subdivision Review Authorities				
Type of Decision*	Applicable Chapter or Section	Director	Commission	Council ⁽³⁾
Condominiums: Residential Condominiums	18.64	Recommend	Decision	Appeal
Residential Condominium Conversions	18.66	N/A	Recommend	Decision
Non-Residential Condominium Conversions	18.68	Recommend	Decision	Appeal
Final Parcel Maps, Without Dedications	18.54.040	Decision	Appeal	Appeal

Final Parcel Maps, With Dedications**	18.54.040 B.2.c	Recommend	N/A	Decision
Final Tract Maps, Vesting Tract Maps without Dedications	18.54.040 B.2.c	Decision	Appeal	Appeal
Final Tract Maps, Vesting Tract Maps, with Dedications **	18.54.040 C	Recommend	N/A	Decision
Tentative Parcel Maps, with dedications*	18.52.040	Recommend	Decision	Appeal

EXHIBIT H
Table 7-1 Review Authority

Table 7-1 Review Authority				
Type of Action	Applicable Code Citation	Role of Review Authority⁽¹⁾⁽²⁾		
		Director	Commission	Council
A. Administrative Permits and Actions				
Adjustment Permits	Ch. 18.87	Decision	N/A	N/A
Administrative Use Permits	Ch. 18.86	Decision	Appeal	Appeal
Development Code Interpretations	Ch. 18.12	Decision	Appeal	Appeal
Joint/Off-Site Parking Plans	Ch. 18.36	Decision	Appeal	Appeal
Minor Variances	Ch. 18.90	Decision	Appeal	Appeal
Preliminary Ministerial Review Clearances	Ch. 18.85	Decision	N/A	N/A
Reasonable Accommodations	Ch. 18.94	Decision	Appeal	Appeal
Sign Permits/Comprehensive Sign Programs	Ch. 18.38	See Table 7-2 (Site Plan and Design Review Authorities) ⁽³⁾		
Site Plan and Design Reviews	Ch. 18.86	See Table 7-2 (Site Plan and Design Review Authorities) ⁽³⁾		
Temporary Use Permits	Ch. 18.94	Decision	Appeal	Appeal
Tree Removal Permits	Ch. 18.28	Decision	Appeal	N/A
Zoning Clearances	Ch. 18.84	Issuance	Appeal	Appeal

EXHIBIT I
Table 2-3 Refueling and Service Station Zones

Table 2-3 Allowed Uses and Permit Requirements	Mixed Use Zones			
	Permit Requirements			
	P Permitted By-Right			
	CUP Conditional Use Permit (Chapter 18.88)			
	AUP Administrative Use Permit (Chapter 18.88)			
	TUP Temporary Use Term Permit (Chapter 18.94)			
	— Prohibited			
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	MUC	MUL	MUH	Specific Use Regulations
Vehicle Rental, Sale and Service Uses				
Vehicle/Equipment Rentals				
Vehicle Washing	—	—	—	
Refueling/Service Stations	C	C*	C*	Section 18.48.180.B.3 <ul style="list-style-type: none"> No incidental repair/service

EXHIBIT J
Chapter 18.24 Accessory Structures

<p>Permit Requirements (§18.24.020)</p>	<p>B. Exemptions for Residential Zones. Storage sheds and other similar accessory structures that comply with the following regulations are required to receive a Zoning Clearance or Permit Adjustment.</p> <ol style="list-style-type: none"> The footprint of the structure is not more than 120 square feet and is less than 17 feet in total height; The structure does not occupy more than 25 percent of the rear setback area; The structure is located at least three feet from all property lines and at least three feet from any adjacent structures; The structure does not exceed the site coverage limitations for the zone in which it is located; The structure is constructed of materials that are visually appealing, painted or stained (unless natural wood will weather attractively), and if the structure has a pitched roof, the roof does not produce glare;
---	---

	<ol style="list-style-type: none"> 6. The structure is built to the specifications of the California Building Code as well as any other applicable codes in force; 7. If the structure is proposed on a corner parcel, it shall not encroach upon the exterior side setback; and 8. The structure is not proposed in any setback other than the rear setback, unless approved by the Director.
<p>Standards for Accessory Structures (§18.24.030)</p>	<p>A. Residential Zones, Nonexempt Structures.</p> <ol style="list-style-type: none"> 1. Structures greater than 120 square feet. A one-story detached accessory structure with a footprint greater than 120 square feet may be constructed after approval of a Zoning Clearance or Permit Adjustment and obtaining building permits, if all of the following requirements are met: <ol style="list-style-type: none"> a. The structure does not occupy more than 25 percent of the front or rear yard. b. At least 700 square feet of useable rear yard area is maintained. c. The structure has a height no greater than 17 feet. d. The structure is located as follows: <ol style="list-style-type: none"> (1) At least six feet from the rear property line; (2) In the rear half of the lot; (3) At least three feet from side property lines; and (4) At least six feet from any adjacent structures. e. The structure has a projected roof area of less than 1,000 square feet; f. The structure does not exceed the site coverage limitations for the zone in which it is located; g. The structure is constructed of a material that is visually appealing, painted or stained, fully enclosed, and with a hip or other approved roof that does not produce glare, and of a compatible exterior appearance with the principal structure on the premises; h. The applicant has submitted plans to the Building Official and has received a building permit to proceed with construction; and i. If the structure is proposed on a corner parcel, the structure does not encroach upon the exterior side setback. <p>B. Nonresidential Zones, Development Standards. All of the following regulations apply to all accessory structures in nonresidential and mixed use zones:</p> <ol style="list-style-type: none"> 1. Incidental to the primary structure or use. The accessory structure shall serve occupants and/or patrons of the primary structure or use and shall not alter the character of the site or use; 2. Height. The height is limited to one story no greater than 17 feet in height; 3. Setbacks. All accessory structures shall meet the setback requirements for the zone in which they are located; 4. Site coverage. The total square footage of all accessory structures on a parcel, including any exempt structures,

	<p>counts toward the calculation of total site coverage for the zone in which they are located; and</p> <p>5. Architectural consistency. All accessory structures shall be consistent in exterior appearance with the primary structure through the use of similar/matching exterior paint colors, material types, roof materials, and architectural style, as determined by the Director.</p>
--	---

EXHIBIT K

Chapter 18.96 Accessory Dwelling Units

<p>§18.96.010 - Definitions</p>	<p>detached residential dwelling unit providing complete independent living facilities for one or more persons containing permanent provisions for living, sleeping, eating, cooking, and sanitation facilities which are defined as a full bathroom (tub/shower, sink, and a toilet). An ADU also includes an efficiency unit, as defined in Health and Safety Code Section 17958.1 and a manufactured home, as defined in Health and Safety Code Section 18007.</p> <p>Junior Accessory Dwelling Unit (JADU). A residential dwelling unit that is no more than 500 square feet in size, includes an efficiency kitchen including a cooking facility with appliances, food preparation counter and storage cabinets of reasonable size in relation to the size of the JADU and consistent with building code standards, is contained entirely within a single-family residence-, including an attached garage, and may include separate sanitation facilities or may share sanitation facilities with the existing structure.</p> <p>Livable Space. Livable space means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.</p> <p>Primary Dwelling Unit. The single-family dwelling or multiple-family dwelling but does not include an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU). An attached garage is considered part of the primary dwelling unit.</p> <p>Public Transit. Public transit means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.</p>
<p>§18.96.030.A.4 – General Provisions</p>	<p>Except as otherwise provided in this chapter, an Accessory Dwelling Unit (ADU) or a Junior Accessory Dwelling Unit (JADU) that meets all of the following specified development standards shall be approved by the City:</p> <p>A. Zoning. ADUs are allowed on parcels zoned to allow single-family dwellings or multiple-family dwellings, including mixed-use zones. JADUs are allowed on parcels zoned to allow single-family dwellings and are not permitted on a property with a multiple-family dwelling.</p> <p>B. Density. An ADU or JADU unit conforming to the requirements of this chapter shall not be included in the calculation of residential</p>

density for the purpose of determining general plan and zoning conformance and is deemed to be a residential use consistent with the existing General Plan and zoning designations for the parcel.

- C. Single-Family Dwellings. Any of the following may be permitted on a parcel with an existing or proposed single-family dwelling:
1. One JADU that meets the standards in Section 18.96.060 below. JADUs are only permitted on a parcel with no more than one existing or proposed single-family dwelling.
 2. One new construction, attached or detached ADU that meets the standards in Section 18.96.050 below.
 3. One accessory dwelling unit created from converted existing space within the walls of a proposed or existing single-family detached dwelling or within an existing accessory structure, including a detached garage, that meets the standards in Section 18.96.050. An existing single-family residence may be converted to an ADU in conjunction with the development of a new primary dwelling unit on the site and in conformity with the development standards in Section 18.96.050.
- D. Multiple-family Dwellings. Multiple-family dwelling units as specified in Subsection 18.96.030.E below. For purposes of this Chapter 18.96 only, multiple-family dwelling units includes two family dwellings.
- E. Statewide Exemption ADUs. Any of the following will be ministerially permitted on a parcel and are not required to meet the additional development and design standards in the underlying zoning district or in Section 18.96.050, unless specified:
1. One ADU and one JADU per parcel with a proposed or existing single-family dwelling if all of the following apply:
 - a. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure. An expansion beyond the physical dimensions of the existing structure shall be limited to accommodating ingress and egress.
 - b. The space has exterior access from the proposed or existing single-family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety.
 - d. The JADU complies with the requirements of Section 18.96.060 below.
 2. One detached, new construction ADU that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling, does not exceed 800 square feet in floor area, and does not exceed the allowed height in Subsection 18.96.050.C, below. The ADU may be combined with a JADU that meets the standards as described in Section 18.96.060.
 3. Multiple ADUs within the portions of a multiple-family building that are not used as livable space, including but not limited to

	<p>storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. The number of ADUs permitted is equivalent to up to 25 percent of the number of existing, legally permitted units in the multiple-family dwelling, or one, whichever is greater.</p> <p>4. Multiple detached ADUs, not to exceed:</p> <ol style="list-style-type: none"> a. Eight detached accessory dwelling units on a lot with an existing multi-family dwelling. However, the number of accessory dwelling units shall not exceed the number of existing units on the lot. b. Two detached accessory dwelling units on a lot with a proposed multi-family dwelling. c. The allowed height in Subsection 18.96.050.C and must have a minimum rear and side setbacks of four feet. If the existing multifamily dwelling has a rear or side setback of less than four feet, the existing multifamily dwelling will not be required to be modified to meet this setback.
<p>§18.96.050.A.2 – Development Standards</p>	<p>A. The ADU shall comply with the requirements of the underlying zoning district unless:</p> <ol style="list-style-type: none"> 1. The requirements are inconsistent with the provisions of this chapter, in which case the standards of this section shall apply; 2. The application is to legalize an unpermitted ADU or unpermitted JADU that was constructed prior to January 1, 2020, even if the ADU or JADU is nonconforming with local zoning, Government Code Section 65852.2, and/or California and local building code requirements. However, the City may deny the application for an unpermitted accessory dwelling unit or junior accessory dwelling unit if the City makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code. The section shall not apply to a building that is deemed substandard pursuant to Health and Safety Code Section 17920.3; or 3. Limits on size based on a percentage of the proposed or existing primary dwelling, lot coverage, floor area ratio, front set back, open space, and size shall permit, or shall be waived in order to allow, a detached or attached ADU up to 800 square feet in size with four-foot side and rear yards, if the proposed ADU is in compliance with all other development standards.
<p>§18.96.090 – Non-Permitted ADUs and JADUs</p>	<p>The establishment or continuance of an ADU or JADU without a permit as required under this chapter is declared to be unlawful and shall constitute a misdemeanor violation of this chapter and a public nuisance. ADUs and JADUs constructed prior to January 1, 2020 shall be issued a permit in accordance with Section 18.96.050. Any violation of this chapter shall be subject to the enforcement provisions and penalties as prescribed in Chapter 18.118. The enforcement of the code violation abatement shall be consistent with Health & Safety Code Section 17980.12</p>

<p>§18.96.050.G – Development Standards</p>	<p>G. Replacement Parking: Replacement parking shall not be required when a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU, or conversion of that parking structure into an ADU.</p>
---	---



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 18, 2025
TO: Honorable Mayor and Members of the City Council
VIA: Melvin E. Gaines, City Manager
BY: Tomohito Oku, Finance Director
SUBJECT: Mid-year Budget Amendment for Fiscal Year 2024-25

Recommendation

Adopt a resolution approving amendments to the Fiscal Year 2024-25 budget.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority: Ensure Our Financial and Organizational Health

Background

The City Council approved the FY 2024-25 Adopted Budget on June 18, 2024. The Adopted Budget (excluding Successor Trust) reflects total revenues of \$73.4 million and total expenditure of \$68.9 million resulting in positive net change in fund balance of \$4.4 million across all funds. The following table summarizes the Citywide Adopted budget:

POLICY AND ACTION 13.1

FY24-25 Adopted - Citywide Funds					
(In 000's)					
Description	General Fund/ General Reserves	Restricted Funds	Capital Funds	Enterprise Funds	TOTAL CITY FUNDS
Total Revenues	37,487	9,533	18,238	8,119	73,377
Total Expenditures	(35,771)	(10,002)	(18,197)	(4,957)	(68,927)
Net Sources / (Uses)	1,715	(469)	41	3,162	4,449
Net Transfers	(1,845)	795	1,050	-	-
Change in Fund Balance	(130)	326	1,091	3,162	4,449

The Mid-Year Budget Amendment Report provides an updated assessment of the City's financial condition for the current fiscal year, comparing actual performance during the first six months of FY 2024-25 to the adopted budget. This ensures that ongoing operating revenues remain sufficient to cover operating expenses.

The report includes budget adjustments resulting from previous City Council agenda items since the budget's adoption, as well as carryover adjustments for encumbrances and capital expenditures previously approved by the Council. Additionally, it proposes modifications to certain revenue and expenditure categories based on staff analysis of economic trends, program and capital project requirements, and alignment with Council strategic priorities.

Analysis

Economic Condition and Fiscal Outlook

Financial Results for FY2023-24:

Staff recently reported that the City successfully concluded the FY 2023-24 financial statement audit, reaffirming its strong financial position and achieving a significant surplus in the General Fund for the third consecutive year. The General Fund recorded a \$5.6 million increase in fund balance, bringing the unassigned fund balance to \$32.5 million, excluding the contingency reserve, at the fiscal year's close. While this is a healthy unassigned fund balance, the increases experienced in FY23-24 were not from ongoing sources; that is, the City should not expect such increases in future years. As discussed during the January 21, 2025 Council meeting, this increase in fund balance was primarily driven by budget savings of which the vast majority are attributed to salary savings due to vacancies in FY 2023-24 and planned but incomplete professional and technical services across various departments. The increase was also attributable to an unexpected one-time revenue infusion (property tax in-lieu of VLF revenue) with actual results exceeding budgeted projections.

POLICY AND ACTION 13.1

Fiscal Caution and Need for Strategic Financial Planning:

Despite the positive financial trends over the past few years, recent forecasts and analyses indicate a slowdown in the City's major tax revenues, contrasting with the continued growth in operating expenditure, leading to a projected budget deficit in the General Fund for the next several years. As a reminder, the City balanced the FY 2024-25 Adopted General Fund Budget by reducing departmental spending. Given the current economic outlook, a conservative fiscal approach is advisable for the current and upcoming fiscal years. While it may be challenging to introduce new projects and positions that increase ongoing operational costs, the City's healthy fund balance can support one-time projects and programs. This underscores the importance of carefully considering any new initiatives to ensure long-term financial sustainability.

General Fund

The adopted FY 2024-25 budget reflected a General Fund balance of negative \$0.1 million. Due to changes from July 1, 2024 to December 31, 2024, the deficit in the FY 2024-25 fund balance has increased an additional \$4 million. At mid-year, the fund balance is now negative \$4.1 million. As will be discussed in the General Fund expenditure section of this report, it should be noted that the \$4.1 million deficit will not significantly impact the unassigned fund balance (\$32.5 million) since the vast majority of the amount is attributed to the encumbrances carried from the previous fiscal year. The table below summarizes the General Fund budget amendments from the adoption to the Mid-year. For more details, please refer to Mid-year General Fund Budget FY2024-25 (Attachment 2).

FY2024-25 Q2 - General Fund and Reserves (In 000's)				
Description	FY 24-25 Adopted	Amended/ Carry- Forward	Proposed	Total General Fund/Reserves
Total Revenues	37,487	250	(540)	37,197
Total Expenditures	(35,771)	(4,203)	500	(39,474)
Net Sources/ (Uses)	1,715	(3,953)	(40)	(2,277)
Net Transfers	(1,845)	-	-	(1,845)
Change in Fund Balance	(130)	(3,953)	(40)	(4,123)

General fund revenues:

POLICY AND ACTION 13.1

General Fund Revenue	FY 2024-25 Adopted	Changes	FY 2024-25 Mid-Year
Property Tax	17,384,764	-	17,384,764
Sales Tax	6,219,000	(740,000)	5,479,000
Business License Tax	2,310,000	-	2,310,000
Transient Occupancy Tax	2,200,000	-	2,200,000
Utility Users Tax	1,788,874	-	1,788,874
Other Taxes	90,000	-	90,000
Licenses, Fees, and Permits	1,395,000	-	1,395,000
Charges for Services	2,944,170	-	2,944,170
Fines and Forfeitures	290,000	-	290,000
Use of Money and Property	1,520,000	700,000	2,220,000
Grants and Intergovernmental	245,000	250,000	495,000
Other Miscellaneous Revenues	1,100,000	(500,000)	600,000
Total GF Revenues	\$ 37,486,808	\$ (290,000)	\$ 37,196,808

FY 2024-25 projected revenues decreased by nearly \$0.3 million from \$37,468,808 at budget adoption to \$37,196,808 at mid-year. The table above compares General Fund revenue projections by category, highlighting changes between the Adopted Budget and the Mid-Year Budget. The most significant adjustment is in sales tax revenues, which are projected to decrease by \$0.7 million due to Q1 and Q2 performance trends and the closure of the Target store at Gateway 101 Shopping Center. Conversely, investment income is expected to increase by \$0.7 million, driven by slower-than-anticipated federal rate cuts, a resilient U.S. economy, and persistent inflation. Additionally, the City will receive a \$250,000 one-time private contribution from Meta to support education programs, workforce development training, or other initiatives—an amendment to the original agreement, which previously funded a culinary training program and incubator. Lastly, miscellaneous revenue is projected to decline by \$0.5 million, directly linked to fluctuations in developer activities. However, an equivalent reduction is accounted in General Fund expenditures. The City has Developer Reimbursement Agreements through which developers reimburse the City for the staff and consultant time on their projects. When there is less development activity than expected, the City receives less revenue but also has less expenditure. Thus, there is no impact to the City's funds.

General fund expenditures:

General Fund expenditure, excluding transfers, has increased by \$3.7 million. This change is primarily made up of three components:

1) Encumbrances carried forward from the previous fiscal year (\$3.8M), 2) Additional appropriations approved by the City Council (\$0.4M) and 3) A proposed budget reduction (-\$0.5M). The first two components have already been presented to the City Council in previous meetings. The third component, a proposed \$0.5 million reduction, is a new item for Council

POLICY AND ACTION 13.1

consideration. The \$3.8 million in encumbrances carried forward consists of unspent contracts and purchase orders from the prior fiscal year. These funds come from the assigned fund balance category. Since assigned fund balance and encumbrances are not finalized at the time of budget adoption, they cannot be included in the adopted budget. Instead, they are carried forward and incorporated into the mid-year budget.

The \$0.5 million reduction to the General Fund expenditure, relates to developer activities discussed above in the General Fund Revenue narrative. This item was budgeted through a Developer Reimbursement Agreement, meaning the expenditure reduction is offset by an equal reduction in General Fund revenue.

Restricted Funds¹

The Restricted Funds amended net change in fund balance decreased by \$5.8 million, shifting from a positive \$0.3 million to a negative \$5.5 million. There is no change in the restricted revenue projection. The expenditure increase is driven by three key components:

1. Housing Programs – Increased by \$2.6 million, primarily due to the \$2.0 million Palo Mobile Estate loan program carried forward from the previous year and the \$0.4 million Measure HH pilot workforce development program.
2. Transportation and Infrastructure Programs – Increased by \$2.9 million, mainly reflecting the \$5.8 million contract approved in October 2024 for the Annual Street Resurfacing Project, funded primarily by the Gas Tax and Measure A funds.
3. Community Programs – Increased by \$0.3 million, mainly due to encumbrance carried forward for TOT Community Grant contracts.

This amendment reflects a strategic allocation of funds to key community and infrastructure initiatives while maintaining the sound fund balance level for the special revenue funds.

¹ Restricted Funds include Housing Programs, Transportation and Infrastructure Programs, and Community Programs, all of which are categorized as special revenue funds. For more detailed information on these funds, please refer to page FS-5 of the [FY25 Adopted Budget](#).

 **POLICY AND ACTION 13.1**

FY2024-25 Q2 - Restricted Funds (In 000's)				
Description	FY 24-25 Adopted	Amended/ Carry- Forward	Proposed	Total Restricted
Total Revenues	9,533	-	-	9,533
Total Expenditures	(10,002)	(5,855)	(10)	(15,867)
Net Sources / (Uses)	(470)	(5,855)	(10)	(6,335)
Net Transfers	795	-	-	795
Change in Fund Balance	326	(5,855)	(10)	(5,540)

Capital Funds²

FY2024-25 Q2 - Capital Funds (In 000's)				
Description	FY 24-25 Adopted	Amended/ Carry- Forward	Proposed	Total Capital
Total Revenues	18,238	16,608	-	34,846
Total Expenditures	(18,197)	(10,121)	-	(28,318)
Net Sources / (Uses)	41	6,487	-	6,528
Net Transfers	1,050	-	-	1,050
Change in Fund Balance	1,091	6,487	-	7,578

The amended net change in the Capital Funds balance increased by \$6.5 million, from \$1.1 million to \$7.6 million. This increase is primarily due to grant-funded capital projects carried forward from the previous fiscal year. While expenditures for these projects had begun, they had not yet been reimbursed by the awarding agencies.

² Capital Funds include both capital projects funds and impact fee funds. For more detailed information on these funds, please refer to page FS-13 of the [FY25 Adopted Budget](#).

POLICY AND ACTION 13.1

The projected revenue increase of \$16.6 million is directly tied to these reimbursement-based grants, meaning that a total of \$16.6 million in capital project costs will have been incurred by the completion of these projects. However, only \$10.1 million of this amount is reflected in the current fiscal year's expenditure. The remaining amount was spent in the prior fiscal year, creating a temporary fund balance reduction until reimbursement is received. This timing discrepancy occurs because expenditures are incurred before funds are reimbursed by the granting agencies.

The following table shows the capital project funds reserve projection (excluding CIP impact fee funds). The reserve projection excludes the restricted and the committed balances.

	Capital Project Fund - Reserve Projection *	
Assigned Fund Balance as of June 30, 2024	\$	9,419,779
Deficit from FY Adopted Budget Surplus		(4,351,235)
Surplus from CIP Carried Forward (incl. grant revenues)		6,486,654
Use of Committed Fund Balance		1,256,799
Projected Reserve as of June 30, 2025	\$	12,811,997
		<small>* Excluding CIP impact fee funds</small>

The projected reserve balance at the end of the current fiscal year is estimated to be approximately \$12.8 million. While this balance has not been allocated to any specific upcoming projects and remains available for Council's discretion, it is important to recognize that many capital projects rely on reimbursement-based grant programs, which require upfront cash to prevent overspending of the City's liquid fund balance. Additionally, staff recommends a fiscally prudent and strategic approach to utilizing the reserve balance. This includes referring to [the City's 10-Year Capital Improvement Plan \(CIP\) Report](#) issued by the Public Works Department and consulting with the Public Works & Transportation Commission.

Enterprise Funds³

The Enterprise Funds Amended net change in fund balance decreased by \$6.1 million, shifting from a \$3.2 million surplus to \$3.0 million deficit. The \$8.1 million increase in expenditures primarily consists of carryforward capital balances, including: the University Avenue and Weeks Street 12-inch Watermain Project (\$7.3M) and Woodland Avenue Waterline and City of Palo Alto Interconnect Project (\$0.4M). A \$2.0 million revenue amendment is included for a State earmark grant that funded the University Avenue and Weeks Street 12-inch Watermain Project. The remaining funding for this project had already been secured through the transfers made in the previous fiscal years. Additionally, a \$75,000 budget adjustment is proposed to conduct a water rate study in response to anticipated rate increases by SFPUC.

³ Enterprise Funds include garbage collection fund and water service fund. For more detailed information on these funds, please refer to page FS-15 of the [FY25 Adopted Budget](#).

 **POLICY AND ACTION 13.1**

FY 2024-25 Q2 - Enterprise Funds (In 000's)				
Description	FY 24-25 Adopted	Amended/ Carry- Forward	Proposed	Total Enterprise
Total Revenues	8,119	2,000	-	10,119
Total Expenditures	(4,957)	(8,131)	(75)	(13,163)
Net Sources/ (Uses)	3,163	(6,131)	(75)	(3,043)
Net Transfers	-	-	-	-
Change in Fund Balance	3,163	(6,131)	(75)	(3,043)

Fiscal Impact

Total proposed amended budget is as follows for the fiscal year 2024-25:

FY 24-25 Mid Year Amended - Citywide Funds (In 000's)					
Description	General Fund / General Reserves	Restricted Funds	Capital Funds	Enterprise Funds	TOTAL CITY FUNDS
Total Revenues	37,197	9,533	34,846	10,119	91,695
Total Expenditures	(39,474)	(15,867)	(28,318)	(13,163)	(96,823)
Net Sources / (Uses)	(2,277)	(6,334)	6,528	(3,044)	(5,128)
Net Transfers	(1,845)	795	1,050	-	-
Change in Fund Balance	(4,123)	(5,539)	7,578	(3,044)	(5,128)

Public Notice

The public was provided notice by making the agenda and report available on the City's website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The action being considered does not constitute a "Project" within the meaning of the

POLICY AND ACTION 13.1

California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

Government Code § 84308

Applicability of Levine Act: No, as the proposed action does not involve an entitlement.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Resolution.
2. Mid-year General Fund Budget
3. CIP Budget

RESOLUTION NO. XX – 2025

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EAST PALO ALTO**

APPROVING AMENDMENTS TO THE FISCAL YEAR 2024-25 BUDGET

WHEREAS, the City Council, from time to time, reviews the annual spending plan for the City of East Palo Alto General, Special Revenue, Capital, Enterprise, and Trust Funds in order to account for anticipated revenues and to appropriate projected expenditures; and

WHEREAS, the East Palo Alto Municipal Code section 3.08.110 requires the adoption of an annual budget no later than June 30th prior to the beginning of the fiscal year; and

WHEREAS, the City Council adopted the Fiscal Year (“FY”) 2024-25 Budget on June 18, 2024, and has approved amendments of the budget since adoption; and

WHEREAS, City staff propose amendments to the budget based upon noted mid-year trends and information; and

WHEREAS, upon consideration of the information presented, the City Council desires to make amendments to the FY 2024-25 Budget.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY:

1. Finds the foregoing recitals are true and correct, and are incorporated by this reference into this action;
2. Approves amendments to the FY 2024-25 Budget, attached hereto as **Exhibit A** and incorporated by this reference; and
3. Finds that the action being considered does not constitute a “Project” within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

PASSED AND ADOPTED this 18th day of February 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Martha Barragan, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney

Exhibit A

FY 2024-25 Mid-Year Budget Summary							
Fund	Description	Operating		Capital Improvement Plan	Operating Transfers		Net Change Fund Balance
		Revenues	Expenditures		In	Out	
110	General Fund	\$ 36,521,808	\$ (35,723,656)	\$ -	\$ -	\$ (4,416,291)	\$ (3,618,139)
111	IT Replacement Fund	\$ -	\$ (1,580,917)	\$ (8,500)	\$ 1,297,689	\$ -	\$ (291,728)
112	Equipment & Vehicles	\$ -	\$ (488,064)	\$ -	\$ 150,566	\$ -	\$ (337,498)
113	Self Insurance	\$ -	\$ (1,122,624)	\$ -	\$ 1,122,624	\$ -	\$ -
116	Community Benefit Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
117	Com Dev Pass Thru	\$ 600,000	\$ (550,500)	\$ -	\$ -	\$ -	\$ 49,500
199	Emergency Fund	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ 75,000
ELIMINATING ENTRY		\$ -	\$ -	\$ -	\$ (2,570,879)	\$ 2,570,879	\$ -
General Fund		\$ 37,196,808	\$ (39,465,760)	\$ (8,500)	\$ -	\$ (1,845,412)	\$ (4,122,885)
213	Police Grants	\$ 183,000	\$ (170,000)	\$ -	\$ -	\$ -	\$ 13,000
215	Misc Federal and State Grants	\$ 393,627	\$ (359,619)	\$ -	\$ -	\$ -	\$ 34,008
230	Local Grants	\$ 1,083,563	\$ (1,063,563)	\$ -	\$ -	\$ -	\$ 20,000
231	CYSFF TOT	\$ 315,000	\$ (819,322)	\$ -	\$ -	\$ -	\$ (504,322)
232	Measure C	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Community Programs		\$ 1,975,190	\$ (2,412,504)	\$ -	\$ -	\$ -	\$ (437,314)
201	State Gas Tax	\$ 1,638,280	\$ (1,132,029)	\$ (2,020,638)	\$ 64,500	\$ -	\$ (1,449,887)
202	Measure A	\$ 950,000	\$ (3,539)	\$ (3,680,982)	\$ -	\$ -	\$ (2,734,521)
203	NPDES	\$ 138,360	\$ (1,113,494)	\$ -	\$ 595,290	\$ -	\$ (379,844)
206	Park In Lieu	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ 10,000
221	Lighting District	\$ 1,066,300	\$ (339,807)	\$ (300,000)	\$ -	\$ -	\$ 426,493
222	Drainage District	\$ 251,376	\$ (344,136)	\$ (200,000)	\$ 62,078	\$ -	\$ (230,682)
234	County Measure W	\$ 365,000	\$ (1,740)	\$ (87,542)	\$ -	\$ -	\$ 275,718
290	ARPA- American Rescue Plan	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Infrastructure Programs		\$ 4,419,316	\$ (2,934,745)	\$ (6,289,162)	\$ 721,868	\$ -	\$ (4,082,723)
204	Rent Stabilization	\$ 592,500	\$ (861,119)	\$ -	\$ -	\$ -	\$ (268,619)
207	Housing In Lieu	\$ 304,680	\$ (2,129,495)	\$ -	\$ -	\$ -	\$ (1,824,815)
209	Housing Assistance Program	\$ 14,000	\$ (3,174)	\$ -	\$ -	\$ -	\$ 10,826
216	Commercial IF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
217	Residential IF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
218	Affordable Housing TOT	\$ 335,000	\$ (29,418)	\$ -	\$ -	\$ -	\$ 305,582
219	Measure HH	\$ 1,857,000	\$ (754,011)	\$ -	\$ -	\$ -	\$ 1,102,989
220	Lo-Mod Housing Successor	\$ 35,000	\$ (454,291)	\$ -	\$ 73,544	\$ -	\$ (345,747)
233	Silicon Valley Community	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Affordable Housing Programs		\$ 3,138,180	\$ (4,231,507)	\$ -	\$ 73,544	\$ -	\$ (1,019,784)
Total Special Revenue Funds		\$ 9,532,686	\$ (9,578,756)	\$ (6,289,162)	\$ 795,412	\$ -	\$ (5,539,821)
301	Capital Improvement Fund	\$ 500,000	\$ (87,334)	\$ (10,239,463)	\$ -	\$ -	\$ (9,826,797)
303	Capital Grant	\$ 28,904,024	\$ -	\$ (17,956,565)	\$ 1,050,000	\$ -	\$ 11,997,459
305	Parks & Trails	\$ 1,495,781	\$ (8,811)	\$ -	\$ -	\$ -	\$ 1,486,970
306	Public Facilities	\$ 2,622,465	\$ (8,811)	\$ -	\$ -	\$ -	\$ 2,613,654
307	Transportation	\$ 969,414	\$ (8,811)	\$ -	\$ -	\$ -	\$ 960,603
308	RBD-I Storm D	\$ 12,099	\$ (8,811)	\$ -	\$ -	\$ -	\$ 3,288
309	RBD-O Storm D	\$ 342,255	\$ -	\$ -	\$ -	\$ -	\$ 342,255
Capital Funds		\$ 34,846,038	\$ (122,576)	\$ (28,196,028)	\$ 1,050,000	\$ -	\$ 7,577,432
510	Water Service Fund	\$ 455,000	\$ (634,799)	\$ -	\$ -	\$ -	\$ (179,799)
511	Water Capital Fund	\$ 3,261,703	\$ (306,893)	\$ (7,889,092)	\$ -	\$ -	\$ (4,934,282)
512	Water Meter Fund	\$ 50,000	\$ -	\$ (416,483)	\$ -	\$ -	\$ (366,483)
513	Water Capacity Fee Fund	\$ 2,642,744	\$ (8,811)	\$ -	\$ -	\$ -	\$ 2,633,933
Water Enterprise		\$ 6,409,447	\$ (950,503)	\$ (8,305,575)	\$ -	\$ -	\$ (2,846,631)
520	Garbage Service Fund	\$ 3,710,000	\$ (3,906,343)	\$ -	\$ -	\$ -	\$ (196,343)
Total Enterprise		\$ 10,119,447	\$ (4,856,846)	\$ (8,305,575)	\$ -	\$ -	\$ (3,042,974)
City-wide Total		\$ 91,694,979	\$ (54,023,939)	\$ (42,799,265)	\$ 1,845,412	\$ (1,845,412)	\$ (5,128,227)

City of East Palo Alto

GENERAL FUND BUDGET FY 2024-25
For Second Quarter Ended December 31, 2024

Revenues	Adopted 2025	Amended Changes	Proposed Changes	Amended 2025	12/31/2024 Actual YTD	%	12/31/2023 Actual YTD	FY 2023-24 Audited	%
Property Tax	17,384,764	-	-	17,384,764	8,455,849	49%	8,474,897	18,796,350	45%
Sales Tax	6,219,000	-	(740,000)	5,479,000	2,132,562	39%	2,288,616	6,019,894	38%
Business License Tax	2,310,000	-	-	2,310,000	158,780	7%	142,123	2,290,256	6%
Transient Occupancy Tax	2,200,000	-	-	2,200,000	977,830	44%	898,279	2,021,494	44%
Utility Users Tax	1,788,874	-	-	1,788,874	866,843	48%	776,886	2,052,280	38%
Other Taxes	90,000	-	-	90,000	88,763	99%	24,103	102,375	24%
Licenses, Fees, and Permits	1,395,000	-	-	1,395,000	626,533	45%	380,242	1,673,305	23%
Charges for Services	2,944,170	-	-	2,944,170	674,988	23%	766,905	453,153	169%
Fines and Forfeitures	290,000	-	-	290,000	166,467	57%	192,142	540,438	36%
Use of Money and Property	1,520,000	-	700,000	2,220,000	1,451,932	65%	1,954,828	3,114,354	63%
Grants and Intergovernmental	245,000	250,000	-	495,000	-	0%	29,626	102,370	29%
Other Miscellaneous	1,100,000	-	(500,000)	600,000	61,959	10%	56,491	546,286	10%
Total Revenues	37,486,808	250,000	(540,000)	37,196,808	15,662,506	42%	15,985,139	37,712,555	42%
Expenditures									
City Council	190,693	-	-	190,693	69,170	36%	66,002	150,382	44%
City Attorney	1,344,052	5,335	-	1,349,387	409,915	30%	266,780	957,282	28%
City Clerk	592,026	10,864	-	602,890	152,465	25%	75,188	265,775	28%
City Manager's Office:									
City Manager Admin	2,345,936	365,979	-	2,711,915	789,227	29%	599,609	1,329,439	45%
Human Resources	1,057,825	532,454	-	1,590,279	483,355	30%	388,848	929,750	42%
Formerly Administrative svcs	-	-	-	-	45,016	-	257,611	506,018	51%
Community Programs	719,241	40,500	-	759,741	371,917	49%	373,322	699,373	53%
Senior Services	421,889	36,406	-	458,295	160,814	35%	89,356	370,155	24%
Finance	1,489,587	148,425	-	1,638,012	558,961	34%	530,868	1,109,478	48%
Community Development:									
Community Development Admin	742,926	-	-	742,926	295,760	40%	236,741	558,828	42%
Building Services	2,931,620	660,371	-	3,591,991	524,273	15%	462,266	1,165,856	40%
Planning	2,185,073	171,920	(500,000)	1,856,993	507,930	27%	654,168	1,314,635	50%
Housing	234,725	233,992	-	468,717	72,142	15%	78,506	242,553	32%
Public Works:									
Public Works Admin	692,681	-	-	692,681	220,931	32%	31,238	416,166	8%
Engineering Services	1,014,978	647,535	-	1,662,513	499,642	30%	507,726	1,012,037	50%
Maintenance	3,043,508	711,586	-	3,755,094	1,243,830	33%	1,005,373	2,485,175	40%
Environmental Services	285,397	154,678	-	440,075	50,932	12%	75,300	230,214	33%
Police:									
Police Admin	5,115,218	296,038	-	5,411,256	2,950,000	55%	2,127,327	4,792,609	44%
Operations	8,043,078	-	-	8,043,078	3,488,039	43%	3,590,782	7,052,897	51%
Investigations	1,748,150	-	-	1,748,150	662,886	38%	503,602	940,444	54%
Non-Departmental:									
Capital Outlay	-	-	-	-	-	0%	-	-	-
Insurance and Settlements	1,052,624	-	-	1,052,624	902,832	86%	814,687	814,687	100%
Other Non-departmental	1,449,406	186,728	-	1,636,134	830,728	51%	830,728	1,531,621	54%
Overhead Allocation	(929,182)	-	-	(929,182)	(464,591)	50%	(456,717)	(913,434)	50%
Total Expenditures	35,771,451	4,202,811	(500,000)	39,474,262	14,826,175	38%	13,109,312	27,961,940	47%
Revenues Over / (Under)	1,715,357	(3,952,811)	(40,000)	(2,277,454)	836,331		2,875,826	9,750,615	
Other Financing Sources/Uses									
Transfers In	-	-	-	-	-	-	-	-	0%
Transfers Out	(1,845,412)	-	-	(1,845,412)	(922,706)	50%	(559,180)	(4,119,697)	14%
Net Operating Transfers	(1,845,412)	-	-	(1,845,412)	(922,706)	50%	(559,180)	(4,119,697)	14%
Change in Fund Balance	(130,056)	(3,952,811)	(40,000)	(4,122,866)	(86,376)		2,316,646	5,630,918	
Other Reserve Changes	367,718	-	-	4,191,843	2,095,922			4,439,258	
Projected Operating Reserves*									
Beginning Balance	21,196,293	-	-	32,500,281				22,430,105	
Ending Balance	21,433,955	-	-	32,569,258				32,500,281	

* Projected Reserve Fund Balance is restated based on the most recent audited financial statements and include only unassigned fund balance without contingency reserve.

FY 2024-25 Amended CIP Budget

Project No.	Project Name	Capital Funds	Special Revenue Funds	Water Funds	Total
FA-2	Tate St. Office Improvement	\$ 120,000	\$ -	\$ -	\$ 120,000
FA-10	Electric Vehicle Charging Stations	120,000	-	-	120,000
FA-13	City Hall Tenant Improvements	350,000	-	-	350,000
FA-15	Cummings Loft Improvements	455,000	-	-	455,000
FA-16	City of East Palo Alto Library (Design Phase)	3,200,000	-	-	3,200,000
FA-17	Police Department Facility Improvements	400,000	-	-	400,000
PK-20	Rutgers Trail Gate	100,000	-	-	100,000
ST-04A/B	Street Light Upgrade	-	150,000	-	150,000
ST-07	Annual Street Resurfacing *	74,894	5,699,162	-	5,774,056
ST-08	Univ Ave Resurfacing/Signal (HSIP)	1,028,000	-	-	1,028,000
ST-12	Traffic Calming Program - Pulgas Roundabouts	900,000	90,000	-	990,000
ST-29	University Avenue Grand Corridor	2,000,000	-	-	2,000,000
ST-33	Railspur Trail Improvement (AHSC)	1,530,000	-	-	1,530,000
ST-34	Lighting Improvements at Clarke Ave Overcrossing	-	150,000	-	150,000
SD-06A/B	O'Connor Pump station	800,000	200,000	-	1,000,000
SD-08	Full Trash Capture Device Installation Phase 1	2,575,000	-	-	2,575,000
WS-09	Water Tank Siting Study	-	-	150,000	150,000
WD-05	Water Meter Replacement*	-	-	416,600	416,600
SP-02	SFCJPA SAFERBAY Phase 1	4,550,052	-	-	4,550,052
Total		\$ 18,202,946	\$ 6,289,162	\$ 566,600	\$ 25,058,708

*The project has been amended through an agenda item

CIP Budget Carried Forward From Prior Year

Project No.	Project Name	Capital Funds	Special Revenue Funds	Water Funds	Total
ST-14 A/B	University avenue/101 Pedestrian Overcrossing	\$ 8,886,739	\$ -	\$ -	\$ 8,886,739
ST-25	Signage and Bus Shelter Improvement project	563,912	-	-	563,912
ST-26	Addison Avenue Street improvements	53,899	-	-	53,899
ST-28	East Bayshore Pedestrian and Cyclist Improvements	419,832	-	-	419,832
PK-05	Joel Davis Restroom	61,605	-	-	61,605
N/A	12-inch Watermain	-	-	7,294,690	7,294,690
WS-01A	Woodland Ave Waterline and City of PA interconnect	-	-	433,400	433,400
Total		\$ 9,985,988	\$ -	\$ 7,728,090	\$ 17,714,078



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 18, 2025
TO: Honorable Mayor and Members of the City Council
VIA: Melvin E. Gaines, City Manager
BY: James Colin, City Clerk
SUBJECT: Commission Appointments

Recommendation

Interview the applicants for the Public Works and Transportation Commission; and appoint applicants for the Regular seat for the Commission.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority No. 1: Promote Housing, Economic and Workforce Development
Priority No. 3: Promote Health & Public Safety
Priority No. 4: Ensure Our Financial and Organizational Health

Government Code § 84308

Applicability of Levine Act: No

Analysis of Levine Act Compliance: Not applicable

POLICY AND ACTION ITEM 13.2

Background

The City Council of the City of East Palo Alto is seeking candidates to make appointments for the following seats:

Public Works and Transportation Commission appointments for the following terms:

Regular Seat No. 6: From May 31, 2024, through May 31, 2027

The position has remained open until it is filled. The City accepted applications electronically via the SurveyMonkey platform and offered to assist anyone who needed help submitting the application. The City conducted outreach including in-person efforts and through its social media outlets to ensure a comprehensive approach to the outreach process. Social media outlets included various newsletters disseminated to over 4,000 residents, Facebook ads, and the City website.

Selection Process

In order to ensure an efficient and transparent Brown Act compliant selection process, the procedure for review is as follows:

1. City Council will review the applications attached to the February 18, 2025, agenda.
2. City Council will be provided a voting form at the beginning of the agenda item from the City Clerk.
3. City Council will conduct interviews.
4. City Council will make its selections by ballot vote.

Attachments

1. Public Works and Transportation Commission Applications (redacted)

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, November 14, 2024 2:40:14 PM
Last Modified: Thursday, November 14, 2024 2:47:21 PM
Time Spent: 00:07:07
IP Address: [REDACTED]

Page 1: East Palo Alto Sanitary District (EPASD) Advisory Committee

Q1

Name

Larry Moody

Q2

Home Address

[REDACTED]

Q3

City

East Palo Alto

Q4

E-mail Address

[REDACTED]

Q5

Phone Number

[REDACTED]

Q6

Why would you like to serve on the East Palo Alto Sanitary District (EPASD) Advisory Committee Application 2024

As a former member of the EPA Sanitary District Board of directors. I could offer a perspective on the assessment & evaluation of services which could help guide the community engagement & communication which the City Managers office would be responsible for conveying to the rate payers.

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, December 04, 2024 9:28:07 PM
Last Modified: Wednesday, December 04, 2024 9:30:03 PM
Time Spent: 00:01:55
IP Address: [REDACTED]

Page 1: East Palo Alto Sanitary District (EPASD) Advisory Committee

Q1

Name

Ravneel Chaudhary

Q2

Home Address

[REDACTED]

Q3

City

East Palo Alto

Q4

E-mail Address

[REDACTED]

Q5

Phone Number

[REDACTED]

Q6

Why would you like to serve on the East Palo Alto Sanitary District (EPASD) Advisory Committee Application 2024

I am interested in serving on the EPASD Advisory Committee because I am passionate about improving community infrastructure and environmental sustainability. As a resident of East Palo Alto, I understand the importance of effective sanitation services in ensuring the health and well-being of our community. I am eager to collaborate with others to help make informed decisions that improve local public health, sustainability, and overall quality of life in East Palo Alto.

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, December 07, 2024 9:25:04 PM
Last Modified: Saturday, December 07, 2024 9:29:33 PM
Time Spent: 00:04:28
IP Address: [REDACTED]

Page 1: East Palo Alto Sanitary District (EPASD) Advisory Committee

Q1

Name

Anthony Smith

Q2

Home Address

[REDACTED]

Q3

City

East Palo Alto

Q4

E-mail Address

[REDACTED]

Q5

Respondent skipped this question

Phone Number

Q6

Why would you like to serve on the East Palo Alto Sanitary District (EPASD) Advisory Committee Application 2024

I feel that we, as a city. Need to take steps, that make us better. We need to be on the cutting edge, and lead the charge. Making us the biggest, little city in the Bay Area.

#12

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, January 02, 2025 7:01:21 PM
Last Modified: Thursday, January 02, 2025 7:05:20 PM
Time Spent: 00:03:58
IP Address: [REDACTED]

Page 1: East Palo Alto Sanitary District (EPASD) Advisory Committee

Q1

Name

Nathan Mulcahey

Q2

Home Address

[REDACTED]

Q3

City

East Palo Alto

Q4

E-mail Address

[REDACTED]

Q5

Phone Number

[REDACTED]

Q6

Why would you like to serve on the East Palo Alto Sanitary District (EPASD) Advisory Committee Application 2024

Because I believe it is my civic responsibility to give back to the city I have now called home for the past year and I feel serving on an advisory board or commission is a good way for me to accomplish that goal.

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, April 20, 2024 11:59:13 AM
Last Modified: Saturday, April 20, 2024 12:09:51 PM
Time Spent: 00:10:37
IP Address: [REDACTED]

Page 1: Public Works & Transportation Commission Application

Q1

Name

Dawn Adams

Q2

Home Address

[REDACTED]

Q3

City

East Palo Alto

Q4

E-mail Address

[REDACTED]

Q5

Phone Number

[REDACTED]

Q6

Yes

Are you available to attend regular Commission meetings scheduled for the third Wednesday of every month at 5:30 pm?

Q7

Why would you like to serve on the Public Works & Transportation Commission?

I've lived in EPA for over 20 years and have a small business (as a general contractor) based here also. I would like to serve my community and believe I have something to offer in fields related to construction and infrastructure.

#10

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, November 13, 2024 8:11:26 PM
Last Modified: Wednesday, November 13, 2024 8:18:01 PM
Time Spent: 00:06:35
IP Address: [REDACTED]

Page 1: Public Works & Transportation Commission Application

Q1

Name

Malia Bates

Q2

Home Address

[REDACTED]

Q3

Respondent skipped this question

City

Q4

E-mail Address

[REDACTED]

Q5

Phone Number

[REDACTED]

Q6

Yes

Are you available to attend regular Commission meetings scheduled for the third Wednesday of every month at 5:30 pm?

Q7

Why would you like to serve on the Public Works & Transportation Commission?

It would be a pleasure to serve as a committee member for the Public Works & Transportation commission for many reasons. Being born and raised in East Palo Alto, I've seen many iterations of the city including many of the recent developments that impact our city. I would love to direct focus towards ensuring our pedestrians are safe when not only riding bikes throughout the community but also walking, especially with children. The issue of speeding is at the forefront of my concerns as the 100 block of wisteria where I live, I've experienced cars traveling at high rates of speed. There are many children that also live on this street and we owe it to them to provide safe conditions. Additionally, I would love to work with others in the community to develop creative solutions for our evolving community to ensure we progress for not only the current generation but also the future generations.

#13

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, January 06, 2025 9:22:18 PM
Last Modified: Monday, January 06, 2025 9:30:38 PM
Time Spent: 00:08:19
IP Address: [REDACTED]

Page 1: Public Works & Transportation Commission Application

Q1

Name

Juan Rios

Q2

Home Address

[REDACTED]

Q3

City

East Palo Alto

Q4

E-mail Address

[REDACTED]

Q5

Phone Number

[REDACTED]

Q6

Yes

Are you available to attend regular Commission meetings scheduled for the third Wednesday of every month at 5:30 pm?

Q7

Why would you like to serve on the Public Works & Transportation Commission?

I have been living in East Palo Alto, my whole life, I've always had a passion to help on my community by volunteering and by being involved in different projects I would like to continue helping my community grow and move forward with progress and efficiency

#14

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, January 06, 2025 10:06:27 PM
Last Modified: Monday, January 06, 2025 10:07:31 PM
Time Spent: 00:01:03
IP Address: [REDACTED]

Page 1: Public Works & Transportation Commission Application

Q1

Name

Fonuku

Q2

Home Address

[REDACTED]

Q3

City

E Palo Alto

Q4

E-mail Address

[REDACTED]

Q5

Phone Number

[REDACTED]

Q6

Yes

Are you available to attend regular Commission meetings scheduled for the third Wednesday of every month at 5:30 pm?

Q7

Why would you like to serve on the Public Works & Transportation Commission?

Yes

#15

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, January 21, 2025 10:56:56 AM
Last Modified: Tuesday, January 21, 2025 11:04:18 AM
Time Spent: 00:07:21
IP Address: [REDACTED]

Page 1: Public Works & Transportation Commission Application

Q1

Name

Neal Ramaswamy

Q2

Home Address

[REDACTED]

Q3

City

East Palo Alto

Q4

E-mail Address

[REDACTED]

Q5

Phone Number

[REDACTED]

Q6

Yes

Are you available to attend regular Commission meetings scheduled for the third Wednesday of every month at 5:30 pm?

Q7

Why would you like to serve on the Public Works & Transportation Commission?

I have worked in my past as a production engineer for Tesla, where my position revolved around making process flow more efficient. I believe that skillset in conjunction with my desire to improve East Palo Alto will result in a positive outcome for East Palo Alto.

RESOLUTION NO. CMR-01-2025

**A RESOLUTION OF THE CITY MANAGER
OF THE CITY OF EAST PALO ALTO**

**ACTING AS THE CITY MANAGER AND GENERAL MANAGER OF THE EAST PALO ALTO
SANITARY DISTRICT (EPASD), DECLARING AN EMERGENCY DUE TO REPLACE A FAILING
SEWER LINE ALONG SOUTHBOUND 101 WITHIN CALTRANS RIGHT-OF-WAY BETWEEN
WILLOW ROAD AND UNIVERSITY AVENUE, MAKING FINDINGS THEREFOR, AND ORDERING
THAT THE FACILITY BE IMMEDIATELY REPLACED**

WHEREAS, pursuant to California Public Contract Code section 22050 (which applies to EPASD pursuant to Public Contract Code section 20806), in the case of an emergency, a public agency's governing board may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes without giving notice for bids; and

WHEREAS, before a governing body takes any such action, it must make a finding, based on substantial evidence, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency; and

WHEREAS, the governing body may delegate to the to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer the authority to order any such action; and

WHEREAS, East Palo Alto Municipal Code section 2.84.060 states that, when an emergency exists, in the judgment of the department head or designee, which requires immediate action in the interest of public health, safety and welfare, and the City Manager or an appointed designee are not available, the department head, or designee may authorize the necessary supplies, services and equipment; and

WHEREAS, in East Palo Alto Municipal Code section 2.84.060, the City Council delegated to the City Manager (and in his absence, to any department head) the authority to order any such emergent action; and

WHEREAS, pursuant to East Palo Alto Municipal Code section 2.12.150, the City Manager has been delegated the authority to act as the General Manager of the EPASD.

NOW, THEREFORE, based on substantial evidence, the City Manager/General Manager of the City of East Palo Alto/EPASD hereby finds:

1. That the recitals set forth above are true and correct and incorporated in this Resolution as if set forth in full.
2. That upon investigation of an existing 6-inch clay sewer line, it was determined that it is failing, and that this situation is an emergency within the meaning of Public Contract Code section 22050, Public Contract Code section 20806, and East Palo Alto Municipal Code section 2.84.060 because there is an urgent need to protect the environment as well as public health and safety from the consequences of the sewer line failure.
3. That this emergency will not permit a delay resulting from a competitive solicitation for

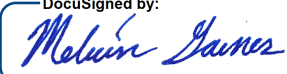
bids because the existing sewer line is damaged and leaking, thereby demanding prompt replacement. Thus, the public interest and necessity demand the immediate expenditure of EPASD funds to safeguard life, health, and property.

- 4. That the following action is necessary to respond to the emergency:
 - City staff commence immediate negotiations with a vendor to replace the sewer line.
 - Coordinate repair of the sewer line via a contractor with Caltrans' as the location is within their right of way.

THUS, the City Manager of the City of East Palo Alto hereby resolves, determines and orders:


1. That the facility be immediately repaired by taking any directly related and immediate action and procuring the necessary equipment, services and supplies for those purposes, without giving notice for bids to let contracts.
2. That I shall report to the City Council at its meeting on February 4, 2025, the reasons justifying why the emergency did not permit a delay resulting from a competitive solicitation for bids and why the action was necessary to respond to the emergency.
3. That I shall inform the City Council that pursuant to both Public Contract Code section 22050 and East Palo Alto Municipal Code section 2.84.060:
 - a. The City Council must initially review the emergency action not later than seven (7) days after the action;
 - b. The City Council must continue to review the emergency action every fourteen (14) days thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action (unless I have terminated that action before the City Council reviews the emergency action and makes such a determination); and
 - c. The City Council must terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

PASSED AND ADOPTED this 30th day of January 2025.

DocuSigned by:


 Melvin E. Gaines,
 City Manager/EPASD General Manager

APPROVED AS TO FORM:

DocuSigned by:


 John D. Le,
 City Attorney/District Counsel