



EAST PALO ALTO CITY COUNCIL REGULAR SESSION AGENDA

Tuesday, February 6, 2024, 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/82925723506>

Or join by phone:

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

US: +1 669 900 6833 or
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+ 1 253 215 8782 or
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+ 1 929 205 6099 or
+ 1 301 715 8592

Webinar ID: 829 2572 3506

International numbers available: <https://zoom.us/j/82925723506>

1. **CALL TO ORDER AND ROLL CALL**

2. **APPROVAL OF THE AGENDA**

3. **APPROVAL OF CONSENT CALENDAR**

3.1 **Contract with Telepath Corporation of Fremont, California for the purchase and Installation of Police Vehicle Emergency and Radio Equipment with Maintenance Services.**

Recommendation: Adopt a resolution authorizing the City Manager to award to, negotiate, and execute a contract with Telepath Corporation of Fremont, California, in a form approved by the City Attorney, for the purchase, and installation of police vehicle emergency and radio equipment with maintenance services for the Police Department for three years with two one-year options to extend in an amount not to exceed \$65,533.64 per year for a total not to exceed amount of \$327,660.85 over five years.

3.2 **Authorization to Apply for Equity Innovation Fund**

Recommendation: Adopt a resolution authorizing the City Manager or designee to submit to the San Mateo County Department of Housing (Department) the Equity Innovation Fund (EIF) Application, as detailed in the Notice of Funding Availability (NOFA) dated December 5, 2023, in a total amount not to exceed \$100,000.

3.3 **Minutes of the December 5, 2023 Meeting**

Recommendation: Adopt the minutes of the December 5, 2023 Meeting.

3.4 **Updated Tobacco Retailer Ordinance**

Recommendation: 1. Waive the second reading and adopt an ordinance repealing and replacing Chapter 5.80 "Tobacco Retailer Permits" of the East Palo Alto Municipal Code; and

2. Find that the adoption by the City Council of the amendments is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b) (3) and 15378.

3.5 **Animal Control Ordinance**

Recommendation: 1. Waive the second reading and adopt an ordinance repealing and replacing Chapter 6.04 "Animal Control" of the East Palo Alto Municipal Code; and

2. Find that the adoption by the City Council of the amendments is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b) (3) and 15378.

3.6 Adoption of Development Code Text Amendment (ZTA23-001) to amend various Chapters and Sections of Title 18 (Development Code) of the East Palo Alto Municipal Code

Recommendation:

Adopt an ordinance and waive the second reading to:

1. Amend various Chapters and Sections of Title 18 including:
 - a. Amend Title 18 of the East Palo Alto Municipal Code to repeal and replace Chapter 18.96 regulating accessory dwelling units in conformance with Government Code 65852.2 and 65852.22 and add provisions for second driveways on corner lots and reduce the useable open space requirement from 750 square feet (sf) to 500-sf or 50% of the remaining rear yard, whichever is less restrictive for ADUs in single-family residential zones;
 - b. Amend Section 18.08.010 Definitions to update the definition of Accessory Dwelling Unit and add definitions for Major Transit Stop and High-Quality Transit Corridor;
 - c. Amend Section 18.10.030 Table 2-2 to reduce the minimum useable open space requirement from 750-sf to 700-sf in the R-LD Single-Family Residential zone;
 - d. Add Section 18.80.025 Streamlined Ministerial Review Actions;
 - e. Amend Section 18.82.020 Authority for Land Use and Zoning Decisions to add Preliminary Ministerial Review (PMR) Clearance to Table 7-1 Review Authority; and
 - f. Add Chapter 18.85 Preliminary Ministerial Review; and

2. Find the proposed Zoning Text Amendments and discussion items being exempt in accordance with Public Resources Code (PRC) Section 21080.17 and CEQA Guidelines Sections 15061(b)(3) and 15282(h) of the California Environmental Quality Act (CEQA) Guidelines.

3.7 Grant Application for Encampment Resolution Funding Program

Recommendation: Adopt a resolution authorizing the City Manager (or designee) to submit an application with \$150,000 of in-kind match from the City to the California Interagency Council on Homelessness for the Encampment Resolution Funding Program.

3.8 Monthly Cash Treasury Report for November 2023

Recommendation:

Accept and file the Cash Treasury Report for the month of November 2023.

3.9 New Agreement with Lew Edwards Group

Recommendation:

Adopt a resolution:

1. Authorizing the City Manager to award to, and to negotiate and execute an agreement with The Lew Edwards Group, in a form approved by the City Attorney, for a term through July 31, 2024 and an extension at the discretion of the City Manager through November 30, 2024, in an amount not-to-exceed \$125,000; and
2. Waiving formal bid procedures pursuant to East Palo Alto Municipal Code section 2.84.070(D).

3.10 Mayoral Committee Appointments and Assignments

Recommendation:

Confirm the City Council appointments and assignment list and direct staff to notify affected agencies.

3.11 Proposal to restructure the City Departmental Organization, and staffing changes

Recommendation:

Adopt a resolution:

1. Approving an amendment to the City's Classification Plan eliminating 1.0 FTE Administrative Services Director, eliminating 1.0 FTE Accounting Technician I/II, eliminating 1.0 FTE for Accountant II, adding 2.0 FTE Assistant to the City Manager; adding 1.0 FTE for Accountant I, adding 1.0 FTE Senior Accounting Technician; approve an amendment to the City's Compensation Schedule to establish the compensation for the classification specifications listed above;
2. Approving and establishing the following limited term duration (LTD) classifications and the related specifications and compensation schedules for the following: Utility Manager (6 month LTD), and Human Resources Technician I/II (18 month LTD); and
3. Authorizing staff to include the financial and organizational changes reflected above in the Proposed Fiscal Year 2023-2024 Mid-Year Budget and appropriate \$111,468 from garbage and water fund.

4. **CLOSED SESSION**

Property: 965 Weeks, East Palo Alto, CA

Agency Negotiation: Melvin Gaines, City Manager, Karen M. Tiedemann, Goldfarb & Lipman LLP, John D. Lê., City Attorney

Under Negotiation: Price and Terms

5. **PUBLIC COMMENT**

6. **INFORMATIONAL REPORTS**

7. **SPECIAL PRESENTATIONS**

8. **PUBLIC HEARINGS**

9. **POLICY AND ACTION**

9.1

City Attorney Salary

Recommendation: Adopt a resolution approving a salary increase for the City Attorney.

9.2 **City Manager Salary and Contract Amendment**

Recommendation: Adopt a resolution approving the salary increase and amended employment agreement for City Manager Melvin E. Gaines

9.3 **City Attorney & City Manager Performance Evaluation Criteria**

Recommendation: By motion, adopt evaluation criterium and tools for the City

Attorney and City Manager annual evaluation process.

9.4 Adoption of 2024-2028 Affordable Housing Strategy

Recommendation: Adopt a resolution:

1. Adopting the 2024-2028 Affordable Housing Strategy, attached hereto as Exhibit A;
2. Authorizing staff to make non-substantive changes, and directs staff, if an amendment to the Affordable Housing Strategy is required by the California Department of Housing as a condition of issuance of a Housing Element compliance letter, to make such required revisions to the 2024-2028 Affordable Housing Strategy; and
3. Finding 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.

9.5 Mid-year Budget Amendment for FY2023-24

Recommendation: Adopt a Resolution approving Amendments to the Fiscal Year 2022-23 Budget

10. COUNCIL REPORTS

11. ADJOURNMENT

Upcoming meetings:

Regular Meeting	February 20, 2024	6:30 PM
Regular Meeting	March 5, 2024	6:30 PM
Regular Meeting	March 19, 2024	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: January 30, 2024

ATTEST:

James Colin

City Clerk



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2024

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Jeff Liu, Chief of Police

SUBJECT: Contract with Telepath Corporation of Fremont, California for the Purchase and Installation of Police Vehicle Emergency and Radio Equipment with Maintenance Services.

Recommendation

Adopt a resolution authorizing the City Manager to award to, negotiate, and execute a contract with Telepath Corporation of Fremont, California, in a form approved by the City Attorney, for the purchase and installation of police vehicle emergency and radio equipment with maintenance services for the Police Department for three years with two one-year options to extend in an amount not to exceed \$65,532.17 per year for a total not to exceed amount of \$327,660.85 over five years.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Promote Health & Public Safety
- Ensure our financial and organizational health.

Background

CONSENT ITEM 3.1

To comply with State laws, police vehicles used by East Palo Alto Police Department requires, when Police Vehicles must have emergency equipment, electrical components and safety equipment installed. This is sometimes referred to as “upfitting” the vehicles that the City purchases to be used by police.

On November 8, 2023, staff released a Request for Proposal (RFP) to qualified businesses in the Bay Area, including local businesses, to solicit proposals for (A) purchasing and installing emergency equipment and (B) Radio equipment and maintenance of all department needs.

Analysis

The RFP was posted for a period of three weeks via our City Web Page. At the deadline of December 4, 2023, the City Clerk received one (1) proposal. Staff from the Police Department and other City Staff have carefully evaluated the sole proposal and determined that Telepath Corporation was clear and concise in their RFP proposal and met the requested objectives and conditions for the two types of services. Staff are confident that Telepath Corporation can meet the needs of the City for these vital services.

The agreement term will be three years with two one-year options to extend in an amount not to exceed \$65,532.17 per year for a total not to exceed amount of \$327,660.85 over five years.

Fiscal Impact

The annual fiscal impact will be \$65,532.17 this fiscal year. No new appropriation is necessary as this amount is already budgeted in the annual Police Department vehicle replacement fund. This amount will also be budgeted in future fiscal years. Over five years, the total fiscal impact will be up to \$327,660.85. However, there will be no increase in the adopted General Fund expenditure.

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” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15378(b)(4) (5) in that it is a governmental fiscal, organizational, or administrative activity that will not result in direct or indirect changes in the environment.

Government Code § 84308

CONSENT ITEM 3.1

Applicability of Levine Act: No, as the contract has been competitively bid, Levine Act compliance is not required.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Resolution

RESOLUTION NO. XX – 2023

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

AUTHORIZING THE CITY MANAGER TO AWARD TO, NEGOTIATE, AND EXECUTE A CONTRACT FOR TELEPATH CORPORATION OF FREMONT, CALIFORNIA, IN A FORM APPROVED BY THE CITY ATTORNEY, FOR THE PURCHASE AND INSTALLATION OF POLICE VEHICLE EMERGENCY EQUIPMENT AND RADIO EQUIPMENT WITH MAINTENANCE SERVICES FOR THE POLICE DEPARTMENT FOR THREE YEARS WITH TWO ONE-YEAR OPTIONS TO EXTEND IN AN AMOUNT NOT TO EXCEED \$65,532.17 PER YEAR

WHEREAS, the City of East Palo Alto Police Department must periodically purchase and install emergency equipment, electrical components and safety equipment to comply with State Laws to have an official Police Vehicle (sometimes referred to as “upfitting”), in addition to maintenance and repair to its fleet vehicles; and

WHEREAS, the City desires to contract with qualified vendor to provide upfitting and repair services for its entire fleet police vehicles; and

WHEREAS, the Police Department is required to have well-maintained vehicles and safety equipment for its employees to provide services to City residents; and

WHEREAS, on November 8, 2023, the City advertised a Request for Proposal to qualified businesses, including local businesses; and

WHEREAS, by the deadline of on December 4, 2023, the City Clerk received one (1) proposal, which were reviewed by staff pursuant to the criteria outlined in the RFP; and

WHEREAS, Telepath Corporation of Fremont, California was the only company to provide both vital services components for the Police Department; and

WHEREAS, staff has determined that Telepath Corporation of Fremont, California is the lowest responsible bidder.

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; and
2. Authorizes the City Manager to award to, negotiate, and execute a contract with Telepath Corporation of Fremont, California, in a form approved by the City Attorney, for the purchase and installation of emergency equipment, electrical components and safety equipment, in addition to maintenance and repair if its

fleet vehicles, for the Police Department for three years with two one-year options to extend in an amount not to exceed \$65, 532.17 per year.

PASSED AND ADOPTED this 6th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Antonio D. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney

RESOLUTION NO. XX-2024

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

**AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE SAN MATEO
COUNTY DEPARTMENT OF HOUSING IN THE AMOUNT OF \$100,000 FOR THE EQUITY
INNOVATION FUND AND RELATED ACTIONS**

WHEREAS, the San Mateo County Department of Housing (the “Department”) has issued a Notice of Funding Availability dated December 5, 2023 (NOFA), seeking applications through the San Mateo County Equity and Innovation Fund (EIF), for equity and justice in housing and community development projects and programs; and

WHEREAS, the estimated available funding for the EIF is expected to be approximately \$482,986 for FY 2024-2025, with awards ranging from \$25,000 minimum to \$100,000 maximum; and

WHEREAS, the Department is seeking applications proposing projects that principally benefit lower-income persons, support racial, ethnic, gender, and economic equity in San Mateo County through housing and community development efforts; and

WHEREAS, the City of East Palo Alto (City) desires to apply and submit the Equity and Innovation Fund (EIF) Application (“Application”), released by the County of San Mateo; and

WHEREAS, the City desires to improve its governmental capacity to identify and pursue opportunities to promote equity in the County; leverage and complement preexisting County investments and third-party sources of funding in ways that better promote racial, ethnic, gender, and economic equity in housing and community development initiatives; and promote housing stability in communities, defined by geography, race, ethnicity, gender identification, etc., that have historically been subject to disinvestment; and

WHEREAS, the proposed Application seeks to support administrative capacity for affordable housing rehabilitation and preservation; and

WHEREAS, the proposed Application’s objectives include developing guidelines for affordable housing preservation funding allocations and prioritization locally, community engagement to seek feedback on those guidelines, and building out a fund to allocate local resources so that the City can accomplish its preservation objectives in accordance with the City’s Affordable Housing Strategy and Housing Element; and

WHEREAS, on March 21, 2023, the City Council directed staff to seek preservation funding through federal, state, and local funds; and

WHEREAS, the Department requires that the City adopt a Resolution authorizing the application and designation of a signatory.

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

1. Finds the foregoing recitals are true and correct, and are incorporated by this reference into this action; and
2. Authorizes the City Manager (or designee) to submit to the Department the Equity Innovation Fund Application, as detailed in the NOFA dated December 5, 2023, in a total amount not to exceed \$100,000.

PASSED AND ADOPTED this 6th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Antonio D. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2024

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Karen Camacho, Housing & Economic Development Manager
Benjamin Toney, Partnership for the Bay's Future Policy Fellow

SUBJECT: Authorization to Apply for Equity Innovation Fund

Recommendation

Adopt a resolution authorizing the City Manager or designee to submit to the San Mateo County Department of Housing (Department) the Equity Innovation Fund (EIF) Application, as detailed in the Notice of Funding Availability (NOFA) dated December 5, 2023, in a total amount not to exceed \$100,000.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority: Promote Housing, Economic and Workforce Development

Background

On March 21, 2023, the City Council directed staff to seek affordable housing preservation funding through federal, state, and local funds, in accordance with the City's 2018-2023 Affordable Housing Strategy. Affordable housing preservation has emerged as a viable option for jurisdictions to retain the number of affordable housing units. Preservation is a housing affordability tool because it works to prevent displacement of existing residents by keeping them in their unit after physical rehabilitation and affordability covenants are secured. An innovative and comprehensive strategy seeks to add net new units to the overall housing stock and also increase the number of units in the affordable housing stock to ensure that growth enables

stability of the existing community.

Partnership for the Bay's Future Policy Fellow, Benjamin Toney, and City housing staff have continued to monitor potential funding opportunities for affordable housing preservation.

Analysis

On January 18, 2024, City staff submitted an Equity Innovation Fund (EIF) application (Application) in response to a Notice of Funding Availability (NOFA) released by the County's Department of Housing (Department) on December 5, 2023. The NOFA sought applications proposing projects that principally benefit lower-income persons, support racial, ethnic, gender, and economic equity in San Mateo County through housing and community development efforts. The application components are described in the Analysis section below.

A key requirement for the EIF Application is a resolution from the approving body, authorizing application and designating a signatory. Given that this item was unable to be agendaized in the January 2024 City Council agenda, staff is now seeking City Council authorization to apply. The Department will accept the resolution if received by February 29, 2024, before the County's Housing and Community Development Committee meeting to finalize funding recommendations.

Equity Innovation Fund Application

The Equity Innovation Fund provides funding for equity and justice in housing and community development projects and programs. The City is applying to support administrative capacity for affordable housing rehabilitation and preservation. The City seeks to achieve the following County goals through its EIF application:

- Improve its governmental capacity to identify and pursue opportunities to promote equity in the County;
- Preserve Affordable Housing while investing in physical improvements of the existing housing stock where feasible (e.g. addressing latent habitability concerns resulting from disinvestment and/or deferred maintenance)
- Leverage and complement preexisting County investments and third-party sources of funding in ways that better promote racial, ethnic, gender, and economic equity in housing and community development initiatives; and
- Promote housing stability in communities, defined by geography, race, ethnicity, gender identification, etc., that have historically been subject to disinvestment.

The EIF application sought a not-to-exceed amount of \$100,000 for one year, as follows:

- \$40,000 to develop guidelines for affordable housing preservation funding allocations and prioritization locally;
- \$15,000 for community engagement to seek feedback on those guidelines;

CONSENT ITEM 3.2

- \$30,000 for building out a fund to allocate local resources so that the City can accomplish its preservation objectives in accordance with the City's Affordable Housing Strategy and Housing Element; and
- \$15,000 for legal services including drafting loan term sheets.

If awarded, the next step will be for staff to issue a Request for Proposals for a consultant to support with the drafting of Preservation Guidelines and a potential Preservation Notice of Funding Availability. Consultants and the City would work together to conduct thorough community outreach via mailers and community meetings, collecting and synthesizing input. The initial \$30,000 of funding from the EIF would help support with an additional fund, but City Council may consider, after adoption of the Affordable Housing Strategy, to commit additional funding for the creation of a municipal fund with intended purposes of facilitating affordable housing preservation by allocating resources to projects which are successful at securing funding and financing from additional sources (e.g. County, State, Federal, Philanthropic, etc.). Once the guidelines are adopted and funding is committed, City staff would also work to create loan term sheets for the execution of the NOFA.

Fiscal Impact

There is no fiscal impact for this item. If the City is awarded the Equity Innovation Fund, additional staffing commitments may be added to help administer the grant and execute within the one-year commitment.

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.

Government Code § 84308

Applicability of Levine Act: No.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Resolution



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2024
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 December 5, 2023 City Council Meeting Minutes.

Attachments

1. December 5, 2023 City Council Meeting Minutes.



**EAST PALO ALTO CITY COUNCIL
REGULAR MEETING MINUTES
DECEMBER 12, 2023
EPA Government Center
2415 University Ave, First Floor – City Council Chamber
East Palo Alto, CA 94303**

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order by Mayor Lisa Gauthier at 6:30 p.m.

Attendee Name	Title	Status	Arrived
Carlos Romero	Councilmember	Present	
Ruben Abrica	Councilmember	Present	
Lisa Gauthier	Mayor	Present	
Antonio Lopez	Vice Mayor	Late	
Martha Barragan	Councilmember	Present	

2) APPROVAL OF THE AGENDA

The approval of the agenda was motioned by Councilmember Romero and Seconded by Mayor Gauthier and passed via unanimous vote.

3) POLICY AND ACTION

3.1 Selection of Mayor

Councilmember Martha Barragan motioned to elect Antonio Lopez as Mayor and seconded by Councilmember Ruben Abrica and passed via unanimous vote.

Antonio Lopez accepted the nomination for Mayor and was elected as Mayor of East Palo Alto.

3.2 Selection of Vice Mayor

Councilmember Abrica motioned to nominate Carlos Romero and was not nominated due to a lack of votes (Romero in favor and Barragan, Abrica and Lopez abstained, and Gauthier voted against).

Councilmember Gauthier motioned to nominate Martha Barragan as Vice Mayor and nominated via unanimous vote.

3.3 Honoring Outgoing Mayor Lisa Gauthier

The City of East Palo Alto presented outgoing Mayor Lisa Gauthier with a commemorative gavel and thanked her for her work as Mayor in the year 2023.

11) ADJOURNMENT

Meeting adjourned at 6:35 PM

ATTEST:

Mayor

City Clerk



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2024

TO: Honorable Mayor and Members of the City Council

VIA: John D. Lê, City Attorney

SUBJECT: Updated Tobacco Retailer Ordinance

Recommendation

1. Waive the second reading and adopt an ordinance repealing and replacing Chapter 5.80 “Tobacco Retailer Permits” of the East Palo Municipal Code; and
2. Find that the adoption by the City Council of the amendments is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15378.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Promote Health & Public Safety

Background

Currently, Chapter 5.80 of the East Palo Alto Municipal Code provides that sellers of any tobacco products must obtain and maintain a valid tobacco retailer permit. Under this existing local law, the City of East Palo Alto has authorized the San Mateo County Environmental Health Division to administer and enforce the requirements of the City’s Tobacco Retailer Permit Ordinance.

Recently, however, the San Mateo County Board of Supervisors adopted an ordinance (Chapter 4.98 of the County Ordinance Code) to amend the San Mateo County Code related to Tobacco Retailer Permits. The County Environmental Health Division has

CONSENT ITEM 3.4

indicated it will continue to administer a tobacco retailer permit program for those cities which adopt the County's comprehensive ordinance in its entirety, without alteration. The proposed amendments to Chapter 5.80 would add definitions to incorporate best practices across the state, strengthen ordinance language to reduce youth access to tobacco products, and make the East Palo Alto Municipal Code consistent with the San Mateo County Code of Ordinances, thereby promoting more efficient administration and enforcement. Staff recommends the Council waive the first and reading and introduce the attached ordinance to provide consistency and maintain the City's interest in providing stringent regulation for the sale of tobacco products. Doing so, will also continue to authorize the County to administer a tobacco retailer permit program in the City of East Palo Alto.

On December 14, 2023, the City Council introduced an ordinance repealing and replacing Chapter 5.80 ("Tobacco Retailer Permits") with no modifications from the dais.

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

AYES: Mayor Lopez, Vice Mayor Barragan, and Councilmember Romero
NOES: NONE
ABSENT: Councilmembers Abrica and Gauthier
ABSTAIN: NONE

Analysis

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

Fiscal Impact

There are no fiscal impacts associated with the proposed action.

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. Pursuant to Government Code Section 36933, an ordinance summary has been published in The San Mateo County Times, an adjudicated newspaper of general circulation on February 1, 2024.

Environmental

The proposed action is not a "project" under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378 and Public Resources Code section 21065 because it does not: (1) approve a project or result in a direct physical impact on the environment, or (2) contemplate known future projects, and as such, no known environmental impacts are known at this time. Instead, the proposed action would clarify

CONSENT ITEM 3.4

procedural aspects related to the implementation of locally adopted building and other related codes.

As a separate and independent basis, the proposed action is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Government Code § 84308

Applicability of Levine Act: No, as it does not involve entitlements.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Ordinance

ORDINANCE NO. _____

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

**REPEALING AND REPLACING CHAPTER 5.80 (TOBACCO RETAILER)
OF THE EAST PALO ALTO MUNICIPAL CODE TO CONSOLIDATE AND
CLARIFY EXISTING DEFINITIONS AND ENACT ADDITIONAL
REQUIREMENTS FOR TOBACCO RETAILER PERMITS TO ALIGN
WITH THE COUNTY OF SAN MATEO MODEL ORDINANCE**

WHEREAS, the County of San Mateo Division of Environmental Health operates a countywide program of enforcement of tobacco retailers; and

WHEREAS, the County pays for the cost of operating the program with permit fees and fines collected, with a goal of obtaining compliance and for the protection of the health and safety of its residents; and

WHEREAS, the City Council agrees that regulation of tobacco retail permits and sales and enforcement of these regulations saves limited code enforcement resources of the City; and

WHEREAS, Chapter 5.80 of the Municipal Code regulates Tobacco retailers in the City and authorizes County enforcement; and

WHEREAS, the County is requesting cities desiring to participate and authorize enforcement of the program to adopt a model ordinance with identical provisions in order to provide efficient and uniform enforcement for the tobacco permit and regulatory program; and

WHEREAS, replacement and amendment of Chapter 5.80 of the East Palo Alto Municipal Code will provide for continued health and safety of the residents of East Palo Alto, contribute to uniform countywide enforcement of these regulations stated therein by the County of San Mateo Environmental Health Division, and is necessary and appropriate for these purposes.

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 all the foregoing recitals are true and correct and incorporated herein by reference. Based thereon, the City Council hereby finds that the proposed ordinance is in the public interest.

SECTION 2: AMENDMENT AND REPLACEMENT OF CHAPTER 5.80

The City Council hereby amends and replaces Chapter 5.80 (TOBACCO RETAILER) of the East Palo Alto Municipal Code to read in its entirety as set forth in **Exhibit A**, which is attached hereto and incorporated in its entirety by this reference:

SECTION 3: 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(b)(4) and (5) in that it is a governmental fiscal, organizational or administrative activity that will not result in direct or indirect changes in the environment. 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) (no significant environmental impact), and Section 15183 (actions consistent with the general plan and zoning). The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

SECTION 4: IMPLIED REPEAL.

Any provision of the East Palo Alto Municipal Code inconsistent with this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effectuate this Ordinance.

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 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 and effect thirty (30) days from and 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.

This Ordinance was introduced at the December 14, 2023 meeting of the City Council of the City of East Palo Alto.

PASSED AND ADOPTED this 6th day of February, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Antonio D. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney

EXHIBIT A
Chapter 5.80
Tobacco Retailer

5.80.010 – Definitions.

- A. "Characterizing Flavor" means a distinguishable taste or aroma, or both, other than the taste or aroma of tobacco, imparted by a Tobacco Product or any byproduct produced by the Tobacco Product. Characterizing flavors include, but are not limited to, tastes or aroma relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice. A Tobacco Product shall not be determined to have a Characterizing Flavor solely because of the use of additives or flavorings or the provision of ingredient information. Rather, it is the presence of a distinguishable taste or aroma, or both, as described in the first sentence of this definition, that constitutes a Characterizing Flavor.
- B. "Constituent" means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet that is added by the manufacturer to a Tobacco Product during the processing, manufacture, or packing of the Tobacco Product.
- C. "Consumer" means a person who purchases a Tobacco Product for consumption.
- D. "Coupon" means any voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or other form, used for commercial purposes to obtain an article, product, service, or accommodation without charge or at a discounted price.
- E. "Director" means the Chief of San Mateo County Health, or designee.
- F. "Distinguishable" means perceivable by either the sense of smell or taste.
- G. "Electronic Smoking Device" means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine, and whether natural or synthetic. "Electronic Smoking Device" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.
- H. "Flavored Tobacco Product" means any Tobacco Product that contains a Constituent that imparts a Characterizing Flavor.

- I. "Full Retail Price" means the price listed for a Tobacco Product on its Packaging or on any related shelving, advertising, or display where the Tobacco Product is sold or offered for Sale, plus all applicable taxes and fees if such taxes and fees are not included in the listed price.
- J. "Labeling" means written, printed, pictorial, or graphic matter upon any Tobacco Product or any of its packaging.
- K. "Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a Tobacco Product is sold, or offered for Sale, to a Consumer.
- L. "Permit" or "Tobacco Retailer Permit" means a valid permit issued by the Director to a Person to act as a Tobacco Retailer.
- M. "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other entity.
- N. "Pharmacy" means any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and Professions Code and where prescription pharmaceuticals are offered for Sale, regardless of whether the retail establishment Sells other retail goods in addition to prescription pharmaceuticals.
- O. "Sale" or "Sell" means transfer to, exchange, barter, or distribute for a commercial purpose.
- P. "Self-Service Display" shall be defined as the open display or storage of Tobacco Products in a manner that is physically accessible to the general public without the assistance of the retailer or employee of the retailer and a direct face-to-face transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.
- Q. "Tobacco Paraphernalia" means any item designed or marketed for the consumption, use, or preparation of Tobacco Products.
- R. "Tobacco" or "Tobacco Product(s)" means:
 - 1. any product containing, made of, or derived from tobacco or nicotine, whether natural or synthetic, that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;

2. any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine, and whether natural or synthetic; or
 3. any component, part, or accessory of (1) or (2), whether or not any of these contains tobacco or nicotine, whether natural or synthetic, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces, and pipes.
 4. "Tobacco Product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.
- S. "Tobacco Product Flavor Enhancer" means a product designed, manufactured, produced, marketed or Sold to produce a Characterizing Flavor when added to a Tobacco Product.
- T. "Tobacco Retailer" means any Person who Sells, or offers for Sale, Tobacco Products. This definition is without regard to the quantity of Tobacco Products sold or offered for Sale.
- U. "Youth-Populated Area" means a parcel of real property that is occupied, in whole or in part, by any of the following:
1. a private or public school that educates children in grades kindergarten through high school;
 2. a library that is open to the public;
 3. a playground that is open to the public;
 4. a youth center, defined as a facility where children ages 6 to 17 come together for programs and activities;
 5. a recreation facility open to the public, defined as an area, place, structure, or other facility that is used either permanently or temporarily for community recreation, even though it may be used for other purposes. "Recreation facility" includes, but is not limited to, a gymnasium, playing court, playing field, and swimming pool;
 6. a public or private college or university that serves as an institution for education beyond the high school level;

7. a licensed child-care facility or preschool, other than a small-family day care home or a large-family daycare home as defined in California Health & Safety Code § 1596.78.

5.80.020 – Requirement for a Permit.

- A. No Tobacco Retailer or other Person shall Sell or offer for Sale any Tobacco Product without a current and valid Tobacco Retailer Permit from San Mateo County for each location where such activities are conducted.
- B. Permits are valid for one year and must be timely renewed annually by the Permit holder in order to continue to sell or offer for sale any Tobacco Product. A Retailer must obtain a separate Permit for each location at which any Tobacco Product will be sold, offered for sale or distributed. A Permit that is not renewed in a timely manner shall expire at the end of its term, and the Tobacco Retailer must obtain a new Permit prior to any further sale, offer for sale, or distribution of any Tobacco Product.
- C. No Tobacco Retailer shall violate, or cause or allow the Tobacco Retailer's agents or employees to violate, any provision of this Chapter or any other local, state, or federal law applicable to Tobacco Products or Tobacco Retailing.
- D. Tobacco Retailers are responsible for the actions of their employees and agents relating to the sale, offer to sell, and furnishing of tobacco products at the retail location. The sale of any tobacco product by an employee shall be considered an act of the tobacco retailer and the permit holder shall be responsible for any monetary penalties levied.
- E. Nothing in this Chapter shall be construed to penalize the purchase, use, or possession of a Tobacco Product by any Person not engaged in Tobacco Retailing.

5.80.030 – Permit is Nontransferable.

- A. Tobacco Retailer Permits are nontransferable as between Persons, locations, or otherwise. Any attempted transfer shall render the Permit null and void.
- B. Notwithstanding any other provision of this Chapter, prior violations of this Chapter at a location shall continue to be counted against that location and Permit ineligibility and suspension periods shall continue to apply to that location unless:
 1. One hundred percent of the interest in the stock, assets, or income of the business, other than a security interest for the repayment of debt, has been transferred to the new owner(s); and

2. The County is provided with clear and convincing evidence, including an affidavit, that the business has been acquired in an Arm's Length Transaction. An Arm's Length Transaction, for the purposes of this section, means a transaction in which two or more unrelated and unaffiliated parties agree on the transfer in question; the parties act independently and in their own self-interest; and the parties have equal bargaining power and symmetric information, leading the parties to agree upon fair-market terms.

5.80.040 – Permit Conveys a Limited, Conditional Privilege.

- A. Nothing in this Chapter shall be construed to grant any Person or entity obtaining and maintaining a Permit any status or right other than the limited, conditional privilege to Sell Tobacco Products and act as a Tobacco Retailer at the location in the County identified on the face of the Permit for the period of time shown on the Permit. All Permits are issued subject to the County's right to amend this Chapter from time to time, and Retailers shall comply with all provisions of this Chapter, as amended.

5.80.050 – Application, Issuance and Renewal Procedure.

- A. Application for a Tobacco Retailer's Permit or the renewal of a Tobacco Retailer Permit shall be submitted in the name of the Person proposing to conduct retail sales of Tobacco Products, referred to herein as the "Applicant," and shall be signed by such Person or an authorized agent thereof. All applications shall be submitted to the Director on a form supplied by the Director and contain, at a minimum, the following information:
 1. The name, address, and telephone number of the Applicant;
 2. The business name, address, and telephone number of the location where Tobacco Products are proposed to be sold, offered for sale or distributed by the Applicant;
 3. Proof that the location for which a Tobacco Retailer's Permit is sought has been issued a valid state license for the sale of Tobacco Products, if the Tobacco Retailer sells products that require such license;
 4. A statement whether or not the Tobacco Retailer or any agent of the Retailer has been found to have violated this Chapter or other applicable law governing Tobacco Products or Tobacco Retailing and, if so, the dates and locations of all such violations within the previous five years;
 5. Such other information as the Director determines is necessary for implementation of this Chapter;

6. An application for a new or renewal Permit will be denied if there are any outstanding fines or late fees issued by the Director, or during any period of suspension; and
7. It is the responsibility of each Permit holder to be informed regarding all laws applicable to Tobacco Retailing, including those laws affecting the issuance of a Tobacco Retailer Permit. No Permit holder may rely on the issuance of a Permit as a determination by San Mateo County that the Permit holder has complied with all laws applicable to Tobacco Retailing. A Permit issued contrary to this Chapter or any other law, or on the basis of false or misleading information supplied by the Applicant, shall be revoked. Nothing in this Chapter shall be construed to vest in any person or entity obtaining or maintaining a Tobacco Retailer's Permit any status or right to act as a Tobacco Retailer in contravention of any provision of law.

5.80.060 – Display of Permit.

- A. Upon receipt of an application for a Tobacco Retailer Permit in compliance with the requirements of this Chapter, the Director or designee may issue a Permit which, if issued, must be prominently displayed in a publicly visible location at the location where Tobacco Product Sales are conducted and permitted.

5.80.070 – Prohibitions Regarding Coupons, Discounts, Pharmacies, Flavored Tobacco, and Electronic Smoking Devices.

- A. No Tobacco Retailer shall do any of the following:
 1. Honor or redeem, or offer to honor or redeem, a Coupon to allow a Consumer to purchase a Tobacco Product for less than Full Retail Price;
 2. Sell any Tobacco Product to a Consumer through a multiple package discount or otherwise provide any such product to a Consumer for less than the Full Retail Price in consideration for the purchase of any Tobacco Product or any other item; or
 3. Provide any free or discounted item to a Consumer in consideration for the purchase of any Tobacco Product.
- B. No Person, Tobacco Retailer or other legal entity shall sell or distribute to a person any electronic smoking device that delivers natural or synthetic nicotine or any other substance(s) to the person inhaling from the device. This includes any component, part, or accessory intended or reasonably expected to be used with the electronic device, whether or not sold separately.
- C. No Person or Tobacco Retailer shall sell or offer to sell any Flavored Tobacco Product or Tobacco Product Flavor Enhancer. There shall be a rebuttable

presumption that a Tobacco Product is a Flavored Tobacco Product if a manufacturer or any of the manufacturer's agents or employees, in the course of their agency or employment, has made a statement or claim directed to consumers or to the public that the Tobacco Product has or produces a Characterizing Flavor including, but not limited to, text, color, and/or images on the product's labeling or packaging that are used to explicitly or implicitly communicate that the Tobacco Product has a Characterizing Flavor.

- D. No Pharmacy or Pharmacy employee or agent shall sell or offer to sell any Tobacco Product. The Director shall not issue any new, or renew any existing, Tobacco Retailer Permit for any Pharmacy.
- E. Subdivisions b. and c. of this Section shall not apply to the duty- free stores located at the San Francisco International Airport.

5.80.080 – Packaging and Labeling.

- A. No Tobacco Retailer or other Person shall Sell or offer for Sale any Tobacco Product to any Consumer unless the Tobacco Product:
 - 1. is Sold in the original manufacturer's Packaging intended for Sale to Consumers;
 - 2. conforms to all applicable federal Labeling requirements; and
 - 3. conforms to all applicable child-resistant packaging requirements.

5.80.090 – Self-Service Displays Prohibited; On-Site, In-Person Sales Required.

- A. Tobacco Retailing by means of a Self-Service Display is prohibited.
- B. All Sales of Tobacco Products and Tobacco Paraphernalia shall be conducted in-person, over the counter, in the permitted location.

5.80.100 – Notice of Minimum Age for Purchase of Tobacco Products.

- A. Tobacco Retailers shall post conspicuously, at each point of purchase, a notice stating that Selling Tobacco Products to anyone under 21 years of age is illegal and subject to penalties. The form and content of such notice shall be subject to the approval of the Director.

5.80.110 – Positive Identification Required.

- A. No Tobacco Retailer or other Person shall Sell or offer to Sell a Tobacco Product to another Person without first verifying by means of government-issued

photographic identification that the recipient is at least the minimum legal sales age required under state law to purchase a Tobacco Product.

5.80.120 – Minimum Age for Individuals Selling Tobacco Products.

- A. No Tobacco Retailer shall allow, at its Retail location, any individual who is younger than 21 years of age to Sell or offer to Sell Tobacco Products.

5.80.130 – Display or Offers to Sell Tobacco Products Without Tobacco Retailer Permit Prohibited.

A Tobacco Retailer without a current valid Permit:

- A. Shall keep all Tobacco Products out of public view. The public display of Tobacco Products in violation of this provision shall constitute Tobacco Retailing without a Permit.
- B. Shall not display any advertisement relating to Tobacco Products that offers the Sale of such products from the Tobacco Retailer's location.

5.80.140 – Limits on Eligibility for a Permit.

- A. No Tobacco Retailer's Permit may be issued to authorize Tobacco Retailing at or from other than a fixed location. For example, Sales by Persons on foot or from vehicles or other forms of mobile vending are prohibited.
- B. No Tobacco Retailer's Permit may be issued to authorize Sales of Tobacco Products at a temporary event, such as flea markets and farmers' markets.
- C. No new Tobacco Retailer Permit may be issued to authorize Tobacco Product Sales at any location within 1,000 feet of a Youth-Populated Area, as measured by a straight line from the nearest point of the property line of any parcel on which a Youth-Populated Area is located and any point along the property line of the parcel on which the Permit applicant has or proposes to locate the business.
- D. No new Tobacco Retailer's Permit may be issued for a location which is within 500 feet of a location already occupied by another Tobacco Retailer, as measured by a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of the property line of the parcel on which an existing Tobacco Retailer's business is located.
- E. Tobacco Retailers with a current and valid Permit as of the date of adoption of this ordinance shall be exempt from subsections c. and d. of this Section unless the existing Tobacco Retailer fails to timely renew the Permit prior to its annual expiration.

- F. The Sale of Tobacco Products and accessories is prohibited in County owned structures and in any area of a structure leased by the County, wherever located.

5.80.150 – Fees for Permit.

- A. Tobacco Retailers shall pay all applicable fees at the rates set forth in section 5.64.070 of the San Mateo County ordinance code. Fees shall be used by the Director to administer and enforce this Chapter.

5.80.160 – Enforcement.

- A. The Director or the Director's designee shall enforce this Chapter consistent with the provisions herein.
- B. Violations of this Chapter may be criminally prosecuted as infraction(s) or misdemeanor(s) at the discretion of the prosecuting attorney as the interests of justice require.
- C. This Section shall not be interpreted to limit the applicable civil or administrative remedies available under law.

5.80.170 – Public Nuisance.

- A. Any violation of this Chapter is hereby declared a public nuisance, subject to all applicable civil, administrative, and criminal remedies and penalties according to the provisions and procedures of contained in this Ordinance Code and state law, including but not limited to, an action for abatement or injunctive relief.

5.80.180 – Compliance Monitoring.

- A. Compliance with this Chapter shall be monitored by the Director. In addition, any peace officer may enforce the provisions of this Chapter. The Director may designate additional persons to monitor and facilitate compliance with this Chapter.
- B. Individuals designated to enforce the provisions of this Chapter shall inspect each Tobacco Retailer at least two times during each twelve-month period to determine if the Tobacco Retailer is complying with all applicable laws. Compliance checks shall take place during normal business hours, with or without notice. If a violation has occurred, the Tobacco Retailer shall be inspected again within three months. All permitted premises must be open to inspection by designated persons during regular business hours.
- C. Nothing in this section shall create a right of action in any Tobacco Retailer or other person or entity against the County or its agents.

5.80.190 – Suspension or Revocation of Permit.

A. Grounds for Suspension or Revocation.

1. A Tobacco Retailer Permit may be suspended or revoked, as set forth below in subdivision (b), if any court of a competent jurisdiction determines, or the Director finds, based on a preponderance of the evidence after notice and opportunity for the Tobacco Retailer to be heard, that either of the following violations have occurred:
 - i. After the Permit was issued it is determined that the Application for the Permit is incomplete or inaccurate.
 - ii. The Tobacco Retailer or Tobacco Retailer's agent has violated any of the requirements, conditions, or prohibitions of this Chapter or any applicable local, state, or federal tobacco-related law.
2. Notwithstanding the foregoing, a Tobacco Retailer Permit shall be suspended or revoked, for the maximum time periods and as set forth in subdivision (b), if any court of competent jurisdiction determines, or the Director finds, based on a preponderance of evidence and after notice and opportunity for the Tobacco Retailer to be heard, that the Tobacco Retailer, or any agent or employee of the Tobacco Retailer, has Sold Tobacco Products to any Person(s) under the age of 21 years.

B. Time Period of Suspension of Permit.

1. Upon the first violation within any sixty (60) month period, the Permit to Sell Tobacco Products may be suspended for up to 30 days.
2. Upon the second violation within any sixty (60) month period, the Permit to Sell Tobacco Products may be suspended for up to 90 days.
3. Upon the third violation within any sixty (60) month period, the Permit to Sell Tobacco Products may be suspended for up to one year.
4. Upon the fourth violation within any sixty (60) month period, the Permit to Sell Tobacco Products shall be revoked. If a Permit is revoked, the Retailer shall not be eligible for a new Permit for a period of five (5) years after the effective date of revocation.

C. Effective Date of Suspension or Revocation.

Within ten (10) calendar days of the hearing, the Director shall issue written findings and an order regarding the suspension or revocation, which order will be effective ten (10) calendar days from the date such order was sent by certified mail to the Retailer, unless a timely appeal is filed in accordance with subsection (d).

D. Appeal of Suspension or Revocation.

The decision of the Director is appealable to the San Mateo County Licensing Board and the procedural rules of the San Mateo County Licensing Board shall govern hearings on all appeals of suspensions and revocations.

1. An appeal must be in writing, be addressed to the Director and be hand-delivered to the offices of the Division of Environmental Health.
2. An appeal must be received by the Director before the effective date of suspension or revocation provided by subsection (c) in order to be considered.
3. The filing of a timely appeal will stay a suspension or revocation pending a decision on the appeal by the San Mateo County Licensing Board.
4. The decision of the San Mateo County Licensing Board shall be a final administrative order, with no further administrative right of appeal.

5.80.200 – Administrative Fine.

- A. Grounds for Fine. A fine shall be imposed on a Tobacco Retailer upon findings made by the Director, based on a preponderance of the evidence, that any Tobacco Retailer, or any agent or employee of the Tobacco Retailer, has violated any of the requirements, conditions, or prohibitions of this Chapter. A fine shall be imposed in the maximum amounts set forth in subsection (b) of this section upon findings made by the Director that the Tobacco Retailer, or any agent or employee of the Tobacco Retailer, has Sold any Tobacco Product to any Person(s) under the age of 21 years. Any administrative fine shall be imposed solely against the Tobacco Retailer, not the Tobacco Retailer's employees or agents.
- B. Amount of Fine. Upon written findings made by the Director under subsection (a), the person or entity holding the Tobacco Retailer Permit shall be subject to an administrative fine for each such violation as follows:
 1. A fine not exceeding five hundred dollars (\$500) for a first violation within a sixty (60) month period; and
 2. A fine not exceeding one thousand dollars (\$1,000) for each subsequent violation within a sixty (60) month period.
- C. Each day that Tobacco Products are Sold or offered for Sale without a Permit or otherwise in violation of this Chapter shall constitute a separate violation. A finding of "offered for Sale" in violation of this Chapter will be made if Tobacco Products are either actually Sold and/or displayed in the retail establishment, or if advertisements offering to Sell Tobacco Products are visible to customers.

- D. Fine Procedures. Notice of the fine shall be served on the Tobacco Retailer by certified mail. The notice shall contain a description of the facts upon which the asserted violation is based and an advisement of the right to request a hearing before the Director contesting the imposition of the fine. Said hearing must be requested within ten calendar days of the date appearing on the notice of the fine. The decision of the Director shall be a final administrative order, with no administrative right of appeal.
- E. Failure to Pay Fine. If a fine imposed pursuant to this Chapter is not paid within 30 calendar days from the date appearing on the notice of the fine or of the notice of determination of the Director after the review provided for under subdivision (c) of this Section, the fine may be referred to a collection agency within or external to the County. In addition, any outstanding fines must be paid prior to the issuance of any new Permit or renewal of a Permit.

5.80.210 – Enforcement of this Chapter in Cities.

The Director is authorized to administer and enforce the provisions of this Chapter 5.80 on behalf of the City of East Palo Alto as provided in the San Mateo County ordinance code at section 4.98.310(a).



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2024

TO: Honorable Mayor and Members of the City Council

VIA: John D. Lê, City Attorney

SUBJECT: Animal Control Ordinance

Recommendation

1. Waive the second reading and adopt an ordinance repealing and replacing Chapter 6.04 “Animal Control” of the East Palo Municipal Code; and
2. Find that the adoption by the City Council of the amendments is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15378.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Promote Health & Public Safety

Background

Chapter 6.04 of the San Mateo County Ordinance Code contains regulations regarding animal control in unincorporated San Mateo County. The animal control regulations are in place to protect the health and safety of County residents.

The County’s animal control ordinance was originally adopted on October 23, 1951, and last updated on October 17, 2006, with several prior updates throughout the years.

Twenty cities within the County have adopted animal control ordinances that are the same or substantially the same as the County’s ordinances, as required by the animal control services agreement between the cities and the County which provides for services

CONSENT ITEM 3.5

through a contract with the Peninsula Humane Society. The City's current animal control ordinance is currently codified at Section 6.04 (Animal Control), which has been amended since 2005.

On December 14, 2023, the City Council waived the first reading and introduced an ordinance repealing and replacing Chapter 6.04 of the East Palo Alto Municipal Code with no modifications from the dais.

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

AYES: Mayor Lopez, Vice Mayor Barragan, and Councilmember Romero
NOES: NONE
ABSENT: Councilmembers Abrica and Gauthier
ABSTAIN: NONE

Analysis

Except alterations as provided for in Government Code Section 36934, because no modifications have been made since the first reading, staff recommends that the Council adopt the proposed ordinance in its entirety, in addition to finding that such action is exempt from CEQA for the reasons set forth below.

Fiscal Impact

There are no fiscal impacts associated with the proposed action.

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. Pursuant to Government Code Section 36933, an ordinance summary has been published in The San Mateo County Times, an adjudicated newspaper of general circulation on February 1, 2024.

Environmental

The proposed action is not a "project" under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378 and Public Resources Code section 21065 because it does not: (1) approve a project or result in a direct physical impact on the environment, or (2) contemplate known future projects, and as such, no known environmental impacts are known at this time. Instead, the proposed action would clarify procedural aspects related to the implementation of locally adopted building and other related codes.

As a separate and independent basis, the proposed action is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty

CONSENT ITEM 3.5

that there is no possibility that the activity in question may have a significant effect on the environment.

Government Code § 84308

Applicability of Levine Act: No.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Ordinance

ORDINANCE NO. _____

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

**REPEALING AND REPLACING CHAPTER 6.04 (ANIMAL CONTROL)
OF THE EAST PALO ALTO MUNICIPAL CODE TO CONSOLIDATE AND
CLARIFY EXISTING DEFINITIONS, ENACT ADDITIONAL
REQUIREMENTS FOR ANIMAL CONTROL, AND REVISE THE FEES
FOR ANIMAL CONTROL SERVICES**

WHEREAS, the County of San Mateo Division of Environmental Health operates a countywide program of animal control and licensing; and

WHEREAS, the County pays for the cost of operating the program with permit fees and fines collected, with a goal of obtaining compliance and for the protection of the health and safety of its residents; and

WHEREAS, the City Council agrees that regulation and licensing of animals and enforcement of these regulations saves limited code enforcement resources of the City; and

WHEREAS, Chapter 6.04 of the County's Code, and the model ordinance after which is it modeled, regulates animals and licensing of the same in the County and authorizes County enforcement within the City of East Palo Alto; and

WHEREAS, the County is requesting cities desiring to participate and authorize enforcement of the program to adopt a model ordinance with identical provisions in order to provide efficient and uniform enforcement for the regulation and licensing of animals; and

WHEREAS, replacement and amendment of Chapter 6.04 of the East Palo Alto Municipal Code will provide for continued health and safety of the residents of East Palo Alto, contribute to uniform countywide enforcement of these regulations stated therein by the County of San Mateo Environmental Health Division, and is necessary and appropriate for these purposes.

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 all the foregoing recitals are true and correct and incorporated herein by reference. Based thereon, the City Council hereby finds that the proposed ordinance is in the public interest.

SECTION 2: AMENDMENT AND REPLACEMENT OF CHAPTER 5.80

The City Council hereby amends and replaces Chapter 6.04 (ANIMAL CONTROL) of the East Palo Alto Municipal Code to read in its entirety as set forth in Exhibit A, which is attached hereto and incorporated in its entirety by this reference:

SECTION 3: 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(b)(4) and (5) in that it is a governmental fiscal, organizational or administrative activity that will not result in direct or indirect changes in the environment. 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) (no significant environmental impact), and Section 15183 (actions consistent with the general plan and zoning). The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

SECTION 4: IMPLIED REPEAL.

Any provision of the East Palo Alto Municipal Code inconsistent with this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effectuate this Ordinance.

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 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 and effect thirty (30) days from and 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.

This Ordinance was introduced at the December 14, 2023 meeting of the City Council of the City of East Palo Alto.

PASSED AND ADOPTED this 6th day of February, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Antonio D. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney

EXHIBIT A

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

* * * * *

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 6.04 (ANIMAL CONTROL)
OF TITLE 6 OF THE SAN MATEO COUNTY ORDINANCE CODE TO CLARIFY
EXISTING DEFINITIONS, ENACT ADDITIONAL REQUIREMENTS FOR ANIMAL
CONTROL, REVISE ANIMAL CONTROL SERVICE FEES**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:

SECTION 1. Chapter 6.04 of the San Mateo County Ordinance Code is hereby repealed, and a new Chapter 6.04 is hereby adopted, to be entitled and numbered and to read as follows:

CHAPTER 6.04 ANIMAL CONTROL

6.04.010 – Definitions

The following words and phrases, when used in this Chapter shall have the meaning set forth below:

"Animal Control Officer" – any person designated as the Animal Control Program Manager for the County, as well as the head of the County's animal control contractor and their duly authorized officers or deputies. In the event the County has no animal control contractor to provide animal control officers, or in cases of emergency in which additional animal control officers are needed, "animal control officer(s)" may include persons so designated by the Animal Control Manager.

"Animal Control Program" – that program established by the County and participating cities, and the Program's animal control contractor(s), if any, which contractor is specifically charged with regulating and enforcing laws dealing with animal control within the participating jurisdictions. Animal Control Program includes the Licensing Program.

"Animal Control Program Manager" - that person employed by the County to oversee the Animal Control Program or designee.

"Animal Control Shelter" - A San Mateo County facility operated by the County, or by another public entity, an accredited, tax-exempt humane non-profit organization contracted with the County, or a for-profit business contracted with the County for the purpose of impounding, sheltering, adopting, or euthanizing seized, stray, distressed, homeless, abandoned, or unwanted animals.

"Caretaker" - any person 18 years of age, or older, who has assumed responsibility for the care, custody, or control of an animal(s).

"Dangerous Animal" - any animal, except a trained animal assisting a peace officer engaged in law enforcement duties, that constitutes a danger to persons or animals, and/or demonstrates any of the following behavior(s):

- (a) behavior that results in bodily harm that is less serious than a "Severe Injury", or constitutes a substantial threat of bodily harm to a person; or
- (b) an attack on another animal which results in an injury that is sufficient to require veterinary care even if not received.

An animal which has been declared by an out of county jurisdiction as "potentially dangerous," "dangerous," "vicious," or any other similar designation, may be deemed a Dangerous or Vicious animal for the purposes of this Chapter, as determined by an Animal Control Officer.

"Health Officer" - that person so designated by the County of San Mateo.

"Humane Officer" - any person who is qualified and appointed pursuant to California Corporations Code Section 14502, and who is an employee of the County and designated as such by the County or an employee of a society for prevention of cruelty to animals or humane society that has contracted with the County to provide animal control services.

"Licensing Program" - that program within San Mateo County Health, including but not limited to, any County contractor specifically charged with regulating and selling animal licenses in the County of San Mateo.

"Owner" - any person 18 years of age or older who:

- (a) holds the license to the animal; or
- (b) if the animal is not licensed, is legally entitled to possession of the animal;
or
- (c) has exercised primary responsibility for the care of the animal for thirty (30) or more consecutive calendar days.

"Person" – means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder, director, employee, agent, or representative thereof.

"Severe injury" - Any physical injury to a human caused by an animal attack that involves tooth derived muscle tears, disfiguring wounds or laceration(s), multiple bites requiring sutures, broken bones and/or requires corrective surgery.

"Service Animal" - any animal defined as such by federal or state law.

"Vicious Animal" - any animal, except a trained animal assisting a peace officer engaged in law enforcement duties, which meets any or all of the following criteria:

- (a) Any animal that, at the time of the attack, is already designated as a Dangerous Animal and/or is the subject of a Dangerous Animal Permit, and which is found to have engaged in any of the following:
 - (1) behavior that results in bodily harm, or constitutes a substantial threat of bodily harm, to a person; or
 - (2) an attack on another animal which results in an injury that is sufficient to require veterinary care, whether or not received.
- (b) Any animal that inflicts Severe Injury to or kills a person.
- (c) Any animal which cannot be safely maintained with a Dangerous Animal permit.
- (d) Any animal designated by another governmental jurisdiction as, "dangerous", "vicious", or any other similar designation, if that prior designation is based on behavior which would meet the definition of Vicious under this Chapter, as determined by an Animal Control Officer.

6.04.020 - Animal Control Program.

- (a) The Animal Control Program is responsible for the enforcement of this Chapter.

The duties of the Animal Control Program shall include, but not be limited to, the following:

- (1) Provide animal control, sheltering services, and a rabies control program to carry out and enforce all provisions of this Chapter and California Health & Safety Code section 121690, and keep such records as may be required by law or contract.
- (2) Enforce the provisions of this Chapter and all applicable state and local laws relating to the care, treatment, and impounding of animals, and specifically to issue citations and to make arrests for violations of the provisions of this Chapter and related state laws, to the extent authorized by law.
- (3) Impound animals found to be in violation of this Chapter in the interest of protecting public health and safety.
- (4) Investigate animals pursuant to this Chapter or applicable state law and, if deemed appropriate, designate any such animals as Dangerous or Vicious pursuant to this Chapter.

- (5) Impound animals which are in imminent or ongoing danger, or which are in need of safekeeping in order to protect the health and safety of the animal.
 - (6) Impound animals that are causing a threat to public safety.
 - (7) Where authorized under the law, to enter upon any premises upon which any animal is kept in order to seize or impound of any animal if reasonable cause exists to believe that such animal is being kept or has behaved in violation of the provisions of this Chapter.
 - (8) To remove and dispose of the carcass of any animal(s) found on any public right of way, except freeways or other areas maintained by Caltrans.
 - (9) Quarantine animals under the direction of the County Health Officer to ensure public health and safety.
 - (10) Euthanize and/or dispose of animal(s) humanely and in accordance with the law.
 - (11) Place for adoption, when appropriate, properly impounded animals if such animals are not redeemed after due notice to known Owners in accordance with the law.
 - (12) Provide and hold vaccination clinics in strategic locations throughout the County pursuant to Health and Safety Code 121690.
 - (13) Provide or make available at low cost, spay/neuter surgeries to dogs, cats, and rabbits.
 - (14) Provide for issuance of an animal license for a period not to exceed the term of the anti-rabies vaccination, as provided by state law.
 - (15) To collect any fees or charges provided for in this Chapter for the licensing, impounding and/or keeping of any animal, or for the enforcement of this Chapter.
- (b) Animal Control Officers qualified under Penal Code section 830.9, who are either employees of the County designated as such by the County, or employee(s) of and designated as such by a society for prevention of cruelty to animals or humane society which has contracted with the County to provide animal control services, shall have the authority to issue citations and/or notices to appear in court, and obtain and execute search warrants to the maximum extent allowed by law, for violations of state and local animal control laws. Animal Control Officers shall

have the authority provided by state law including, but not limited to, that described by Penal Code section 830.9. Animal Control Officers must complete Penal Code section 832 training.

- (c) Those employees of a society for prevention of cruelty to animals or humane society under contract with the County to provide animal control services, who have been appointed and qualify as humane officers under California Corporations Code section 14502, or its successor statute, shall have the authority to issue citations and/or notices to appear in court, and obtain and execute search warrants, to the maximum extent allowed by law, for violations of state and local animal control laws.
- (d) The County may contract for animal control services to be performed countywide, including within cities, provided agreement is made with the participating jurisdictions.

6.04.030 - Rabies Vaccinations.

- (a) Every dog or cat Owner shall ensure their animal is vaccinated for rabies by a licensed veterinarian in the manner prescribed or approved by state law and the State of California Department of Public Health, after the dog or cat attains the age of three (3) months of age and/or within ten (10) calendar days of acquiring an unvaccinated animal. This vaccination shall be obtained prior to issuing a license for the dog or cat. In addition, proof of vaccination shall be provided by the Owner or Veterinarian to the Licensing Program or the County's animal control contractor.
- (b) Every veterinarian who vaccinates or causes or directs to be vaccinated in the County any dog, or cat with rabies vaccine shall certify that such animal has been vaccinated. Every veterinarian shall submit to the licensing authority a copy of the County-approved rabies vaccination form, within ten (10) calendar days of the beginning of each month, for any dog or cat which they vaccinate or direct to be vaccinated with anti-rabies during the previous month. An Animal Control Officer or Animal Licensing staff shall have the right to inspect records of rabies vaccinations during normal business hours.
- (c) Upon receipt of a written request from a licensed veterinarian to exempt a microchipped pet from receiving a one or three-year vaccination, for medical reasons, the County Health Officer and/or designee shall review the basis for the request for exemption and approve or/deny said request.

6.04.040 - Dog and Cat Licenses.

- (a) Licensing requirements for dogs and cats shall be as follows:

- (1) An annual license shall be obtained, and an annual license fee shall be paid by the Owner for every dog or cat over the age of three (3) months owned or kept in unincorporated San Mateo County, and all cities within the County which adopt this Chapter. Said annual license fee shall be first due when the animal reaches three (3) months of age or within sixty (60) calendar days after the dog or cat is acquired, and due on the expiration date of the rabies vaccination and each year thereafter.
 - (2) New residents shall have sixty (60) calendar days in which to acquire such license.
 - (3) Persons renewing their license shall have thirty (30) calendar days following their due date before being found delinquent and assessed a late penalty.
 - (4) The fee for such license shall be as set forth in section 6.04.350 of this Chapter. The fee paid for the licensing of altered dogs and cats shall be less than said license fee for unaltered cats or dogs upon presentation of the proper certification. The license fee paid by persons over the age of 60 shall be at a discount.
 - (5) An Owner may obtain a three-year license for a cat or dog by submitting to the Licensing Program adequate proof of a three-year rabies vaccination of the animal to be licensed and payment of the applicable fees, as set forth in section 6.04.350 of this code.
 - (6) Any person who fails to pay such license fee after said fee is due or said dog or cat is required to be licensed, in addition to paying any past due license fee(s), may also be required to pay a late fee in accordance with Section 6.04.350 of this Chapter or may receive an administrative citation.
 - (7) A license shall be obtained, but no license fee shall be payable, by the Owner of any dog being raised, trained or used as a service animal, or for dogs that have served as a member of the armed forces of the United States of America, or any dog used by a local law enforcement agency for the purposes of law enforcement.
 - (8) Animals with microchip implants or other permanent identification acceptable to the Animal Control Program are not exempt from the mandatory licensing requirements.
- (b) The licensing provisions in this Chapter are not applicable to the following:
- (1) Dogs or cats used for diagnostic purposes or research, the use having been approved by the California State Department of Health Services pursuant to section 1666 of the Health and Safety Code.

- (2) Dogs or cats used for teaching purposes in recognized educational institutions.
 - (3) Dogs or cats owned by veterinarians licensed by the State and kept on the premises used by said veterinarians in their practice.
- (c) Tags for dogs and cats shall be issued as follows:
- (1) The Licensing Program shall procure and, when licensing fee is paid, issue a lifetime tag which shall bear the number of the license. A record shall be kept with the name of the Owner together with a description of the dog or cat for which the license is issued and the number of the license, and a tag shall be provided to such person upon payment for such license as provided by this Chapter.
 - (2) Whenever a tag has been lost or stolen, the Owner of the animal may request a duplicate tag upon payment of the required fee.
 - (3) The Owner of a licensed dog or cat shall affix such tag to a suitable collar, which collar shall remain on the dog or cat at all times.
 - (4) When an animal has been designated as a service animal, the Owner may obtain a lifetime service tag and shall be required to follow the requirements in Section 6.04.030 (a). Said tag will replace a regular dog license.
 - (5) The owner or operator of any kennel, animal breeding facility, pet shop, or any place or establishment where animals are sold, adopted, or given away shall keep a permanent record of the name, address, and phone number of the purchaser of any dog or cat, along with the breed, color, sex, and age of each animal sold, adopted, or given away and shall forward such information to Animal Control Services within thirty (30) calendar days thereafter. An Animal Control Officer, County representative, or employee of the County's animal control contractor shall have the right to inspect such records during normal business hours, with forty-eight (48) hours prior notice to the Owner or operator.

6.04.050 - Public Protection from Dogs.

- (a) No Owner or possessor of a dog shall cause or allow such dog to bite, or physically threaten or harass any person unless necessary to protect the physical safety of a person.
- (b) Every Owner or possessor of a dog shall prevent such dog from causing injury to another animal while such animal is lawfully upon public or private property. The failure of the owner of a victim animal to have the animal on a leash shall not, in itself, constitute a mitigating factor in any attack.

- (c) No Owner or possessor of a dog shall command or provoke such dog to attack, sic or threaten a person unless such action is necessary to protect the physical safety of a person.
- (d) No Owner or possessor of a dog that resides in another county and is found to have violated this section shall thereafter allow such dog to be brought into San Mateo County unless the dog is fully enclosed in a vehicle and passing through to another location without stopping at any public or private premises within the County.

6.04.060 - Prohibited Conduct.

No Owner or other person having care, custody or control of any animal shall cause or permit it to do any of following:

- (a) To be upon any public street, sidewalk, park, school ground, any public property, or upon any unenclosed premises in this jurisdiction unless:
 - 1) the animal is properly licensed, if such licensing is necessary hereunder, and
 - 2) the animal is controlled by a chain, lead rope, or leash, which is connected to the animal's collar, saddle, harness, or halter. This latter requirement is not applicable to cats, or to service animals under the complete control of the Owner or caretaker.

An electric or invisible fence does not constitute an enclosure for the purposes of this requirement.

- (b) To trespass upon any private property without the consent of the owner thereof, and to knowingly permit the animal to remain upon the property, or to habitually continue to trespass thereon.
- (c) To suffer or permit such animal to habitually bark or meow or otherwise act to disturb the peace of any citizen or to be a public nuisance.
- (d) To be without proper and adequate food, water, shelter, care, and attention.
- (e) No person shall possess within San Mateo County any animal designated by another jurisdiction as "potentially dangerous", "dangerous", or "vicious," or other designation based on the animal's potential danger to humans and/or animals, without previously notifying Animal Control and receiving express written permission from the Animal Control Manager for the animal's presence or residence in San Mateo County. A failure to receive prior permission is in itself a

sufficient basis for an Animal Control Officer or peace officer to seize and impound such animal.

- (f) Subsection (a)(2) of this section shall not be applicable to cats.

6.04.070 - Protection of Animals in Motor Vehicles.

- (a) No person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of said animal due to heat, cold, lack of adequate ventilation, lack of water, or other circumstances that could reasonably be expected to cause suffering, disability, or death of said animal.
- (b) An Animal Control Officer, Humane Officer or peace officer may remove an animal from a motor vehicle if the animal's safety reasonably appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. An Animal Control Officer, Humane Officer or peace officer is authorized to take all steps that are necessary for the removal of such animal from the motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort has been made to locate the Owner or other person responsible.
- (c) If an animal is removed from a motor vehicle as set forth herein, the removing officer shall, if deemed necessary by the officer, take it to an animal shelter, veterinary hospital, or other place of safekeeping.
- (d) An Animal Control Officer or peace officer who removes an animal from a motor vehicle shall, in a conspicuous location on or within the motor vehicle, leave written notice bearing their name and office, and the address of the location where the animal can be claimed. The animal may be released to the Owner only after payment of all fees that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.
- (e) Nothing in this section shall preclude prosecution under both this section and California Penal Code Section 597 or any other provision of state or local law.

6.04.080 - Release from Confinement.

No person other than the Owner, or person authorized by the Owner of the animal shall release any animal from any confinement, vehicle, or restraint unless such release is necessary for the immediate health and safety of the animal. This section shall not apply to Animal Control Officers, Humane Officers, and/or peace officers.

6.04.090 - Declaration of Dangerous Animal.

- (a) No person shall knowingly keep, have, maintain, sell, trade, or let for hire an animal designated as Dangerous under this Chapter without obtaining a Dangerous Animal Permit from the Animal Control Officer. The animal Owner shall comply with all conditions of the Dangerous Animal Permit including, but not limited to, all requirements of section 6.04.100 of this Chapter. Any animal which is determined to be Dangerous under this Chapter and for which a permit has not been obtained shall be surrendered to an Animal Control Officer, Peace Officer, or a County animal control contractor agency for appropriate disposition, which may include humane euthanasia.
- (b) In determining whether or not an animal shall be designated as Dangerous, the Animal Control Officer, peace officer, or hearing officer may consider any relevant facts and circumstances, including but not limited to:
 - (1) the alleged attacking animal's prior history.
 - (2) the alleged attacking animal's Owner(s) ability to comply with this Chapter, and/or compliance with any prior Dangerous Animal Permits held by the alleged attacking animal's Owner(s).
 - (3) whether any of the animals involved were previously deemed by a governmental jurisdiction as "potentially dangerous", "dangerous", "vicious" or any other similar designation.
- (c) In determining whether or not an animal shall be designated as Dangerous, the Animal Control Officer, peace officer, or hearing officer, may consider the following mitigating factors:
 - (1) Whether at the time of the injury, attack or molestation, the person or animal suffering the injury, attack or molestation:
 - (i) provoked, tormented, teased, abused or assaulted the animal, thereby causing or contributing to the alleged behavior;
 - (ii) committed a willful trespass or other tort upon the private property of the Owner or caretaker of the animal in the presence of the animal;
 - (iii) threatened or committed an unjustified attack or assault against the Owner, caretaker or other person in control of the animal in the presence of the animal.

- (2) Any other mitigating factor relevant to whether the animal poses a threat to public health or safety. The failure of the Owner or person in control of a victim animal to have the victim animal on a leash shall not, in itself, constitute a mitigating factor in any attack.
- (d) The unwillingness of a victim or a particular witness to testify at a hearing shall not prevent designation of an animal as a Dangerous Animal, as long as sufficient evidence exists to support the designation.
- (e) In the event that an Animal Control Officer or peace officer determines it necessary to protect the health or safety of the public, or of any animal, they may immediately impound any animal according to the procedures set forth in this Chapter.
- (f) If an Animal Control Officer or peace officer has investigated and determined that an animal is Dangerous, the Animal Control Officer or peace officer shall deliver written notice of such determination to the Owner of the animal pursuant to section 6.04.260.
- (g) Should the Owner of the animal wish to contest the Dangerous Animal designation, the Owner may request a hearing, which hearing shall be conducted according to the procedures set forth in section 6.04.150 of this Chapter. The Owner shall submit a written request for a Dangerous Animal hearing to the Animal Control Officer within seven (7) calendar days of the written notification by the Animal Control Officer and/or peace officer that the animal has been declared dangerous.
 - (1) Should the animal Owner not submit a request for an administrative hearing within the required timeframe, the administrative hearing process shall be deemed waived, the Dangerous Animal designation will be final, and the animal Owner shall obtain a Dangerous Animal permit within seven (7) calendar days of the written notification that the animal has been declared Dangerous.
 - (2) If the animal Owner requested a hearing and the hearing officer confirms the determination that the animal is Dangerous, the Owner must obtain the Dangerous Animal permit and meet the conditions required by such permit, within seven (7) calendar days of notice of such decision, unless the time is extended by an Animal Control Officer.
 - (3) If an animal is designated as Dangerous, but the Owner fails to obtain a Dangerous Animal Permit within the required timeframe, the animal will be deemed abandoned, and will be subject to disposition as deemed appropriate, including potential euthanasia by the County's animal control contractor, at the discretion of the Animal Control Officer, peace officer or City or County representative. If not already impounded, the animal will

be promptly impounded. The Owner of the animal shall be responsible for all costs of impoundment of the animal incurred prior to such abandonment.

- (h) If after investigation by an Animal Control Officer or peace officer, that officer determines that the animal is not Dangerous, the victim or an Owner of a victim animal may appeal that determination, within seven (7) calendar days of notice of the decision given pursuant to section 6.04.260, by submitting to the Animal Control Officer or peace officer a written request for a hearing and paying the required fee. The Animal Control Officer or peace officer shall prepare a written report documenting its reasons for determining the animal not Dangerous and shall include evidence it has considered for and against the designation in its report. The hearing shall be conducted according to the procedures set forth in section 6.04.150 of this Chapter.
- (i) No animal designated by the County as a Dangerous Animal may be transferred to a new place of residence or to a new Owner or Caretaker without prior written approval of the Animal Control Program Manager. Prior to the relocation, a written request for the relocation must be delivered to the Animal Control Program Manager and the County's animal control contractor, if any, at least 30 calendar days prior to the relocation.
- (j) If an Animal Control Officer declares an animal as Dangerous which has already been declared Potentially Dangerous or Dangerous by another jurisdiction located outside of the County of San Mateo, the Owner of such animal must obtain and comply with a Dangerous Animal Permit at least seven (7) calendar days prior to moving the animal into the County. The animal shall not reside in the County of San Mateo until the Dangerous Animal Permit has been issued by the Animal Control Program and the Owner meets the conditions of said permit.
- (k) A permit issued under this section is subject to renewal annually. An annual inspection of the location where the animal resides will be performed by an Animal Control Officer. Inspections may occur at any reasonable hour and will occur at least annually. The fee for such permit and inspection shall be as set forth in section 6.04.350 of this Chapter. Fees shall not be refundable. If the registered Owner fails to pay the permit fee and/or comply with the requirements of the permit within ten (10) calendar days of the annual inspection date, the permit may be revoked and the animal may be impounded for appropriate disposition, as determined by an Animal Control Officer, peace officer, County contracted agency or City designee, including humane euthanasia.
- (l) A Dangerous Animal designation is a designation that remains with that animal for its lifetime, unless terminated as provided by this subsection. A Dangerous Animal designation may be terminated if all of the following criteria have been met, as determined by an Animal Control Officer or peace officer and the Animal Control Manager and/or City designee:

- (1) The Owner has complied with all Dangerous Animal Permit requirements for a period of three (3) years and the animal has not been found to have committed any violations of the requirements of the permit, or of this Chapter, or any other applicable animal control laws, for the duration of that period.
- (2) The animal has remained current on all rabies or similar required vaccinations and has remained current on its licensing and paid all fees for the duration of the three (3) year period.

If an animal Owner disputes a finding that the Dangerous Animal designation will not be terminated, the animal Owner may request an administrative hearing to be held according to the procedures set forth in section 6.04.150 of this Chapter.

6.04.100 - Dangerous Animal Permit Requirements.

- (a) Any Owner of a Dangerous Animal shall ensure compliance with the following rules and regulations which shall be mandatory requirements for any Dangerous Animal Permit:
 - (1) When the animal is off the property of its Owner, ensure that the animal is not kept upon any unenclosed premise unless said animal is leashed and muzzled with a cage or basket muzzle, or any other muzzle approved by the Animal Control Officer. The leash shall not exceed four (4) feet in length and having a minimum tensile strength of 300 pounds and shall be under the direct control and supervision of the Owner or a person of such age, size, and strength as can easily control such animal. Extraordinary care shall be taken by the Owner and/or caretaker to ensure that such restraint is sufficient to control the animal in a manner which it will not endanger other persons or animals.
 - (2) Ensure said animal is never kept on any unenclosed premises even if tethered, tied or staked.
 - (3) Ensure said animal is kept in a fenced yard, kennel, dog run or other enclosure, sufficient to prevent the escape of the animal or entry of young children, as approved by the Animal Control Officer or peace officer. An electric or invisible fence is not an acceptable means of enclosure for the purpose of this requirement.
 - (4) Maintain the animal so that it is not a threat to any mail carrier, sanitation worker, meter person, or other person who has the lawful right to enter the property.
 - (5) Ensure that all structures used to confine the animals are locked with a key

or combination lock when such animals are within the fenced yard, kennel, run or enclosure.

- (6) Regularly inspect the fenced yard, kennel, dog run or enclosure to ensure that it is secure to maintain the animal and keep young children out.
- (7) Allow inspections by any Animal Control Officer or peace officer at any reasonable hour of the premises or premises upon which the animal is maintained.
- (8) Pay permit and property inspection fees as set forth in section 6.04.350 of this Chapter within (10) ten calendar days of the permit issuance or renewal.
- (9) Obtain and post approved sign(s) from the Animal Control Program after payment of a non-refundable fee as set forth in Section 6.04.350 of this Chapter. Sign(s) shall be conspicuously posted in a manner visible to the public at all entrances to the property where the animal is kept, warning persons of the presence of a Dangerous Animal as directed by the Animal Control Officer or peace officer. Such sign(s) must be surrendered in the event of the revocation of the permit, death of animal, or approved relocation of the animal.
- (10) Advise all members who reside in the same household and on the same premises of the conditions established by the permit for keeping or maintaining said Dangerous Animal.
- (11) Ensure said animal wears, at all times, a separate Dangerous Animal tag issued by the Animal Control Program in addition to complying with license requirements as defined in Section 6.04.040 of this Chapter.
- (12) Ensure said animal be microchipped and inform the Animal Control Officer with the microchip number within thirty (30) calendar days from the date the Dangerous Animal Permit was issued.
- (13) Within forty-five (45) calendar days from the date the Dangerous Animal Permit was issued, unless this period is extended by the Animal Control Manager or city representative at their sole discretion, said animal shall be spayed or neutered by a California licensed veterinarian, at Owner expense, and within those forty-five (45) days, the Owner shall also present written proof to the Animal Control Officer that the surgery was performed. In the event an animal cannot be safely altered, due to a medical reason, the Owner shall present the Animal Control Program Manager and Animal Control Officer with a written request from a California licensed Veterinarian stating the medical reason(s) that the animal should not be altered. The County Health Officer or designee will

approve or deny the request. If said request is denied, the animal shall be altered by a California licensed Veterinarian within fifteen (15) calendar days from the date of notification that the request was not approved, and within those fifteen (15) calendars days provide such written proof to the Animal Control Officer that the surgery was performed.

- (14) Notify an Animal Control Officer and the Animal Control Program Manager of the animal's death within twenty-four (24) hours and produce the animal's body for verification upon request.
 - (15) Notify an Animal Control Officer and the Animal Control Program Manager immediately in the event the animal becomes lost, stolen, or escapes from its fenced yard, kennel run, or enclosure.
 - (16) Pay all reoccurring of additional fees within ten (10) calendar days of service of the invoice or annual permit. Non-payment of fee may result in the permit being revoked unless a payment plan has been approved by the County or City.
 - (17) Comply with all other permit conditions or requirements imposed by an Animal Control Officer, peace officer, or hearing officer pursuant to this Chapter.
 - (18) Comply with all local and state laws regarding the care, use, control, and maintenance of animals.
- (b) Any Owner of a Dangerous Animal shall ensure compliance with the following additional requirements, if directed to do so by an Animal Control Officer, peace officer and/or hearing officer:
- (1) Prove financial responsibility by posting a bond or certificate of insurance for an amount of three hundred thousand dollars (\$300,000) per animal within thirty (30) calendar days from the date of the Dangerous designation. Bond or certificate of insurance will be provided to the Animal Control Program Manager annually prior to expiration of said bond or certificate.
 - (2) Provide private behavioral and obedience training to the animal, at the Owner's expense and within the time set forth by the hearing officer or an Animal Control Officer following the issuance of a Dangerous Animal Permit. Proof of participation, a report of behavioral assessment, and/or a certificate of satisfactory completion from an animal behaviorist or organization approved by an Animal Control Officer shall be provided to the Animal Control Officer and Program Manager of Animal Control within seven (7) calendar days following the completion of the mandatory training, but not more than ninety (90) calendar days from the date of the

Dangerous designation.

- (3) Comply with any other permit requirements determined to be reasonably necessary to protect the public's health or safety and/or the health or safety of other animals.
- (c) No more than two Dangerous Animals may be kept by any person(s) at any one household, residence, business, or other location, without prior written approval of the designee of the appropriate jurisdiction.

6.04.110 - Revocation or Modification of Dangerous Animal Permit.

- (a) Any Dangerous Animal permit issued pursuant to this Chapter may be revoked or modified by the inclusion of additional requirements or otherwise, if the Animal Control Officer or peace officer has reasonable cause to believe any of the following to be true:
 - (1) The dangerous animal Owner or any person to whom the Owner has given care, custody, or control of the animal has violated any local or state laws relating to the keeping, care or use of any animals.
 - (2) The Owner or any person to whom the Owner has given care, custody, or control of the animal has violated any dangerous animal permit conditions, or any requirement imposed by the Animal Control Officer, peace officer, or hearing officer.
 - (3) The Owner or any person to whom the Owner has given care, custody, or control changed the location of his/her residence or his/her place of business or sells, assigns, transfers, donates, leases, or otherwise disposes of the animal for which the permit was issued without first notifying an Animal Control Officer as outlined in Section 6.04.090
 - (4) The Owner or any person to whom the Owner has given care, custody or control of the animal has changed the residence or premises where the animal is maintained without first complying with the guidelines set forth in Section 6.04.090
 - (5) The Owner or any person to whom the Owner has given care, custody, or control of the animal is unable or unwilling to comply with the conditions of the dangerous animal permit.
- (b) In the event that it is reasonably necessary to protect the public or an animal's health and safety, the Animal Control Officer or peace officer may impound or cause to be impounded the animal while an investigation is taking place.

- (c) If, after investigation, the Animal Control Officer or peace officer concludes that there is probable cause to believe that one or more of the above conditions for revocation or modification of the permit has occurred, the officer shall deliver written notice of revocation or modification to the Owner. Said notice shall specify the grounds of revocation or modification of the permit. Should the Owner of the animal wish to contest the revocation or modification of the permit, the Owner may request an administrative hearing to be held before a hearing officer, as designated by the Animal Control Program Manager, within seven (7) calendar days of receiving the notice of revocation. Said administrative hearing date shall be not less than seven (7) calendar days or no more than (20) twenty calendar days after the date the request for hearing is received by the Animal Control Manager. The administrative hearing shall be conducted as set forth in section 6.04.150 of this chapter. The hearing officer conducting the hearing may either modify the terms of the permit or revoke the permit.

Any party to the hearing has the right to appeal the administrative hearing decision to the County of San Mateo Superior Court by filing a Petition for a Writ of Administrative Mandate pursuant to California Civil Procedure, Section 1094.5 and 1094.6.

- (d) Upon written notice by the Animal Control Officer, peace officer, or hearing officer, if a hearing was held, if any modifications to a dangerous animal permit are made, the Owner shall immediately comply with such modified permit requirements.
- (e) Upon written notice from an Animal Control Officer, peace officer or hearing officer of the revocation of a Dangerous Animal permit, the Owner of such animal shall within two (2) calendar days of such notification, surrender said animal to an Animal Control Officer. The Dangerous Animal shall be impounded and humanely euthanized unless the County designee or City designee has approved a different disposition. At the sole discretion of the appropriate City or County representative, such animal may be permanently removed from the County of San Mateo to another jurisdiction with written approval from that jurisdiction.

6.04.120 - Possession of Animals After Revocation of Dangerous Animal Permit.

No Person who has been determined to be in possession of or had Ownership of a Dangerous Animal for which a permit has been revoked under this chapter shall be granted any Dangerous Animal permit for a period of three years following such determination or revocation.

6.04.130 - Declaration of Vicious Animals.

- (a) No person shall keep, have, maintain, sell, trade, or let for hire an animal which has been designated as Vicious under the provisions of this Chapter.

- (b) If an Animal Control Officer and/or peace officer has investigated and determined that an animal is Vicious, the Animal Control Officer or peace officer shall deliver written notice of such determination to the Owner of the animal. Service of notice shall be made in accordance with section 6.40.260 subdivision (a) of this Chapter. An Animal Control Officer and/or Peace Officer shall immediately impound the animal, or cause to be impounded, the animal according to the procedures set forth in Section 6.04.160 of this Chapter. The animal shall be deemed abandoned and shall be humanely euthanized unless the County designee or City designee has approved a different disposition or unless the Owner timely requests an administrative hearing.
- (c) In determining whether an animal shall be designated Vicious, in addition to any other facts and circumstances of the incident(s), the applicable decision-maker may consider the following potentially mitigating factors.
 - (1) Whether at the time of the injury, attack or molestation, the person or animal suffering the injury, attack, or molestation:
 - (i) provoked, tormented, teased, abused, or assaulted the animal, thereby causing or contributing to the alleged behavior
 - (ii) committed a willful trespass or other tort upon the private property of the Owner or caretaker of the animal; and/or
 - (iii) threatened or committed an unjustified attack or assault against the Owner, caretaker, or other person in control of the charged animal.

The failure of the Owner or other person in control of a victim animal to have the animal on a leash shall not, in itself, constitute a mitigating factor in any attack.
 - (2) Whether the Owner is willing and able to comply with the conditions of a Dangerous Animal permit, and whether the animal can be safely maintained on a Dangerous Animal permit considering the nature of the attack and cooperativeness and abilities of the Owner.
- (d) The decision-maker may also consider, among any other relevant facts and circumstances, the following factors:
 - (1) whether any of the animals involved were previously deemed by any governmental jurisdiction as, "dangerous", "vicious", or any other similar designation, and/or the animal Owner's prior compliance or lack thereof with any applicable dangerous animal permit requirements or this Chapter;
 - (2) the attacking animal's history of attacks, bites or threatening behavior;

- (3) whether the animal demonstrated such aggressive behavior that it is reasonable to conclude that the animal cannot be safely maintained with a Dangerous Animal permit; and
 - (4) whether the Owner is unable or unwilling to comply with the conditions of a Dangerous Animal permit.
- (e) Should the Owner of the animal wish to contest the Vicious Animal designation, the Owner may request an administrative hearing to be conducted according to the procedures set forth in section 6.04.150 of this Chapter. The Owner shall submit a written request for a Vicious Animal hearing to the Animal Control Officer within seven (7) calendar days of the written notification by the Animal Control Officer and/or peace officer that the animal has been declared Vicious.
 - (f) Should the Owner not submit a request for an administrative hearing within the required timeframe, the administrative hearing process shall be deemed waived, the Vicious Animal designation will be considered final for purposes of exhaustion of administrative remedies, and the animal will be subject to disposition by the Animal Control Officer, peace officer, or City or County designee. The Owner shall lose all rights of Ownership and control of the animal, and the animal will be subject to humane euthanasia, unless another disposition is deemed appropriate by a City and/or County designee, without further notice to the Owner.
 - (g) The unwillingness of a victim or a particular witness to testify at a hearing shall not prevent designation of an animal as Vicious as long as sufficient evidence exists to support the designation.
 - (h) If after investigation, an Animal Control Officer and/or peace officer determines that the animal is not Vicious, the Officer will prepare a written decision upon request by any victim suffering physical injury or an Owner of a victim animal, either of whom may appeal that determination. Any victim suffering physical injury as a result of the attack, or Owner of a victim animal, may appeal the determination that an animal is not Vicious by submitting, within seven (7) calendar days of the service of the decision pursuant to section 6.04.260, a written request to the Animal Control Officer for an administrative hearing and paying the required fee as set forth in Section 6.04.350 of this Chapter. The administrative hearing shall be conducted according to the procedures set forth in section 6.04.150 of this Chapter.

6.04.140 - Providing False Information.

It shall be unlawful for a person to willfully and knowingly provide false or misleading information to Animal Control Program staff, including but not limited to an Animal Control Officer, Peace Officer, Animal Control Program Manager, and/or Hearing Officer regarding

animal Ownership, licensing, rabies vaccination, medical treatment and condition, and/or any other matter pertaining to the enforcement of state or local law.

6.04.150 - Administrative Hearing Procedures.

- (a) Administrative hearings held under this Chapter shall be conducted by a hearing officer or designated representative appointed by the Director or designee of the San Mateo County Health. Any city contracting with the County for animal control services may elect to utilize the services of any San Mateo County designated hearing officer to conduct hearings on behalf of the city pursuant to that city's animal control ordinances. The hearings shall be scheduled no less than seven (7) calendar days and no more than fifteen (15) calendar days from the receipt of the request for the hearing unless the hearing officer finds good cause for continuance.
- (b) The Animal Control Officer or peace officer conducting the investigation shall provide their investigation report and any evidence gathered by the officer to the Animal Control Manager or designee no less than 72 hours prior to said administrative hearing. The Animal Control Manager or designee will promptly provide the report to the parties to the case, including the Owner of the subject dog and the Owner of the victim dog.
- (c) The administrative hearing shall be conducted in an informal manner consistent with due process of law. Any party may be represented by counsel. The parties may present relevant evidence including witnesses. The strict rules of evidence shall not be applicable. Any relevant evidence, including but not limited to hearsay evidence, may be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely on in the conduct of serious affairs. The hearing officer shall decide the matter based on preponderance of the evidence presented at the hearing. The administrative hearing shall be recorded, and all documentary evidence submitted at the administrative hearing shall be preserved by the Animal Control Manager for a period of no less than two years. Any party may arrange for a court reporter to be present. Any party desiring the presence of a court reporter shall make all necessary arrangements and shall be responsible for payment of all costs.
- (d) The hearing officer may exclude disorderly or disruptive persons from the hearing or make other orders as necessary to ensure the fair and orderly conduct of the administrative hearing.
- (e) The hearing officer may decide all issues for or against the Owner(s) of the involved animal(s) even if the Owner(s) fail to appear at the hearing.
- (f) Within seven (7) calendar days of the administrative hearing, the hearing officer shall render a written decision, which shall be final for the purposes of exhaustion of administrative remedies upon the date of mailing. The Animal Control

Manager or designee shall mail the written decision and affidavit/certificate of mailing showing the date of mailing, on behalf of the hearing officer, by first class mail, postage prepaid. The decision will be mailed to the Owner of the alleged Dangerous or Vicious Animal, the victim or Owner of the victim animal, and the investigating Animal Control Officer or peace officer.

- (g) If the animal is designated Dangerous, the Owner must apply for and obtain a Dangerous Animal permit as provided by this Chapter within seven (7) calendar days of the decision letter in order to maintain the animal and the Owner must comply with all mandatory Dangerous Animal permit rules and regulations as defined in section 6.04.120 of this Chapter. A hearing officer may impose additional permit requirements as set forth in this Chapter.
- (h) If the animal is designated Vicious, the Owner of such animal shall lose all rights of Ownership and control of the animal, and the animal will be subject to humane euthanasia, unless another disposition is deemed appropriate by a City and/or County designee, without further notice to the Owner. An animal designated as Vicious will be held at the animal shelter for a minimum of seven (7) calendar days from the date of the hearing officer's decision, prior to any proposed euthanasia.
- (i) Unless the hearing officer for good cause otherwise determines, the party requesting the administrative hearing is liable for all costs related to such hearing. A determination by the hearing officer that the animal is not dangerous or vicious shall constitute good cause.
- (j) Hearing officer decisions are appealable to the San Mateo County Superior Court by filing a Petition for Writ of Administrative Mandate pursuant to California Civil Procedure, Section 1094.5 and 1094.6.
- (k) The procedures and/or definitions pertaining to potentially dangerous and vicious dogs set forth in the California Food and Agricultural Code Chapter 9, beginning with section 31601, are not adopted and do not apply within San Mateo County. As authorized by Food and Agricultural Code section 31683, the County has adopted its own program for regulation of dangerous and vicious dogs as contained in this Chapter.

6.04.160 - Animals to Be Impounded.

- (a) The Animal Control Program may impound any animal kept or found under conditions that constitute a violation of this Chapter or other state or local law. The animal's Owner shall be responsible for all costs incurred or fees applicable with respect to such impoundment and maintenance in the shelter.
- (b) An Animal Control Officer or peace officer may impound or cause to be impounded an animal when there is reasonable cause to believe that such animal

posed, or poses, a threat to the public's health and safety, or the health and safety of another animal. The animal may remain impounded for a period not to exceed fifteen (15) calendar days in order to investigate, and to determine whether or not said animal is Dangerous or Vicious as defined by this Chapter. In calculating the fifteen (15) calendar days, the first day of impoundment is not included. If an animal is not impounded within fifteen (15) calendar days after an investigation began, the Animal Control Officer or peace officer shall make a determination whether or not the animal is Vicious or Dangerous and shall notify the Owner of said animal as soon as reasonably practical thereafter.

- (c) Within twenty-four (24) hours of the impoundment of any animal, the impounding Animal Control Officer shall serve the Owner of the animal with notice of the impoundment.
- (d) No impounded animal may be redeemed unless and until any required license fee and/or other applicable charges and fees have been paid. In the event such animal is not redeemed within the time set forth by State law, it shall be deemed abandoned and may be adopted, transferred to a rescue, or disposed of in the manner determined by the Animal Control Program. The Animal Control Program shall issue to the Owner or person responsible of the care, custody, and control of said animal a receipt showing an itemized description and the amount of the fee(s) paid.
- (e) The Animal Control Program shall keep a record of all animals impounded, which record shall include a description of the animal, the date of its receipt, the date and manner of disposal, the name of the person redeeming, adopting, or purchasing, the fees, and/or charges related to the animal. Said records shall be kept for a period of seven (7) years.

6.04.170 - Stray Animals.

Any person who finds or picks up a stray or lost animal shall report the same to the Animal Control Shelter within twenty-four hours thereafter and shall release such animal to the Animal Control Shelter upon demand.

6.04.180 - Epidemics.

The San Mateo County Health Officer may determine and declare that rabies or other contagious diseases are epidemic or that other health and safety hazards exist among dogs or other animals within the County. Upon the making of such a declaration, the Health Officer shall prepare and promulgate such orders, rules, and regulations as are necessary for appropriate control of all the animals concerned within the County. Said rules and regulations of the Health Officer may include, but are not limited to, impoundment, quarantine, vaccination, or destruction. It shall be the duty of the Animal Control Officers to assist the Health Officer in carrying out such rules and regulations.

6.04.190 - Bite Reporting Requirements.

- (a) Any Owner or other person who is responsible for the care, custody, or control of an animal that bites a human or other animal shall provide their name and current residence address and telephone number and shall present their driver's license or other form of identification and any information regarding any rabies vaccination for the biting animal to the person bitten or the Owner of the animal bitten. If the person bitten is a minor, the Owner or person in control of the biting animal shall provide the required information to the parent or guardian of the minor.
- (b) In addition to the above requirements, it shall be the duty of any person having knowledge of any animal which has bitten a human being or other animal within the County to immediately, in no case later than the end of the next calendar day, report the bite to an Animal Control Officer or peace officer and to furnish as much information as possible, including date, time and location of bite, description of animal or person bitten, name and license number of the biting animal, and rabies vaccination history of the biting animal.

6.04.200 - Administrative Citations.

- (a) Should an Animal Control Officer, Humane Officer or peace officer determine that a person has violated any provision this Chapter, that enforcement officer shall have authority to issue and serve notice of an administrative citation as set forth in section 6.04.260, to the person violating the Chapter.
- (b) Each administrative citation shall contain the following information:
 - (1) The name and address of the Owner or other person to be cited.
 - (2) The date(s) of the violation.
 - (3) The address or a specific description of the location where the violation occurred.
 - (4) The section, subsection, and/or provision of this Chapter violated by the person cited and a description of that violation.
 - (5) A prohibition of the continuation or repetition of the violation described in the administrative citation.
 - (6) If applicable a description of the potential consequence(s) should the violation continue or be repeated.
 - (7) Either:

- i) The amount of the administrative fine charged and to be paid by the person cited as a result of the violation; or
 - ii) A notice to correct a certain violation within a reasonable time, and the amount of an administrative fine that may occur if the violation is not corrected or remedied by the date specified.
- (8) A description of the procedure to pay the fine, to include the time period for and place of payment, and the process by which the County may collect any unpaid amount owed.
- (9) A description of the administrative citation review process, including the time within which the administrative citation may be appealed and how to appeal the administrative citation, including any form to do so.
- (10) The name and signature of the citing Animal Control Officer, Humane Officer or peace officer or County designee.
- (c) An administrative citation may be any format, including letter, which conveys the information set forth above.

6.04.210 - Appeal of Administrative Citation.

- (a) A recipient of an administrative citation may contest the citation including, but not limited to, on the basis that the underlying violation did not occur, or that recipient is not the party responsible for the violation and thus was the improper recipient of the administrative citation. The recipient must contest the citation on the form provided by the Animal Program Manager or Animal Control Officer and file the appeal with the Animal Control Program Manager within twelve (12) calendar days from the date of service of the administrative citation. Any appeal not timely filed will be rejected.
- (b) The appeal shall contain the following provided by the person appealing the citation:
 - (1) The name, mailing address, and telephone number of the party requesting the appeal;
 - (2) A copy of the administrative citation or a reference number thereto;
 - (3) A statement of the grounds for the contest, including a description of the evidence to be presented in support of the contest and copies of any statements or documents to be submitted at the hearing in support of the appeal.
 - (4) The signature of the appealing party;

- (5) A deposit of the fine assessed as set forth in the citation(s), to be refunded if the appeal is successful.
- (c) Should an appeal be properly and timely requested, the requesting party shall be provided a hearing before a hearing officer to be held pursuant to the procedures set forth in section 6.04.150 as applicable. The Animal Control Program shall notify the person requesting the appeal hearing of the time and place set for the hearing pursuant to section 6.04.260.

6.04.220 - Payment of Administrative Fines.

- (a) In the absence of an appeal by the recipient of the administrative citation, the person cited shall pay the administrative fine in full within thirty (30) calendar days from the date of service of the notice of citation. In the event of an appeal, after which the violation is upheld, if not already paid, the fine shall be paid in full within ten (10) calendar days after the date that the decision of the hearing officer was served on the recipient.
- (b) Payment of any fine shall not excuse the failure to correct the violation, nor shall it bar further enforcement of the same or any similar violation or any other violation by any applicable means.
- (c) Failure to pay any fines assessed within the guidelines set forth in this Chapter will result in a late charge pursuant to section 6.04.230, which will be collected by the Animal Control Program Manager.

6.04.230 - Amount of Administrative Fines.

- (a) Any person issued an administrative citation for a violation of, and pursuant to, this Chapter shall be assessed and pay a fine as follows:
 - (1) One hundred dollars (\$100) for a first citation.
 - (2) Two hundred dollars (\$200) for a second citation for the same violation within a one-year period.
 - (3) Five hundred (\$500) for each additional citation for the same violation within a one-year period.

6.04.240 - Misdemeanor Violations.

- (a) A person violating any provision of this Chapter shall be guilty of an infraction except as otherwise specifically provided.

- (b) A person violating any provision of section 6.04.050, subsection (a) of section 6.04.090 or subsection (a) of section 6.04.130 of this Chapter shall be guilty of a misdemeanor.
- (c) This section shall not limit any other available criminal, civil or administrative remedies. Any or all applicable remedies shall remain available for violation of the provisions of this Chapter.

6.40.250 - Violation of Chapter a Public Nuisance; Remedies Cumulative.

- (a) Violation of this Chapter is a public nuisance subject to any and all applicable civil, administrative, and criminal remedies, according to the provisions and procedures set forth in this Chapter and other applicable state and local law.
- (b) This section is not intended to limit any other available criminal, civil or administrative remedies. Any or all applicable administrative, civil and /or criminal remedies shall be available for violation of the provisions of this Chapter.
- (c) Each day a violation continues shall constitute a separate violation.

6.40.260 - Service of Documents and Notices.

- (a) Unless otherwise specified herein, the appropriate representative of the Animal Control Program shall provide any required notice or service of documents in the one of the following manners: (1) by personal delivery to the person to be notified or served; or (2) by posting on the property at the address where the subject animal is licensed or the Owner of such animal resides; or (3) by depositing in the United States Mail, in a sealed envelope, first class postage prepaid, and addressed to such person to be notified or served at their last-known business or residence address or as the same appears in the last equalized County assessment roll. Service by mail shall be deemed complete at the time of deposit in the United States Mail receptacle and shall include a declaration or affidavit of service which shall include notice of the date mailed. If agreed in writing by the person to be served, notices or documents may be served electronically at the address provided by the person to be served, to be effective upon being sent.
- (b) Failure to receive any notice specified herein does not affect the validity of proceedings conducted hereunder.

6.04.270 - Field Return Fee.

A fee shall be charged for any animal impounded by a representative of the Animal Control Program and returned by an Animal Control Officer in the field to the Owner or person who is responsible for the care, custody, or control of the animal. The fee charged shall be paid by the Owner or person who is responsible for the care, custody, or control of said animal. Such fee shall be set forth in Section 6.04.350.

6.04.280 - Redemption and Spay/Neuter Fee.

- (a) Upon redemption of any impounded unaltered animal, the person responsible for the care, custody or control of any animal will be required to pay a spay or neuter fee in the amount of \$100.00 in addition to the impound fees imposed under Section 6.04.350 of this Chapter. Such fee shall be refundable upon proof of spay and neuter of the animal within thirty (30) calendar days following the date of redemption.
- (b) Any unaltered animal impounded twice or more within a three-year period shall be altered at a cost to be paid by the Owner/caretaker or person responsible for the care, custody, or control of said animal prior to redemption. At the option of the Owner/caretaker or person responsible for the care, custody or control of said animal, required spaying or neutering may be performed by a private veterinarian within thirty (30) calendar days
- (c) Any Owner or Caretaker of an impounded animal subject to mandatory spay/neuter under Subsection (b) of this Section may appeal this requirement by submitting a written request for an administrative hearing to the Animal Control Program Manager. The administrative hearing will be conducted according to the provisions of Section 6.04.150 of this Chapter.
- (d) The Animal Control Program Manager may waive any County or City fee for County or City spay/neuter, vaccination or impoundment of an animal, if the animal is a feral or stray cat and the person bringing the animal to the shelter agrees that the person shall have no rights in the animal or any right to direct or control treatment or disposition of the animal by the Animal Control Program which will retain sole discretion in determining the disposition of the animal, which may include but not be limited to treatment and/or adoption, or euthanasia.

6.04.290 - Quarantine Fee.

A quarantine fee, as set forth in Section 6.04.350, shall be paid by the Owner or caretaker of any animal involved, or potentially involved, in a bite. Such quarantine fee is in addition to any other fees charged set forth in Section 6.04.350 of this Chapter to recover costs incurred by the Animal Control Program for the sheltering and caring for the quarantined animal.

6.04.350 - Schedule of Fees and Charges.

This Section 6.04.350 sets forth the fees for the Animal Control Program and Licensing Program. No animal shall be released to its Owner, or other person responsible for the care, custody, or control of the animal, unless applicable fees have been paid.

Animal Control and Licensing fees and charges established by this code are as follows:

(a) License Fees.

Dogs		
Unaltered dog		
1-year license		\$55.00
3-year license		\$160.00
Unaltered dog Senior Pet Owner (over 60 yrs.)		
1-year license		\$23.00
3-year license		\$64.00
Altered dog		
1-year license		\$25.00
3-year license		\$70.00
Altered dog Senior Pet Owner (over 60 yrs.)		
1-year license		\$10.00
3-year license		\$25.00
Misc. dog fees		
Late fee		\$20.00
Duplicate tag		\$10.00
Cats		
Unaltered cat		
1-year license		\$20.00
3-year license		\$55.00
Unaltered cat Senior Pet Owner (over 60 yrs.)		
1-year license		\$12.00
3-year license		\$31.00
Altered cat		
1-year license		\$8.00
3-year license		\$19.00
Altered cat/ Senior Pet Owner (over 60 yrs.)		
1-year license		\$5.00
3-year license		\$12.00

Misc. cat fees	
Late fee	\$7.00
Duplicate tag	\$5.00

(b) Redemption Charges

Type A & B (large or medium size animals — horses, cows, hogs, sheep, etc.)	
Impound cost	\$100.00
Board cost per day	\$30.00
Trailer cost (per use)	\$100.00
Type C (dogs, and cats)	
Impound Costs — First Impound	
Altered — licensed, wearing tag	\$40.00
Unaltered — licensed, wearing tag	\$65.00
Altered — unlicensed, no tag	\$55.00
Unaltered — unlicensed, no tag	\$85.00
Impound Costs — Second Impound	
Altered — licensed, wearing tag	\$90.00
Unaltered — licensed, wearing tag	\$125.00
Altered — unlicensed, no tag	\$105.00
Unaltered — unlicensed, no tag	\$140.00
Impound Costs — Third Impound	
Altered — licensed, wearing tag	\$135.00
Unaltered — licensed, wearing tag	\$155.00
Altered — unlicensed, no tag	\$155.00
Unaltered — unlicensed, no tag	\$180.00
Impound Costs — Fourth Impound	
Altered — licensed, wearing tag	\$180.00
Unaltered — licensed, wearing tag	\$215.00
Altered — unlicensed, no tag	\$200.00
Unaltered — unlicensed, no tag	\$240.00
Impound Costs — Fifth Impound and up	
Altered — licensed, wearing tag	\$225.00

Unaltered — licensed, wearing tag	\$260.00
Altered — unlicensed, no tag	\$245.00
Unaltered — unlicensed, no tag	\$285.00
Board charges (per day)	
Altered — dogs/	\$25.00
Unaltered — dogs/	\$35.00
Altered — cats	\$16.00
Unaltered — cats	\$22.00
Type D (small size animals, e.g., birds, hamsters, or other)	
Impound cost	\$20.00
Board cost	\$10.00

(c) **Surrender, Euthanasia and DOA (Dead on Arrival) Disposal Fees**

Dog — Licensed or unlicensed	
Surrender	\$60.00
Euthanasia	\$50.00
DOA Disposal	\$30.00
Cat — Licensed or unlicensed	
Surrender	\$60.00
Euthanasia	\$50.00
DOA Disposal	\$30.00
Rabbit/Small Animal	
Surrender	\$40.00
Euthanasia	\$30.00
DOA Disposal	\$15.00
Litter of Three or more	
Surrender	\$50.00
Euthanasia	\$40.00
DOA Disposal	\$20.00
Bird/Fowl	
Surrender	\$20.00
Euthanasia	\$15.00

DOA Disposal	\$20.00
All Other Companion Animals (Reptiles, Amphibians, etc.)	
Surrender	\$25.00
Euthanasia	\$25.00
DOA Disposal	\$20.00
Farm Animals	
Surrender	\$60.00
Euthanasia: Under 100 pounds	\$60.00
Over 100 pounds	\$125.00
DOA Disposal: Under 100 Pounds	\$30.00
Over 100 pounds	\$100.00

(d) Other Animal Control Fees

Quarantine Fee	\$60.00
Dangerous Animal Permit (DAP) Fee	\$300.00
DAP Inspection Fee	\$100.00
DAP Signage	\$15.00
Field Retrieval/Return Fee	\$40.00
Breeding Permit Fee	\$150.00
Fancier Permit and/or Exotic Pet Fee	\$100.00
Return Check Fee	\$25.00
Service Dog Application Processing Fee	\$50.00

(b) Miscellaneous Fee Provisions

- (1) The Animal Control Program, and/or Licensing Program, may establish license discounts for recognized animal rescue organizations.
- (2) License fees include a one dollar (\$1) annual surcharge on all licenses for the animal population trust fund.
- (3) At the discretion of the Animal Control Program Manager, a payment plan for all fees outstanding may be permitted upon a showing of good cause. If a person is in compliance with an agreed upon payment plan, their outstanding balance shall never be considered “nonpayment” as that term is used in this Chapter.

- (4) The animal control fees for any animal related service not specified in this section shall be reviewed by the Chief of Health or their designee for reimbursement of costs. The Chief of Health or their designee shall have the authority to determine the fee charged for said services. The fee charged shall be paid by the Owner or caretaker of the animal(s) for which said service(s) have been provided.
- (5) Each calendar year, the Animal Control Program Manager shall designate one month as an amnesty period for payment of cat and dog license late fees and for compliance with section 6.04.020 of this Chapter, as provided herein. During the amnesty period, applicants for cat and dog licenses shall not be assessed any late penalty fee or any other penalty for failure to obtain such license or pay any applicable license fee, notwithstanding sections 6.04.040 and 6.04.350 of this Chapter.
- (6) All revenue derived from the fees, fines, forfeitures, and penalties related to the enforcement of this ordinance shall be used to offset the cost of enforcement and administration of this Chapter.
- (7) If the Animal Control Program Manager determines that payment of any fees by the Owner or Caretaker for an impounded animal would cause extreme financial difficulty to the Owner or Caretaker, and that it is in the best interests of the County to allow release of the animal upon these terms, the Animal Control Program Manager may, at their discretion, set up a payment plan or waive all or part of the fees incurred for the animal.

6.04.360 – Scope.

The provisions of this Chapter shall be in effect in the unincorporated areas of this County and, except where so adopted, are not applicable to any City.

6.04.370 – Severability.

If any section, subsection, sentence, clause, phrase, or word of this Chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, clause, phrase, or word of this Chapter.

SECTION 2. This ordinance shall become effective thirty days after adoption.

* * * * *



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2024

TO: Honorable Mayor and Members of the City Council

FROM: Melvin E. Gaines, City Manager

BY: Amy Chen, Community & Economic Development Director
Elena Lee, Planning Manager

SUBJECT: Adoption of Development Code Text Amendment (ZTA23-001) to amend various Chapters and Sections of Title 18 (Development Code) of the East Palo Alto Municipal Code

Recommendation

Adopt an ordinance and waive the second reading to:

- 1) Amend various Chapters and Sections of Title 18 including:
 - a) Amend Title 18 of the East Palo Alto Municipal Code to repeal and replace Chapter 18.96 regulating accessory dwelling units in conformance with Government Code 65852.2 and 65852.22 and add provisions for second driveways on corner lots and reduce the useable open space requirement from 750 square feet (sf) to 500-sf or 50% of the remaining rear yard, whichever is less restrictive for ADUs in single-family residential zones;
 - b) Amend Section 18.08.010 Definitions to update the definition of Accessory Dwelling Unit and add definitions for Major Transit Stop and High-Quality Transit Corridor;
 - c) Amend Section 18.10.030 Table 2-2 to reduce the minimum useable open space requirement from 750-sf to 700-sf, in the R-LD Single-Family Residential zone;
 - d) Add Section 18.80.025 Streamlined Ministerial Review Actions;
 - e) Amend Section 18.82.020 Authority for Land Use and Zoning Decisions to add Preliminary Ministerial Review (PMR) Clearance to Table 7-1 Review Authority; and

- f) Add Chapter 18.85 Preliminary Ministerial Review; and
- 2) Find the proposed Zoning Text Amendments and discussion items being exempt in accordance with Public Resources Code (PRC) Section 21080.17 and CEQA Guidelines Sections 15061(b)(3) and 15282(h) of the California Environmental Quality Act (CEQA) Guidelines.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority No. 1: Promote Housing, Economic and Workforce Development

Executive Summary/Background/Analysis

On December 14, 2023, the City Council waived the first reading and introduced an ordinance amending various Chapters and Sections of Title 18 (Development Code) of the East Palo Alto Municipal Code pertaining to Accessory Dwelling Units¹.

As noted in the staff report there is a need to realign the Municipal Code (Code) to bring it into conformance with the latest legislative changes, from 2021 through 2023, to ADU statutes, and to address the state Department of Housing and Community Development's (HCD) finding of non-conformance of the Code in their letter dated April 14, 2023.

The required amendments included:

1. The following updated definitions:
 - Accessory Dwelling Unit (ADU).
 - Junior Accessory Dwelling Unit (JADU).
 - Primary Dwelling Unit.
 - Public Transit.
 - Major Transit Stop.
2. Other provisions in Chapter 18.96 pertaining to accessory dwelling units:
 - General Provisions.
 - Provisions for JADUs.
 - Development Standards regarding private open space, second driveways, architectural compatibility, window placement, etc.
 - Non-permitted ADUs.
3. Reduction of the minimum useable open space requirement in the R-LD Single-Family Residential zone; and
4. Streamline Ministerial Review Actions to facilitate the review of accessory dwelling units including:
 - Creating a Preliminary Ministerial Review (PMR) Clearance process to replace the Zoning Clearance process for ADUs.

¹ December 14, 2023, City Council Staff Report: [c5165dfb-50f3-11ee-ae13-0050569183fa-3408cd31-ecd7-4429-9d91-65986d552499-1702599292.pdf](https://d3n9y02raazwpg.cloudfront.net/c5165dfb-50f3-11ee-ae13-0050569183fa-3408cd31-ecd7-4429-9d91-65986d552499-1702599292.pdf) (d3n9y02raazwpg.cloudfront.net)

- Clarifying the review of ADUs as a ministerial process for zoning review to ensure compliance with objective design and development standards of the Development Code.
- Clarifying that the PMR Clearance process shall be utilized for other ministerial processes such as Senate Bill (SB)9, SB 35, and SB 330.

The City Council continued the item from December 5, 2023, to allow staff to address some concerns regarding Section 18.96.050 J on architectural compatibility standards of ADUs². The revised architectural compatibility and window placement provisions were approved by Council at the December 14 hearing. However, certain recommendations that were brought forward from the Planning Commission hearing on November 13, 2023³, were not accepted. Those recommendations included higher reductions in usable open space requirements for all single-family zoned properties and the allowance of condominium subdivisions for separate sale or conveyance of ADUs from the primary dwellings. The Council referred the consideration of reducing the minimum 4-foot setback to 3 feet to the Planning Commission. Finally, the Commission and staff recommendation to allow 8-foot-tall fences/walls at single-family and non-residential interfaces with a Minor Variance was deferred to a future Council hearing to allow for the incorporation of objective landscape planning criteria to provide visual relief.

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

AYES: Gauthier, Lopez, Abrica, Romero
 NOES:
 ABSENT: Barragan
 ABSTAIN:

This item is now before the Council for adoption of the Ordinance, waiving the second reading of the Ordinance (Attachment 1).

Fiscal Impact

There is no fiscal impact with the items described in this staff report.

Public Notice

Notice of the 1st public hearing (December 5, 2023) was published in the local newspaper: Palo Alto Daily News on November 24, 2023, more than ten (10) days prior to this meeting. Additionally, the City Council agenda and staff report were made available on the City's website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

² December 5, 2023, City Council Staff Report ; [8015f5a2-50f3-11ee-ae13-0050569183fa-3408cd31-ecd7-4429-9d91-65986d552499-1701480982.pdf \(d3n9y02raazwpg.cloudfront.net\)](#)

³ November 13, 2023, Planning Commission Staff Report: [87141746-58a4-11ee-ae13-0050569183fa-071bcefc-bca4-45ae-9ad3-867910591258-1699570101.pdf \(d3n9y02raazwpg.cloudfront.net\)](#)

Environmental

The adoption of the Ordinance is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 21080.17 of the Public Resources Code, which provides that CEQA does not apply to adoption of an ordinance to implement the provisions of Sections 65852.2 and 65852.22 of the Government Code. The proposed Ordinance is additionally categorically exempt under the common-sense exemption of CEQA Guidelines section 15061(b)(3) which provides that CEQA does not apply where it can be seen with certainty that the project will not cause any impacts to the environment because regardless of whether the City adopts this Ordinance, accessory dwelling units and junior accessory dwelling units must be allowed in accordance with standards set forth in state law and other provisions of the proposed ordinance address processing of permit applications and approval authority for activities already allowed in the City's Development Code. Planning staff have determined that the proposed amendments are required by State law and will not result in changes from existing development standards, such as density limits and environmental resource protection standards; consequently, there is no possibility the amendment will have a significant effect on the environment and accordingly, and the exemption set forth in Section 15061(b)(3) applies.

Attachments

1. Ordinance

Attachment 1

ORDINANCE NO. ____

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

ADOPTING DEVELOPMENT CODE TEXT AMENDMENT (ZTA23-001) AMENDING TITLE 18 (DEVELOPMENT CODE) OF THE EAST PALO ALTO MUNICIPAL CODE SPECIFICALLY TO AMEND TITLE 18 OF THE EAST PALO ALTO MUNICIPAL CODE TO 1) REPEAL AND REPLACE CHAPTER 18.96 REGULATING ACCESSORY DWELLING UNITS IN CONFORMANCE WITH GOVERNMENT CODE 65852.2 AND 65852.22 AND ADD PROVISIONS FOR SECOND DRIVEWAYS ON CORNER LOTS AND REDUCE THE USEABLE OPEN SPACE REQUIREMENT FROM 750 SQUARE FEET TO 500 SQUARE FEET OR 50% OF THE REMAINING REAR YARD, WHICHEVER IS LESS RESTRICTIVE FOR ACCESSORY DWELLING UNITS (ADUs) IN SINGLE FAMILY RESIDENTIAL ZONES; 2) AMEND SECTION 18.08.010 DEFINITIONS TO UPDATE THE DEFINITION OF ACCESSORY DWELLING UNIT AND ADD DEFINITIONS FOR MAJOR TRANSIT STOP AND HIGH QUALITY TRANSIT CORRIDOR; 3) AMEND SECTION 18.10.030 TABLE 2-2 TO REDUCE THE MINIMUM USEABLE OPEN SPACE REQUIREMENT FROM 750 SQUARE FEET TO 700 SQUARE FEET IN THE R-LD ZONING DISTRICT; 4) ADD SECTION 18.80.025 STREAMLINED MINISTERIAL REVIEW ACTIONS; 5) AMEND SECTION 18.82.020 AUTHORITY FOR LAND USE AND ZONING DECISIONS TO ADD PRELIMINARY MINISTERIAL REVIEW (PMR) CLEARANCE TO TABLE 7-1 REVIEW AUTHORITY; AND 6) ADD CHAPTER 18.85 PRELIMINARY MINISTERIAL REVIEW. (EXHIBITS A, B, AND C).

WHEREAS, to encourage the construction of additional dwelling units and to provide more housing for California residents, the State of California enacted California Government Code Sections 65852.2 and 65852.22 (“ADU Statutes”) which require and authorize the City of East Palo Alto (“City”) to permit accessory dwelling units and junior accessory dwelling units in compliance with state law provisions; and

WHEREAS, the State of California has subsequently amended the ADU Statutes to implement various changes; and

WHEREAS, the City proposes to amend its ordinance to come into conformance with those changes made to the ADU Statutes; and

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, 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 November 13, 2023 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 **December 5, 2023 and December 14, 2023** 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 repeal and replace the definition of "Accessory Dwelling Unit" and add the definition of "Major Transit Stop", as follows:

Accessory Dwelling Unit (ADU). **Accessory Dwelling Unit (ADU).** Accessory Dwelling Unit or ADU means an attached or 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.

High Quality Transit Corridor. A high quality transit corridor is a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

Major Transit Stop. A major transit stop means a site containing any of the following: (a) an existing rail or bus rapid transit station, (b) a ferry terminal served by either a bus or rail transit service, or (c) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Section 2. SECTION 18.10.030 DEVELOPMENT STANDARDS AMENDED

Table 2-2 Development Standards for Residential Zones is hereby amended as shown in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 3. SECTION 18.80.025 STREAMLINED MINISTERIAL REVIEW ACTIONS ADDED

Section 18.80.025 is hereby added to read as follows:

18.80.025 Streamlined Ministerial Review Clearances

A. **Preliminary Ministerial Review Clearance.** Actions are generally limited to review of land uses for conformance with objective development, design and subdivision standards of the EPAMC. Review under this section would include ADUs, the HOME Act (SB 9) projects, and the Streamlined Ministerial Approval process (SB 35).

SECTION 4. SECTION 18.82.020 AUTHORITY FOR LAND USE AND ZONING DECISIONS AMENDED

Section 18.82.020 is hereby amended to add Preliminary Ministerial Review (PMR) Clearance to Table 7-1 Review Authority as shown in Exhibit "B" attached hereto and incorporated herein by reference.

SECTION 5. CHAPTER 18.85 PRELIMINARY MINISTERIAL REVIEW ADDED

Chapter 18.85 is hereby added to read as follows:

18.85.010 Purpose and Intent

The Preliminary Ministerial Review (PMR) is the procedure used by the City to verify if a proposed land use or structure complies with the uses allowed in the applicable zone and the development standards applicable to the use or structure.

18.85.020 Applicability/Permit Requirement

A. A PMR is required when any provision of the Development Code indicates a PMR is a prerequisite to establishing a land use or structure, including before the City issues a new or modified building permit, grading permit, or other construction-related permit required for the alteration, construction, modification, moving, or reconstruction of any structure; whenever a use is proposed to be changed from a use for which a PMR has been issued; and any conditions of approval imposed through a discretionary permit authorizing the use. A PMR is required prior to the submittal of building permits for development projects that are subject only to a streamlined ministerial permitting process, including Accessory Dwelling Units, the HOME Act (SB 9) and Streamline Ministerial Approval process (SB 35).

B. A PMR shall be obtained before the City issues a new or modified business license in compliance with Municipal Code Chapter 5.04, if applicable.

18.85.030 Review Authority

The Director may issue a PMR 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.

18.85.040 Review Procedures

PMR 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 6. CHAPTER 18.96 ACCESSORY DWELLING UNITS REPEAL AND REPLACE

Chapter 18.96 is hereby repealed and replaced in its entirety to read as shown in Exhibit “C” attached hereto and incorporated herein by reference.

SECTION 7. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

This Ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 21080.17 of the Public Resources Code, which provides that CEQA does not apply to adoption of an ordinance to implement the provisions of Sections 65852.2 and 65852.22 of the Government Code. This Ordinance is additionally categorically exempt under the common-sense exemption of CEQA Guidelines section 15061(b)(3) which provides that CEQA does not apply where it can be seen with certainty that the project will not cause any impacts to the environment because regardless of whether the City adopts this Ordinance, accessory dwelling units and junior accessory dwelling units must be allowed in accordance with standards set forth in ADU Statutes and other provisions of this ordinance address processing of permit applications and approval authority for activities already allowed in the City’s Development Code.

SECTION 8. 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 9. EFFECTIVE DATE.

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

SECTION 10. 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 December 14, 2023, and

PASSED AND ADOPTED at a regular City Council meeting held on _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

_____, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John Lê, City Attorney

Exhibit A – Table 2-2 Development Standards for Residential Zones

Exhibit B – Table 7-1 Review Authority

Exhibit C - Ordinance

Exhibit A

18.10.030 Development Standards

- A. **General.** New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-2 and 2-3. Standards for accessory structures are specified in Chapter 18.30.
- B. **Prohibition on Structures in Front Setback Area.** Portions of any habitable structure and/or accessory structure shall not occupy any portion of a required front setback area, except as provided in Section 18.22.060.C.
- C. **Schools.** New schools must be on sites that are at least 1 acre in size. Additionally, new schools must be 1,000 feet from another school, or day care.
- D. **Substantial Change.** If more than 50 percent of the exterior walls of a residential unit are removed, it is considered to be a new home requiring design review. The Director has the authority to have the Planning Commission review a Substantial Change.
- E. **Second Curb Cuts Prohibited.** Except for projects with parking areas originally designed with more than one curb cut for ingress and egress, second curb cuts are not allowed. Single-family homes are restricted to one curb cut.
- F. **Neighborhood Service Uses.** Appropriately scaled clusters of retail no greater than 2,000 square feet in size oriented to and built close to the street, separated from each other by at least 500 feet. Retail uses within the RHD and RUHD zones may be appropriate in area where a more compact urban development pattern exists or where a neighborhood compatible commercial district exhibiting a pedestrian scale and character is established. Such locations may include the peninsula and arterials and intersections with an existing urban or neighborhood-oriented building pattern. Residential units shall not be displaced by neighborhood service uses.

Table 2-2 Development Standards for Residential Zones					
Development Feature (minimum unless otherwise indicated)	R-LD	R-MD	R-HD	R-UHD	Additional Requirements
Parcel Dimensions - Minimum dimensions required for each NEWLY CREATED parcel.					
Parcel Area	5,000 sq. ft.	5,000 sq. ft.	12,000 sq. ft.	12,000 sq. ft.	
Parcel Width	50 ft.	50 ft.	50 ft.	50 ft.	
Parcel Depth		100 ft.	240 ft.	240 ft.	
Density/Intensity	0 to 12 du/acre	R-MD-1: 12 to 15 du/acre	22 to 43 du/acre	43 to 86 du/acre	
		R-MD-2: 12 to 22 du/acre			
Setbacks ^{1 and 2}					
Front Living Area Garage Face	10 ft. 23 ft.	20 ft.	15 ft.	20 ft.	

Corner Vision Triangle	12 ft.	12 ft.	12 ft.	12 ft.	
Side/Street Side	5 ft.	10 ft.	10 ft./15 ft.	10 ft./15 ft.	
Rear 1 st Story 2 nd Story (see footnote 1 for structures above 18 feet)	10 ft. 10 ft.	20 ft. 30 ft.	20 ft.	20 ft.	R-LD zone: The 10-foot rear setback requires a minimum of 750 sq. ft. of usable rear yard area; if not, development is not allowed.
Site Coverage	50%	60%	70%	70%	
Floor Area Ratio	.55	.65	—	—	
Height	Dwelling: 2 stories or 26 ft., whichever is greater	R-MD-1: 2½ stories or 30 ft., whichever is greater	R-HD-3: 3 stories or 36 ft., whichever is greater	7 stories or 75 ft., whichever is greater	
	Accessory Structure: 15 ft.	R-MD-2: 3 stories or 36 ft., whichever is greater	R-HD-5: 5 stories or 60 ft., whichever is greater		
Open Space - Minimum sq. ft. of open space required for each dwelling unit. All open space areas shall be landscaped in compliance with Chapter 18.28					
	700 sq. ft. in rear of property, usable and open, no permanent hardscape.				
Common Open Space Must be usable and provide amenities. Setbacks may count toward open space requirement if	N/A	250 sq. ft. (minimum dimension [length/width] shall be 15 feet)	100 sq. ft. (minimum dimension [length/width] shall be six feet)	50 sq. ft. (minimum dimension [length/width] shall be six feet)	Common and Private Open Space may be aggregated on a parcel in R-MD, R-HD and R-UHD zones; (minimum dimension [length/width] shall be 20

all provisions are met.					feet). Aggregation of open space shall be done in accordance with Article 5 (Subdivisions) Chapter 18.62
Private Open Space					
Ground Floor Units	N/A	200 sq. ft. (The minimum dimension [length/width] shall be six feet)	50-100 sq. ft. (The minimum dimension [length/width] shall be six feet)	50 sq. ft. (The minimum dimension [length/width] shall be six feet)	
Upper Floor Units	N/A	100 sq. ft. (The minimum dimension [length/width] shall be six feet)	50 sq. ft. (The minimum dimension [length/width] shall be six feet)	50 sq. ft. (The minimum dimension [length/width] shall be six feet)	
Fencing	Chapter 18.26				
Landscaping	Chapter 18.28				
Lighting	Section 18.34.110				
Parking	Chapter 18.30				
Satellite Antennae	Chapter 18.42				
Signs	Chapter 18.32				
Water Efficient Landscape	Municipal Code Chapter 17.06				

NOTES:

1. **Front and Side Setback Increase Over 18 Feet in Height For Single-Family Dwellings.** Where a new structure or an addition to an existing single-family structure will exceed 18 feet in height, the required setback from the front and side property lines of the site shall be increased by one foot for each two feet of structure height in excess of 18 feet; the increased setbacks to be imposed only with respect to that portion of the new structure or addition that exceeds 18 feet in height. Up to 50 percent of the proposed structure can utilize the single-story side setback for a structure; provided that the area where the addition will occur will not reduce air, light, and privacy to adjoining properties. The Commission, as part of the Design Review process, may allow more than 50 percent of the proposed structure to utilize the single-story setback if the proposal exhibits exceptional design.

2. **Setbacks for Narrow Parcels.** Side setbacks for existing, legally subdivided parcels which do not meet current minimum standards with respect to parcel width may be reduced to no less than 10 percent of the parcel width or three feet, whichever is greater. This provision applies only to portions of the structure under 18 feet in height. Where a new structure or an addition to an existing structure will exceed 18 feet in height, the required setback from each property line of the site shall be increased by one foot for each two feet of

structure height in excess of 18 feet, the increased setbacks to be imposed only with respect to that portion of the new structure or addition that exceeds 18 feet in height.

Exhibit B

18.82.020 Authority for Land Use and Zoning Decisions

Table 7-1 identifies the Review Authority responsible for reviewing and making decisions on each type of application.

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				
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
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
Preliminary Ministerial Review Clearance	Ch. 18.85	Decision	N/A	N/A
B. Quasi-Judicial Permits and Actions				
Conditional Use Permits	Ch. 18.86		Decision	Appeal
Planned Development Permits	Ch. 18.92		Recommend	Decision
Variances	Ch. 18.90		Decision	Appeal
Density Bonus for Affordable Housing	Ch. 18.42		Recommend	Decision
C. Legislative Actions				
Development Agreements and Amendments	Ch. 18.116		Recommend	Decision
Development Code Text/Zoning Map Amendments	Ch. 18.108		Recommend	Decision
General Plan Text/Map Amendments	Ch. 18.108		Recommend	Decision
D. Subdivision Maps and Other Approvals				
Tentative Maps, Final and Parcel Maps	See Table 5-1			
Lot Line Adjustments, Mergers, and Approvals	See Table 5-1			

Notes:

1. "Decision" means the Review Authority makes the final decision on the matter; "Appeal" means the Review Authority may consider and decide upon appeals of the decision of a lower decision-making body; "Issuance"

means the Review Authority may consider and grant the request; "Recommend" means the Review Authority should provide preliminary review and forward input to the decision-making Review Authority for consideration.

2. Any Review Authority may defer action and refer the request to the next higher Review Authority level for consideration and final action. In cases where the Council is specified as the Review Authority, the Council is the final level of review.
3. Responsibility for Site Plan and Design Review, as well as the review of Sign Permits and Comprehensive Sign Programs is shared by the Department staff, the Director, and the Commission. The specific Review Authority for these actions is further specified in Table 7-2.

(Ord. No. 02-2022, § 6(Att. C), 5-3-2022)

Exhibit C – ADU Ordinance

Chapter 18.96 - Accessory Dwelling Unit

18.96.010 - Definitions

Accessory Dwelling Unit (ADU). ADU means an attached or 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.

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.

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.

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.

18.96.020 - Purpose and Intent

The purpose and intent of this chapter is:

- A. To increase the supply of affordable housing by allowing accessory dwelling units (ADUs, also known as second units) in conformance with Government Code Section 65852.150 et seq. and consistent with the City's General Plan, and to ensure sound standards of public health and safety;
- B. To establish standards for the development and occupancy of accessory dwelling

units in accordance with the provisions of California Government Code Sections 65852.2 and 65852.22, and ensure they are compatible with neighboring uses and structures, adequately equipped with public utility services, do not result in negative traffic or public safety impacts, and are safe for human occupancy; and

- C. To restrict accessory dwelling units which create unreasonable traffic, safety, privacy or other adverse impacts, and to prevent adverse impacts on any real property listed in the California Register of Historic Places.

18.96.030 – General Provisions

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:

- 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:
 - 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 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.

4. Not more than two detached ADUs 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.

F. Sale and Rental of JADUs and ADUs.

1. Neither JADUs nor ADUs may be sold separately from the primary dwelling unit. However, an ADU may be owned by multiple owners as tenants in common if the single-family dwelling or ADU was developed by a qualified nonprofit, as that term is defined in and pursuant to Government Code Section 65852.26, the transaction meets the requirements of Government Code Section 65852.26, and an enforceable restriction on the use of the land that satisfies the requirements of Government Code Section 65852.26 is recorded against the property. The qualified buyer, as that term is defined in Government Code Section 65852.26, must occupy the accessory dwelling unit or primary dwelling unit as their principal residence.
2. JADUs and ADUs may be rented independently of the primary dwelling unit. However, neither the JADU nor the ADU may be used for short-term residential rentals of less than 30 consecutive days.
3. Owner occupancy is required in the single-family residence in which a JADU is permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy is not required if the owner is another governmental agency, land trust, or housing organization.

G. Building Code Requirements. JADUs and ADUs shall comply with all applicable building, health and safety, and fire code requirements. Notwithstanding this requirement:

1. No passageway (pathway unobstructed to the sky extending from a street to an entrance of the unit) shall be required in conjunction with the construction of an ADU.
2. Fire sprinklers are not required in an ADU if they are not required for the

- primary dwelling unit. Fire sprinklers will not be required for an existing primary dwelling unit as a condition of the construction of an ADU; and
3. The new construction of an ADU shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety or the ADU is converted from unhabitable or nonresidential space.

18.96.040 - Provisions Applicable to Junior Accessory Dwelling Units (JADUs)

In addition to other provisions of this chapter, the following provisions apply to JADUs:

- A. Covenant. Prior to issuance of a building permit for a JADU, the owner of the parcel shall record a covenant in a form prescribed by the city attorney, which shall run with the land and provide for the following:
 1. A prohibition on the sale of the JADU separate from the sale of the single-family residence;
 2. A restriction on the size and attributes of the JADU consistent with this section;
 3. A restriction on renting the JADU for fewer than 30 consecutive calendar days; and
 4. A requirement that either the single-family dwelling or the JADU be the owner's bona fide principal residence, unless the owner is a governmental agency, land trust, or housing organization.
 5. A copy of the recorded covenant shall be filed with the Community and Economic Development Department prior to issuance of a building permit.

18.96.050 – Development Standards – Accessory Dwelling Units (ADUs)

- A. The ADU shall comply with the requirements of the underlying zoning district unless:

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 that was constructed prior to January 1, 2018, even if the ADU 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 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. 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.

B. Unit size.

1. Maximum Size. The floor area of a new construction attached or detached ADU, inclusive of a habitable basement and an attic, may not exceed the lesser of 50 percent of the floor area of the primary dwelling or 1,000 square feet. The limitation based on size of the primary dwelling shall not apply if the ADU is 800 square feet or less.
2. Minimum Size. No ADU may be smaller than an efficiency unit pursuant to Health and Safety Code Section 17958.1.

C. Height.

1. ADUs may not exceed the heights in this section unless additional elevation is required for floodproofing pursuant to Section 15.52.070.A of the Municipal Code.
2. Attached ADU. The height of an attached ADU may not exceed 25 feet or the height limitation that applies to the single-family or multiple-family dwelling, whichever is lower. However, the ADU may not exceed two stories.
3. Detached ADU. The height of a detached ADU may not exceed:

- a. 17 feet on a parcel with an existing or proposed single-family dwelling or multiple-family dwelling;
 - b. 18 feet on a parcel with an existing or proposed single-family dwelling or multiple-family dwelling if the parcel is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155. An additional two feet in height may be permitted to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the single-family or multiple-family dwelling;
- D. Open Space. A minimum of fifty percent (50%) of the remaining rear yard or 500 square feet of open space, whichever is less restrictive, shall be provided and maintained as usable rear yard open space with no permanent hardscape for the life of the project on the lot provided at least an 800-square foot ADU is allowed.
- E. Site Coverage and Floor Area Ratio. Construction of any ADU shall be subject to the site coverage and floor area ratio requirements of the underlying zoning district provided at least an 800-square foot ADU is allowed.
- F. Parking.
 - 1. Requirements: At least one (1) uncovered off-street parking space shall be required for the ADU in addition to the off-street parking spaces required for the primary dwelling. The parking space may be provided in an existing driveway or by tandem parking in compliance with Section 18.30.050, unless a specific finding is made that such parking is not feasible due to specific site, topographical or fire and life safety conditions. Covered parking is not required.
 - 2. Exceptions to the Parking Requirements: No parking requirement shall be imposed for the construction of an ADU if:
 - a. The ADU is located within one-half mile walking distance of, and has a path of travel that is always publicly accessible to, public transit.
 - b. The ADU is located within an architecturally and historically significant historic district.
 - c. The ADU is part of the existing primary residence or an existing accessory structure.

- d. When on-street parking permits are required but not offered to the occupant of the ADU.
 - e. Where there is a car share vehicle located within one block of the ADU.
- 3. Corner lots. Only one driveway shall be provided for each single-family zoned parcel, except for corner lots where a second driveway may be allowed as long as it is proposed at least 25 feet away from the point of intersection of the two property lines fronting the parcel and from any other driveway. Second driveways shall incorporate permeable pavers that minimize runoff.
- G. Replacement Parking: Replacement parking shall not be required when a garage or covered parking structure is demolished in conjunction with the construction of an ADU, or conversion of that parking structure into an ADU.
- H. Common Entrance. If the ADU is attached to the primary dwelling, both the ADU and the primary dwelling unit must be served by a common entrance or a separate entrance to the ADU must be located on the side or at the rear of the primary dwelling, whenever feasible.
- I. Setbacks.
 - 1. Converted Structures. No setback is required for an existing living area or an existing accessory structure converted to an ADU, or for a new ADU constructed in the same location and built to the same dimensions as an existing structure.
 - 2. New Construction. Provided an 800-square foot ADU is not prohibited, a minimum of four (4)-foot side and rear setbacks must be maintained for construction of any ADUs. -ADUs shall be subject to the front yard setback requirements compliant with development standards of the underlying zoning district.
 - 3. When a property has recorded easement(s) or setback(s), the creation of the ADU shall conform to the recorded restrictions.
 - 4. A detached ADU shall be located a minimum of six (6) feet from the primary dwelling unit, provided an 800-square foot ADU is not prohibited.

J. Architectural Compatibilities. New construction attached or detached ADUs shall meet the following design standards unless the requirement would prevent the creation of the ADU. Architectural review of an ADU will be limited to the following standards:

1. Attached ADU shall utilize the same architectural style, exterior materials, and colors or exhibit the same appearance as the existing or proposed primary dwelling unit, and the quality of the materials shall be the same or exceed that of the primary dwelling unit. The ADU shall match the roof pitch and roof form of the primary dwelling unit in order to blend with the architecture of the primary dwelling.
2. Detached ADUs shall utilize the same architectural style, exterior materials, and colors or shall exhibit the same appearance as the existing or proposed primary dwelling unit, and the quality of the materials shall be the same or exceed that of the primary dwelling unit.
3. Should the city pre-approve any plans and/or prefabricated/ modular designs, detached ADUs that are based on such plans shall be exempt from the architectural compatibility standards illustrated in item 2 above.
4. Detached ADUs shall comply with the architectural compatibility standards illustrated in item 2 above. Alternatively, they shall match at least three of the following six architectural elements that are found on the primary dwelling:
 - a. Massing including simple or winged forms, and gabled and hipped roof forms;
 - b. Façade design elements, including belly bands, frieze boards, corner boards, cornices, trims, and wall materials (such as siding, stucco, etc.), and textures;
 - c. Building elevations including floor plate level and entry stoops;
 - d. Fenestration: Windows and door with respect to placement, composition/patterns, types, trims, sills, shutters, and glazing;
 - e. Porches: Design, column spacing, balustrade details; and
 - f. Roof design and pitches, rafter details, fascia boards and eave details.To allow flexibility in roof design of the ADU a positive or negative variation from the roof slope of the primary dwelling of up to 33% grade

is allowed. Under this scenario an ADU roof slope, for example, can vary from a primary building's roof slope of 6/12 (rise/run in inches) at 50% grade to any slope ranging from 4/12 at 33.33% grade to 10/12 at 83.33% grade.

K. Window Placement.

1. Regulations and standards pertaining to the placement and sizing of windows for ADUs and JADUs that are converted from existing spaces within an existing or proposed primary dwelling shall be the same as for the primary dwelling unit.
2. Regulations and standards pertaining to the placement and sizing of windows for attached ADUs that maintain the minimum required setbacks for the applicable zone shall be the same as for the primary dwelling unit.
3. Windows for all detached ADUs and attached ADUs that encroach into the minimum required setbacks for the primary structure in the applicable zone shall comply with the following requirements:
 - a. Windows shall face towards the interior of the site.
 - b. Windows shall not face towards the rear and closest side property lines, unless the following standards are met:
 1. For first story windows, the head of the window frame shall not be higher than 80 inches above finished floor, as long as the finished floor is not higher than 18 inches above grade.
 2. Second story windows may be clerestory windows with the sill of the window frame not lower than 66 inches above finished floor.
 3. Second story windows which are not clerestory windows must utilize opaque glazing up to a height of 66 inches above finished floor.

L. Skylights. Skylights, whether operable or not, may be used to supplement interior lighting for all types of ADUs and JADUs.

M. Decks and balconies. Second story doors, balconies, and decks shall not face adjacent property lines. Second story decks and balconies for all detached ADUs and attached ADUs that encroach into the minimum required setbacks for the primary structure shall utilize screening barriers to prevent views towards an adjacent interior property line. These barriers shall be a minimum of six feet or 72

inches in height, from the floor level of the deck or balcony and shall not include perforations of any kind that would allow visibility onto adjacent properties.

- N. Historic Sites and Properties. An ADU located within a historic site shall be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

18.96.060 – Development Standards for Junior Accessory Dwelling Units (JADUs)

- A. The JADU shall comply with the requirements of this Section 18.96.060.
- B. Size and Kitchen. A JADU may not exceed 500 square feet in size and shall contain at least an efficiency kitchen which includes cooking appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the JADU.
- C. Entrance. A JADU shall have a separate entrance from the single-family dwelling.
- D. Sanitation Facilities. The JADU may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the JADU shall share sanitation facilities with the single-family dwelling. If the sanitation facilities are provided as part of the single-family dwelling, the JADU shall have direct access to the main living area of the single-family dwelling so as to not need to go outside to access the sanitation facilities.
- E. No additional parking shall be required unless the JADU is created in an attached garage, in which instance the applicant shall replace the off-street parking for the single-family dwelling.

18.96.070 - Applications and Processing for ADU

- A. An application for a Preliminary Ministerial Review (PMR) is required for ADUs and JADUs prior to building permit application submittal. Applications to create or serve a JADU or an ADU shall be ministerially processed and either approved or denied without discretionary review or a hearing within 60 days of receipt of a complete application. If the application is denied, the City will provide, within the 60-day review period, a complete list of the application's deficiencies and describe how the applicant can remedy the application.
 - 1. Contents of application. A PMR application for an ADU or JADU permit shall

- be filed with the Director on such form as the Director shall prescribe. The application shall be accompanied by information required by the Director.
2. Processing fee. A processing fee established by resolution of the Council shall be paid to the City at the time of filing the PMR application for an ADU or JADU permit.
 3. Appeals. PMR for ADUs is ministerial and there is no appeal process.
- B. Notwithstanding subdivision (A) above, if the permit application is submitted with a permit application to create a single-family dwelling or multiple-family dwelling on the parcel, the application for the JADU or ADU shall not be acted upon until the application for the new single-family dwelling or multiple-family dwelling is approved or denied. Occupancy of the JADU or ADU shall not be allowed until the City approves occupancy of the primary dwelling unit.
- C. The City shall grant a delay in processing if requested by the applicant, in which case the 60-day period is tolled for the period of the requested delay.
- D. If the applicant applies for a demolition permit to demolish a detached garage and a building permit to construct a detached ADU, the demolition permit and building permit for the detached ADU will be issued at the same time. –

18.96.080 - Utilities and Impact Fees

- A. Utilities.
1. No ADU shall be permitted if it is determined that there is not adequate water or sewer service to the property.
 2. ADUs, not created within the existing dwelling unit or existing accessory structure, may be required to have a new or separate utility connection directly between the ADU and the utility.
 3. The connection may be subject to a connection fee or capacity charge. Any fee or charge shall be proportionate to the burden upon the water or sewer system of the proposed unit, based on unit size or the number of plumbing fixtures. The fee or charge shall not exceed the reasonable cost of providing the service.
 4. Junior accessory dwelling units and accessory dwelling units that meet the requirements of Subsection 18.96.030.C.3 above are exempt from any

requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges.

B. Impact Fees.

1. No impact fees may be imposed on an ADU that is less than 750 square feet in size. For purposes of this section, "impact fees" include the fees specified in Sections 66000 and 66477 of the Government Code, but do not include utility connection fees or capacity charges.
2. For ADUs that have a floor area of 750 square feet or greater, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit, consistent with EPAMC Chapter 13.28.

18.96.090 - Non-Permitted ADUs

The establishment or continuance of an ADU 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 constructed prior to January 1, 2018 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.

18.96.100 - Interpretation.

If any portion of this chapter conflicts with California Government Code sections relating to accessory dwelling units and junior accessory dwelling units or other applicable state law, state law shall supersede the sections of this chapter that conflict with state law. Any ambiguities in this chapter shall be interpreted to be consistent with state law. Statutory references in this ordinance include successor provisions.



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2024
TO: Honorable Mayor and Members of the City Council
VIA: Melvin E. Gaines, City Manager
BY: Amy Chen, Community & Economic Development Director
Karen Camacho, Housing and Economic Development Manager
Yajaira Morales, Housing Project Manager
SUBJECT: Grant Application for Encampment Resolution Funding Program

Recommendation

Adopt a resolution authorizing the City Manager (or designee) to submit an application to the California Interagency Council on Homelessness for Encampment Resolution Funding Program, including committing to a \$150,000 of in-kind match from the City's General Fund as a condition of funding disbursement.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority: Promote Housing, Economic and Workforce Development

Background

The City, like most in California, continues to seek solutions for housing unsheltered residents within its jurisdictional limits. The County of San Mateo's one-day homeless count and survey conducted in February 2022 found that the City had the third highest population of unsheltered individuals in the County (169 total on February 24, 2022).¹ The City continues to focus its efforts on finding solutions to help reduce the number of unsheltered individuals in encampments throughout the City. Since 2021, the City has been proactive in addressing the growing number of encampments of varying sizes scattered across the City. These efforts have included:

- Working with the County of San Mateo and service providers LifeMoves and Project WeHOPE to offer case management, shelter, and interim and permanent housing to unhoused residents in East Palo Alto;

¹ See Count of San Mateo's 2022 One Day Homeless Count, available at: <https://www.smcgov.org/hsa/2022-one-day-homeless-count>.

- Utilizing Public Works staff as a resource to help clean up public areas of trash and debris related to encampment areas;
- Working with the County and service providers to clear out the encampment area and provide shelter and interim housing for individuals residing in encampments in Bell St. Park; and
- Developing a Temporary Use Permit process which expedites permit processing of temporary shelters, including safe overnight parking, on a variety of properties or the establishment of a temporary shelter for up to 12 months.

Encampment Resolution Funding Program

The Encampment Resolution Funding Program, through the California Interagency Council on Homelessness (CAL ICH), is a grant program that originally included two rounds of funding: \$50 million in Fiscal Year (FY) 2021-22 (ERF-1) and \$300 million in FY 2022-23 (ERF-2) to provide grants to local jurisdictions to resolve critical encampment concerns and transition individuals into safe and stable housing.

In April 2023, the City of East Palo Alto applied for the ERF, but unfortunately was not awarded. For that initial application the City retained Harris & Associates (“Harris”) to assist with submitting the grant application. Harris has an on-call contract with the City for grant writing services. Services provided by Harris for this engagement will be applied towards the contract’s remaining budget. For this new round and any subsequent applications, City staff’s recommendation is to authorize staff to exercise discretion to revise the application materials without Council approval, including collection of letters of support and drafting the grant application, to ensure timely and successful submission of the application.

On November 27, 2023 a Notice of Funding Availability (NOFA) was released for a third round of funding: ERF-3-R. California appropriated \$400 million to fund ERF-3. ERF-3’s initial disbursement (ERF-3-L) was allocated to jurisdictions that applied for ERF-2-R, met all the program requirements, but were unable to receive awards under Round 2 due to insufficient funds. This NOFA makes the remaining \$298,747,574.33 available for awards through a rolling application process (ERF-3-R). Applications will be accepted on a rolling basis until June 30, 2024, or until funds are depleted, whichever occurs first. Up to 50 percent of the \$400 million appropriated will be prioritized for proposals that serve people living in encampments on state right of way. See NOFA and grant documents for Round 3 and all subsequent rounds, linked online: https://bcsh.ca.gov/calich/erf_program.html.

With this report, staff provides their plan to submit an application for ERF grant funding helping to further the City’s current efforts to resolve the instances of unhoused and encampments within the City. Staff believes committing the City to an in-kind match would make the City’s application competitive. Thus, staff is requesting authority to commit the City an in-kind match of \$150,000 that would be included in the grant application.

Analysis

The ERF grant will aim to resolve the experience of unsheltered homelessness for people residing in encampments in East Palo Alto. Encampment sites identified in the grant proposal fall within state public right-of-way on the southwest corner of University Avenue and Donohoe

Street and to the west of University Avenue between Purdue Street and State Route 84.

The ERF grant would provide funding for services and resources to assist unsheltered residents who reside in encampments in the City. The key objectives of the City's proposed program are:

- Ensure the dignity, safety, and wellness of encampment occupants.
- Reduce reoccurrence of encampment occupancy.
- Create a path to employment and permanent housing.

The City's proposed program aims to serve unhoused individuals from active encampment areas and provide permanent housing and additional services. If awarded the grant, the City would aim to partner with the Downtown Streets Team (DST), a local organization with a mission of ending homelessness through the dignity of work and power of community. DST gave a presentation to the Council back on May 5, 2022, outlining the organizations programs and services that could be engaged to help further solutions and strategies to assist unhoused residents in the City. By partnering with DST, the City would leverage its existing pool of resources and take a human-centered approach, with a path-to-housing strategy that replicates the model of successful programs of DST: Flagship Volunteer Work Experience Program and Streets Team Enterprises Program.

The Flagship Volunteer Work Experience program will target providing waste management services to the encampments identified in the application. These services involve outreach to the habitants of these encampments, inviting them to volunteer on teams dedicated to cleaning streets, parks, waterways, and other public spaces while they chart a path out of homelessness. Volunteers receive a basic needs stipend and can opt in for case management and employment services. This service not only proactively addresses health and safety concerns for the homeless encampment residents, nearby neighbors, and businesses, but also paves a way for meaningful and critical pathway for engagement and trust-building with encampment residents. This program would also work in conjunction with the City's Public Works department, who dedicate staff to cleaning up public areas of trash and debris related to encampment areas of RV's disposing of trash or discharging in the public right-of-way.

The Streets Team Enterprise program will help individuals attain permanent employment by providing training and a transitional paying job. This is a temporary program meant to be used as a steppingstone to self-sufficiency by eventually securing lasting employment in the workforce at large. Participants would benefit from the supportive wraparound services that DST offers volunteers enrolled in the flagship Volunteer Work Experience Program. This program will be open to graduates of the Volunteer Work Experience Program. The type of workforce preparation varies from community to community depending on the availability of community partners who collaborate with DST in job preparation and placement for this program.

The combination of these two programs facilitated by the DST provides encampment occupants with a support network of wraparound outreach services. By engaging these individuals in meaningful daily activity that provides them with resources to help procure basic needs, these individuals can start to focus on a pathway to permanent housing. In creating a consistent, rewarding, and supportive system for these individuals to work within, the ability to build longevity

with behaviors that help lead to permanent housing is stronger, resulting in greater chances of success for permanent placement for individuals and a reduction in the return of encampments.

DST has gained a well-respected reputation throughout Central and Northern California, having served a number of neighboring jurisdictions including Redwood City, Petaluma, and San Francisco. Through their unique and thoughtful service models built on creating consistent and sincere connections with the individuals served, DST have had great success in addressing challenging situations with some of the unhoused community's most reluctant individuals. It should be noted that in the event DST is not able to provide services under this endeavor, the City will seek a service provider with comparable programs and services to those described above, ensuring the integrity and purpose of the City's proposed plan described herein remains intact.

The City plans to apply for two years of ERF grant funding in order to establish a one-year pilot with DST and continue operations into a second year with milestone check-ins every six months to ensure fulfillment of the grant and City's key objectives as described earlier.

Next Steps

The ERF NOFA specifies evidence of collaboration between the City and key partners for implementation of the proposed program. In preparation of the grant writing process, the City will focus on the following activities in the coming weeks to help strengthen the objectives of the proposed program:

- Engage DST for their expertise on program services, resources or strategies to assist unhoused residents of the City;
- Seek letters of support from the County of San Mateo; neighboring jurisdictions including Redwood City, Menlo Park, and South San Francisco; and organizations like Caltrans, LifeMoves, and WeHOPE; and
- Identify any additional resources that strengthen the chances of success of the City's proposed plan.

The County also applied and was not awarded in 2023, but is planning to reapply for funding as well under this grant. City staff received feedback from CAL ICH and are coordinating closely with the County by sharing our proposed work plan, and seek to compliment the individual efforts of each jurisdiction. The County and City of East Palo Alto plan to complement each other's applications by including expanded outreach efforts, enhancing coordinated entry services, and increasing interim shelter options through this grant. In sharing with the County what the City's proposed work plan is, it was very apparent that the County's and City's efforts through this grant opportunity cohesively create a well-rounded outreach support network, with the County committing to providing the City with a letter of support for our application.

Discussions with Redwood City focused on their experience with the first round of funding through this grant, for which they were awarded and utilized a portion of that funding to expand use of services from Downtown Streets Team, whom Redwood City had already been in contract with for homelessness outreach services. At this time, Redwood City is home to one of the shelters East Palo Alto accesses for homeless individuals, with the County's navigation center

soon to open in Redwood City as well, serving as an additional resource for East Palo Alto's unhoused. After discussing the City's proposed work plan, Redwood City offered to provide a letter of support given the demonstration of how the City's proposed work plan ultimately seeks to lessen the burden on resource output from neighboring jurisdictions.

The City anticipates that through the awarding of ERF funds and implementation of the program to the encampment sites identified, the City will be able to look at duplicating efforts and engage this program throughout the City. The program may potentially be expanded to address other encampment sites throughout the City and in the public right of way. The City currently has a contract with NRC Environmental Services Inc. for hazardous material removal and disposal services in the amount of \$100,000 annually. Public Works and Maintenance staff dedicate approximately \$75,000/annually in staff time and resources related to encampment clean up. If awarded the grant, staff will investigate the feasibility of a citywide program and will come back to City Council to potentially allocate funds to create this citywide program which would alleviate some trash clean-up work from the maintenance crew and would alleviate the need for the hazardous waste clean-up and removal services contract.

If the City is awarded ERF, City staff would return to City Council to accept the award and enter into any related agreements, as requested by the grantor.

Fiscal Impact

No fiscal impact associated with consideration and submission of the application. Any fiscal impact would be relational to the City's ability to partner resources with the requested grant award amount in an effort to leverage and add to the grant amount.

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.

Government Code § 84308

Applicability of Levine Act: No.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Resolution

RESOLUTION NO. XX– 2024

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

**AUTHORIZING STAFF TO SUBMIT AN APPLICATION TO THE CALIFORNIA INTERAGENCY COUNCIL
ON HOMELESSNESS FOR ENCAMPMENT RESOLUTION FUNDING, INCLUDING COMMITTING TO A
\$150,000 OF IN-KIND MATCH FROM THE CITY AS A CONDITION OF FUNDING DISBURSEMENT**

WHEREAS, the City of East Palo Alto (“City”) continues to seek solutions for housing the unsheltered residents that reside within its jurisdiction; and

WHEREAS, the County of San Mateo’s one day homeless count and survey conducted in February 2022 found the City had the third highest population of unsheltered individuals in the County; and

WHEREAS, the City of East Palo Alto is eligible for the Encampment Resolution Funding Program (ERF) through the California Interagency Council on Homeless; and

WHEREAS, the ERF Program is a 4-year grant program that originally includes two rounds of funding, including \$50 million in Fiscal Year (FY) 2021-22 (ERF-1) and \$300 million in FY 2022-23 (ERF-2) to provide grants to local jurisdictions to resolve critical encampment concerns and transition individuals into safe and stable housing; and

WHEREAS, applications will be accepted on a rolling basis until June 30, 2024, or until funds are depleted, whichever occurs first; and

WHEREAS, the key proposed program objectives include ensuring the dignity, safety, and wellness of encampment occupants, reducing occurrences of encampment occupancy, and creating a path to employment and permanent housing; and

WHEREAS, the City will partner with the Downtown Streets Team (DST), a local organization with a mission to ending homelessness through the dignity of work and power of community (or an organization with comparable services and programs in the event DST is unavailable); and

WHEREAS, the grant funds would be focused on state right-of-way; and

WHEREAS, staff will investigate duplicating efforts and replicating this program throughout the City, addressing other encampment sites not located on state right-of-way; and

WHEREAS, on February 6, 2024, after a staff presentation and public comment, staff requested authority to make an application for the ERF Program and sought authority from the Council include a \$150,000 in-kind funding match by the City of East Palo Alto to ensure competitiveness of the City’s application.

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; and
2. Authorizes the City Manager (or designee) to submit an application to the California

Interagency Council on Homelessness for Encampment Resolution Funding, including committing to a \$150,000 of in-kind match from the City's General Fund.

PASSED AND ADOPTED this 6th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Antonio D. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2024

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

SUBJECT: Monthly Cash Treasury Report for November 2023

Recommendation

Accept and file the Cash Treasury Report for the month of November 2023.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority No. 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. Further, City Investment Policy Section XVIII requires monthly reporting of investment transactions, as specified. Because the City participates in State and County investments pools and does not independently broker or engage outside investment advisors to transact investments, the monthly reporting provides a snapshot of overall cash receipts, transfers, and disbursements on a monthly basis.

Analysis

The Monthly Cash Treasury Report ("Report") covers cash and investments of the City in the three cash and investment accounts: Wells Fargo Bank, San Mateo County Pool, and the California State Local Agency Investment Fund. The Report does not include petty cash, or the California State Community Infrastructure Program (SCIP) bond proceeds held by a trustee in

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the name of the City. For investment purposes, City cash is pooled, except for bond proceeds held 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. Monthly cash transactions for the monthly period ending November 30, 2023, are as follows:

Account	Beginning Balance	Receipts	Disbursements	Quarterly Interest Allocation	Inter-Account Transfers	Ending Balance
Wells Fargo Bank	6,252,916.57	1,419,639.33	(3,103,134.37)	-	5,600,000.00	10,169,421.53
LAIF	74,085,663.74	-	-	-	-	74,085,663.74
San Mateo County Pool	45,371,433.94	452,807.91	-	-	(5,600,000.00)	40,224,241.85
Total	125,710,014.25	1,872,447.24	(3,103,134.37)	-	-	124,479,327.12

The Wells Fargo cash balance reflects the book value balance (i.e., total outstanding checks not cashed are deducted from the account balance). The month-to-date cash and investment balance decreased by approximately \$1.2M compared to the balance as of October 31, 2023.

November receipts, a total of approximately \$1.4M, primarily consist of Tax distribution (\$0.7M), Veolia payment (\$0.1M), and other various receipts.

November disbursements total \$3.1M, primarily consist of Payroll costs (\$1.1M), Recology 1st quarter payment (0.7M), Granite Rock vendor payment for Addison safe route project (0.5M), AHSC grant express Bus project (0.3M), and other recurring operating expenditures.

The table below reflects recent treasury yield comparisons up to five-year notes since that is the maximum maturity the City may invest:¹

	Nov-23	Oct-23	Nov-22
6-month Treasury Bill	5.18	5.33	4.54
2-year Treasury Note	4.73	5.07	4.38
5-Year Treasury Note	4.31	4.82	3.82

Local Agency Investment Fund (LAIF) average monthly effective yields were 3.843% in November which increased by 0.173% from October 2023. San Mateo County monthly gross earnings for November were 3.512% compared to 3.378% in October 2023. The County Pool earnings estimates for FY 23-24 are at 3.75%.

Staff believes the City has investment liquidity and anticipated revenues to meet the City's anticipated expenditure requirements for the ensuing six months.

The following table shows a breakdown of cash and investment balance by fund type.

¹ Daily US Treasury Yield Curve. Treasury.gov

Summary November 30, 2023		
	Deposit Value	Market Value
General Fund (Inc. Petty cash of \$10,800)	\$ 23,653,876	\$ 23,653,876
General Sub-Funds (Committed/Reserved)	\$ 25,289,292	\$ 25,289,292
City Funds Restricted and Committed	\$ 75,314,322	\$ 75,314,322
Successor Agency Trust	\$ 484,749	\$ 484,749
Unrealized Gain on Investment Pools	\$ -	\$ (2,064,193)
	\$ 124,742,238	\$ 122,678,047

The book market value totals \$122,678,047 including an unrealized loss² of \$2,064,193, 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 (\$23,653,876) may be used at Council discretion.

Fiscal Impact

None. 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 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) and (5) in that it is a governmental fiscal, organizational or administrative activity that will not result in direct or indirect changes in the environment.

Government Code § 84308

Applicability of Levine Act: No, no entitlement is involved, the Levine Act is not applicable.

Analysis of Levine Act Compliance: Not applicable.

² Investment FMV factor is provided Quarterly basis. Thus, as of 9/30/23 FMV factor is used to calculate Unrealized Gain on Investments.



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2024

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Greg Henry, Senior Management Analyst

SUBJECT: New Agreement with Lew Edwards Group

Recommendation

Adopt a resolution:

1. Authorizing the City Manager to award to, and to negotiate and execute an agreement with The Lew Edwards Group, in a form approved by the City Attorney, for a term through July 31, 2024 and an extension at the discretion of the City Manager through November 30, 2024, in an amount not-to-exceed \$125,000; and
2. Waiving formal bid procedures pursuant to East Palo Alto Municipal Code section 2.84.070(D).

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority: Promote Housing, Economic and Workforce Development
Priority: Implement the Comprehensive Transportation and Mobility Plan
Priority: Promote Health & Public Safety
Priority: Ensure Our Financial and Organizational Health
Priority: Improve the City's Water Infrastructure
Priority: Develop and Implement a Comprehensive Facilities Master Plan
Priority: Enhance Community Services and Parks for Residents

Background

During the Priority Setting process for and throughout Fiscal Year (FY) 2022-2023, the City Council expressed the desire to embark on a comprehensive research and outreach process to gauge community priorities and gather community feedback about maintaining and expanding essential services, infrastructure, and fiscal stability.

On October 18, 2022, the City Council accepted a report from staff that provided several recommendations comprehensive research and outreach process. At that time, staff estimated that the cost of these services may be up to \$200,000; the City Council encouraged staff to lower this estimate so that remaining funds may be available for other priorities.

On December 12, 2022, the Council approved a contract with Lew Edwards Group (LEG) a California leader in research, community facilitation, and informational communications services for counties, cities, and special district measures of all types for an amount not to exceed \$149,000 and a term through December 31, 2023. The term has passed with approximately \$135,000 expended.

Analysis

Under the 2023 contract, LEG worked with the City to conduct a resident survey, focus groups, and other community outreach efforts such as the EPA Talks initiative, and provided communications advice to the City team. There remains approximately \$14,000 in the agreement with LEG; however, the agreement term is expired. At minimum, the Council would need to authorize a new short term agreement using the remaining funds so the City could compensate LEG for remaining work such as an additional mailings and providing a summary report to the City Council.

Staff are still considering the ultimate scope of a new agreement with LEG; i.e. whether the City will do further polling and other efforts to support a revenue measure; however, are asking authorization for the maximum scope of work. The maximum scope of work would require authorization of a \$125,000 not to exceed amount.:

The three extension options the City is considering for an extension with LEG are:

- Option 1. A three-month extension through March 2024 to closeout the remaining work of the existing agreement. This includes a final community mailer, a report out to the City Council, and LEG's \$6,250. The not to exceed amount would be \$28,750; of which \$14,000 is available from the 2023 agreement. This would be a net increase of \$14,750.
- Option 2. A seven-month extension for voter surveys in up to three languages and corresponding efforts including multiple mailers to voters and a report back to the council. The not to exceed amount would be \$98,750; of which \$14,000 is available from the 2023 agreement. This would be a net increase of \$84,750.
- Option 3. Option 2 plus an ability to add four months of LEG retainer and municipal election informational outreach. This option would only be executed if the City Council

CONSENT ITEM 3.9

places a measure on the November ballot. The not to exceed amount would be \$125,000; of which \$14,000 is available from the 2023 agreement. This would be a next increase of \$111,000.

The City is still determining whether it should conduct polling for a potential ballot measure, but anticipates clarity by mid – February. If polling is feasible, the City Manager will negotiate an agreement based on Option 3, above and only exercise the four-month extension if polling shows a revenue measure could be successful,

Ultimately, staff are requesting a not to exceed of \$125,000. With the initial contract expense of \$135,000, this will be a total of \$260,000.

Because of the ongoing nature of this work the City Manager is again recommending dispensing with formal bid procedures under East Palo Alto Municipal Code section 2.84.070 (D) which states such procedures may be dispensed, “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.” In this case, only LEG could provide the expertise in the timeframe required due to LEG’s recent and prior work with the City.

Fiscal Impact

The additional funds needed for this extension will continue to come from the City Manager’s Office salary savings, therefore no new appropriation is needed.

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.

Government Code § 84308

Applicability of Levine Act: Yes.

Analysis of Levine Act Compliance:

Parties: Catherine Lew, President Lew Edwards Group

Attachments

1. Resolution

RESOLUTION NO. XX– 2024

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

THE CITY MANAGER TO AWARD TO, AND TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH THE LEW EDWARDS GROUP, IN A FORM APPROVED BY THE CITY ATTORNEY, FOR A TERM THROUGH JULY 31, 2024 AND AN EXTENSION AT THE DISCRETION OF THE CITY MANAGER THROUGH NOVEMBER 30, 2024, IN AN AMOUNT NOT-TO-EXCEED \$125,000, AND WAIVING THE BIDDING PROCEDURES IN EAST PALO ALTO MUNICIPAL CODE SECTION 2.84.070(D).

WHEREAS, the City Council expressed the desire to embark on a comprehensive research and outreach process to gauge community priorities and gather community feedback about maintaining and expanding essential services, infrastructure, and fiscal stability; and

WHEREAS, on October 18, 2022, the City Council accepted a report from staff that provided several recommendations for consultant services to accomplish these outreach goals, estimated to cost up to \$200,000; and

WHEREAS, on December 15, 2022 the City Council adopted a resolution authorizing the City Manager to enter into an agreement with the Lew Edwards Group to provide community engagement, polling and research, and fiscal sustainability consulting services to the city for a not to exceed of \$149,000; and

WHEREAS, the term of that agreement has expired, but further work is needed if the City Council wishes to consider placing a revenue measure on the November ballot; and

WHEREAS, given the prior work and limited time, no other firm can provide the level of service and speed that the Lew Edwards Group can provide.

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; and
2. Authorizes the City Manager to award to, and to negotiate and execute an agreement with The Lew Edwards Group, in a form approved by the City Attorney, for a term through July 31, 2024, and an extension at the discretion of the City Manager through November 30, 2024, in an amount not-to-exceed \$125,000; and
3. Waives the bidding procedures pursuant to East Palo Alto Municipal Code section 2.84.070(D); and
4. Finds 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 6th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Antonio D. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2024
TO: Honorable Mayor and Members of the City Council
VIA: Melvin E. Gaines, City Manager
BY: James Colin, City Clerk
SUBJECT: Mayoral Committee Appointments and Assignments

Recommendation

By motion, update or confirm existing appointments and assignment list to regional boards, committees, and commissions, and direct staff to file a revised appointments and assignments list with affected agencies.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority: Ensure Our Financial and Organizational Health

Background

Individual members of the City Council represent the City of East Palo Alto on various local and regional boards, committees, and commissions. The existing appointment and assignment list needs to be updated to reflect Council changes and filed with affected agencies for notification purposes. The existing appointment and assignment list is attached as Attachment 1.

Analysis

The process of appointing representatives to boards, committees, and commissions in the City involves collaboration between the Mayor, Vice Mayor, and the City Council. Traditionally, the Mayor and Vice Mayor play a pivotal role in selecting individuals to serve on these bodies, taking into consideration their expertise, qualifications, and commitment to community service.

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Once these selections are made, the City Council then reviews and approves the appointments. Councilmembers can also decide to make changes to these appointments.

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.

Government Code § 84308

Applicability of Levine Act: No.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. List of Proposed East Palo Alto Committee Assignments.

Regional Agencies	Council Representative	Council Alternate	Meeting Time	Location	Policy Area
City Council Committee Assignments					
Association of Bay Area Governments (ABAG) Meetings & Events Association of Bay Area Governments (ca.gov)	Gauthier	Romero	Times vary	375 Beale Street Suite 700 San Francisco	Housing
Bay Area Water Supply and Conservation Agency (BAWSCA) Meeting Agendas (bawasca.org)	Lopez	Abrica	6:30 – 8:45 PM Every 3rd Thursday of the Month	Burlingame Community Center – Sequoia Room 850 Burlingame Ave. Burlingame	Water
City and County Association of Governments (CCAG) Board of Directors C/CAG	Gauthier	Barragan	6:30 – 9:00 PM Every 2nd Thursday of the Month	San Mateo County Transit District Office, 1250 San Carlos Ave, 2nd Fl. Auditorium, San Carlos, CA	Transportation, Stormwater Runoff, Hazardous Waste, Solid Waste and Recycling, Air Quality, Land Use Near Airports...
Commute.org (Peninsula CleanEnergy JPA) About - Commute	Romero	Lopez	Every Third Thursday of Every other month	Virtual	Transportation
Peninsula Clean Energy JPA Board of Directors - Peninsula Clean Energy	Romero	Barragan	2075 Woodside Road Redwood City	Every fourth Thursday of every month (except September, November, and December) at 6:30 p.m.	
Recycled Water Advisory Committee Santa Clara Valley Water District - Board Meetings (legistar.com)	Gauthier	Romero	Times Vary 2nd & 4th Tuesday of the Month	Hybrid San Jose 5700 Almaden Expressway	
Re-Think Waste Meetings – RethinkWaste	Romero	Gauthier	3:30 PM Every 4th Thursday of the Month	Silicon Valley Clean Water Administrative Offices 2 nd floor Pelican Conference Room 1400 Radio Road 2nd floor	
San Francisquito Creek JPA Santa Clara Valley Water District - Board Meetings (legistar.com)	Abrica	Barragan	Every 4 th Thursday of the Month		
San Mateo County Libraries JPA JPA Governing Board San Mateo County Libraries (smcl.org)	Lopez	Romero	Times and dates vary	125 Lessingia Court, San Mateo	
San Mateo County Office of Emergency Services Department of Emergency Management 	Gauthier	Abrica	5:30 PM – 7:00 PM	Virtual	

San Mateo County Mosquito and Vector Control Board Meetings - San Mateo County Mosquito and Vector Control District (smcmvcd.org) Board Meetings - San Mateo County Mosquito and Vector Control District (smcmvcd.org)	Donna Rutherford (Representative not required to be on Council)	N/A	Times and dates vary	1351 Rollins Road, Burlingame CA 94010	
SFO Airport/Community Roundtable Meetings – SFO Airport/Community Roundtable (sforoundtable.org)	Barragan	Lopez	Times and dates vary	David J. Chetcuti Community Room 450 Poplar Ave Millbrae, CA 94030	



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2023
TO: Honorable Mayor and Members of the City Council
VIA: Melvin E. Gaines, City Manager
BY: Ana M Torres-Mondragon, Human Resources Manager
SUBJECT: Proposal to restructure the City Departmental Organization, and staffing changes

Recommendation

Adopt a resolution:

1. Approving an amendment to the City's Classification Plan eliminating 1.0 FTE Administrative Services Director, eliminating 1.0 FTE Accounting Technician I/II, eliminating 1.0 FTE for Accountant II, adding 2.0 FTE Assistant to the City Manager; adding 1.0 FTE for Accountant I, adding 1.0 FTE Senior Accounting Technician; approve an amendment to the City's Compensation Schedule to establish the compensation for the classification specifications listed above;
2. Approving and establishing the following limited term duration (LTD) classifications and the related specifications and compensation schedules for the following: Utility Manager (6 month LTD), and Human Resources Technician I/II (18 month LTD); and
3. Authorizing staff to include the financial and organizational changes reflected above in the Proposed Fiscal Year 2023-2024 Mid-Year Budget and appropriate \$111,468 from garbage and water fund.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority: Ensure Our Financial and Organizational Health

Background

On April 21, 2015, then City Manager, Carlos Martinez, proposed the restructuring of the City Organization and Staffing Changes to add a Classification Title and Specification for an Administrative Services Director as well as amend the City's Compensation Schedule to establish the compensation for the Administrative Services Director. Subsequently, the Human

Resources Division, Information Technology, and the Community Services Division were transferred from the Assistant City Manager's Office purview to the Administrative Services Department. Prior to this date, the Administrative Services Department and Administrative Services Director position classification title and specification did not exist.

Because of the Covid-19 pandemic and the evolving needs of the City, changes related to staffing needs and how staff report to work were implemented. To align with the City Council's Strategic Plan to "Ensure Our Financial and Organizational Health," staff are proposing several changes related to the City's departmental organization and staffing.

As codified in the City's Personnel Policies and Procedures approved by the City Council on August 28, 1985 (Resolution #00210), Rule 3.4.05 states that "A job specification shall be a written statement providing the title and definition of a class, examples of the duties to be performed and the minimum qualifications." As a member of the California Public Employees' Retirement System (CalPERS), the City is also subject to applicable provisions of the Public Employee Retirement Law (PERL) referenced in the California Government Code and the California Code of Regulations.

Analysis

Staff is proposing the following department organizational and staffing changes:

Departmental Organizational Changes

Administrative Services Department (Department recommended for elimination)

The City Manager has decided to conduct an organizational restructuring of the administrative functions of the City. Staff is proposing to eliminate the Administrative Services Department and the vacant Administrative Services Director Classification Title which will result in future cost savings to the City. As part of this comprehensive restructuring, the Community Services Division, and Information Technology contract management, have been transferred back to and fall under the purview of the City Manager's Office. The City Hall Office Assistant has been transferred to and fall under the purview of the City Clerk's Office.

Eliminating the department will enhance overall organizational efficiency, streamline resources, and potentially save costs. This action will allow the City Manager to reallocate resources to more productive areas, improving overall effectiveness and service delivery.

City Manager's Office

The City Manager is requesting the addition of two (2) unrepresented Assistant to the City Manager positions, along with associated classification title and specification and compensation. One Assistant to the City Manager position will manage special projects based on organizational needs. Currently, there is a need for enhanced management of emergency preparedness

efforts, communications, legislative affairs, and economic development efforts. The other Assistant to the City Manager and focus on enhancing overall organizational efficiency, streamline processes, improve overall effectiveness and service delivery. The desire is to pull together management analysts throughout the City into a team to support cross departmental functions and tasks. The team would provide strategic planning, budgeting, contracting, and project management support for City departments. With proper leadership, the team would grow together and provide a framework for continuity and strong analysis for City departments and initiatives. Individual analysts would have the ability and be assigned from the team to float to various departments.

Staff will conduct an internal recruitment for this position. Upon completion of promotional placement in this class, the intent is eliminating the vacant position, affecting a net zero FTE change.

Staffing Changes

Finance Department

Staff is requesting modification of two positions in Finance Department; 1) upgrading Accounting Technician II to Senior Accounting Technician, and 2) downgrading Accountant II to Accountant I. These changes will provide no fiscal impact to the City as the impact by those modifications offset one another. These modifications are the result of desk audits of the positions conducted by Human Resource, which were conducted to ensure the current assignments and responsibilities are aligned with the associated job descriptions.

The incumbent in the position of Accounting Technician II is performing duties and responsibilities that are higher in scope and complexity and for which their current classification may not be the most appropriate match classification. Finance is relinquishing rights to their Accountant II classification to memorialize the Accountant I classification and offset the expense for the Accounting Technician II to Senior Accounting Technician classification.

City Manager's Office

Human Resources Division

The complexity and technical demands of the Human Resources (HR) Division continues to grow as new programs are established and existing programs are built-out. HR has successfully implemented crucial programs such as the disability leave management, while streamlining the recruitment process to broaden the qualified applicant pool. In addition, the HR Division is working on developing an employee wellness program, a citywide training and coaching program, while revitalizing stagnant projects such as Administrative Policy and Procedures updates.

With the current workload and the recent Enterprise Resource Planning system (ERP) implementation, HR has been tasked with the Human Resources Informational System (HRIS) management and maintaining the citywide compensation schedules/position controls. Due to

this shift of responsibilities, staff is seeking an approval for a Human Resources Technician I/II (18 month LTD) classification specifications and compensation schedule. This position will allow the HR Division to fully develop out the programs and initiatives necessary for robust retention, health and wellness initiatives, and operational effectiveness.

Public Works Department

The Public Works Department oversees engineering and maintenance services for the City. The Public Works Department is also responsible for various City utilities functions such as water, garbage, recycling, and solid waste. Staff seek to add a Utility Manager (6 month LTD) classification title and specification to oversee these city-wide utility programs and services. This position will allow the Department to comprehensively align the utilities functions under one division which may increase efficiency and services.

Summary of proposed requests:

Permanent Changes

Title	Department	FTE	Amount
Administrative Services Director	Administrative Services Department	(1.00)	(271,438)
Assistant to the City Manager	City Manager's Office	2.00	463,107
Accountant II	Finance Department	(1.00)	(145,256)
Accountant I	Finance Department	1.00	131,470
Accounting Technician I/II	Finance Department	(1.00)	(118,091)
Senior Accounting Technician	Finance Department	1.00	126,948
	Net Change	1.00	186,739.71

Limited Term Requests

Title	Department	FTE	Amount
Human Resources Technician I/II (18 month LTD)	City Manager's Office, Human Resources	1.00	236,157
Utility Manager (6 month LTD)	Public Works	1.00	133,763
	Net Change	2.00	369,919.30

The proposed changes will in essence eliminate one permanent FTEs and create two new and unrepresented FTEs. The requested changes add two limited term duration classification titles and specifications and compensations.

These proposed changes will improve the efficiency of existing services related to the City Manager's Office, Public Works Department, and to the Human Resources Division.

Fiscal Impact

FY2022-23 budget impact*

Title	General Fund	Water Fund	Garbage Fund
Saving from Organizational Change	\$ (16,618)		
Human Resource Tech 1/II (18 month LTD)	\$ 65,599		
Utility Manager (6 month LTD)		\$ 55,734	\$ 55,734
Salary savings	\$ (48,981)	\$ -	\$ -
Total	\$ -	\$ 55,734	\$ 55,734

*Prorated for 5 months

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.

Government Code § 84308

Applicability of Levine Act: No, as there are no entitlements related to the proposed action.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Resolution with Exhibits.

RESOLUTION NO. XX – 2023

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

APPROVING AN AMENDMENT TO THE CITY'S CLASSIFICATION PLAN ELIMINATING 1.0 FTE ADMINISTRATIVE SERVICES DIRECTOR, ELIMINATING 1.0 FTE ACCOUNTING TECHNICIAN I/II, ELIMINATING 1.0 FTE FOR THE ACCOUNTANT II, ADDING 2.0 FTE ASSISTANT TO THE CITY MANAGER, ADDING 1.0 FTE FOR THE ACCOUNTANT I, ADDING 1.0 FTE SENIOR ACCOUNTING TECHNICIAN; APPROVE AN AMENDMENT TO THE CITY'S COMPENSATION SCHEDULE TO ESTABLISH THE COMPENSATION FOR THE CLASSIFICATION LISTED ABOVE; APPROVING AND ESTABLISHING THE FOLLOWING LIMITED TERM DURATIONS (LTD) CLASSIFICATIONS AND COMPENSATION SCHEDULES FOR THE FOLLOWING: UTILITY MANAGER (6 MONTH LTD), AND THE HUMAN RESOURCES TECHNICIAN I/II (18 MONTH LTD); AND AUTHORIZE STAFF TO INCLUDE THE FINANCIAL AND ORGANIZATIONAL CHANGES REFLECTED ABOVE IN THE PROPOSED FISCAL YEAR 2023-24 MID-YEAR BUDGET AND APPROPRIATE \$111, 468 FROM WATER AND GARBAGE FUND

WHEREAS, on April 21, 2015, then City Manager, Carlos Martinez, proposed the restructuring of the City Organization and Staffing Changes to add a Classification Title and Specification for an Administrative Services Director as well as amend the City's Compensation Schedule to establish the compensation for the Administrative Services Director; and

WHEREAS, the City Manager has decided to conduct an organizational restructuring of the administrative functions of the City. Staff is proposing to eliminate the Administrative Services Department and the vacant Administrative Services Director Classification Title which will result in future cost savings to the City; and

WHEREAS, as part of this comprehensive restructuring, the Community Services Division, and Information Technology contract management, have been transferred back to and fall under the purview of the City Manager's Office. The City Hall Office Assistant has been transferred to and fall under the purview of the City Clerk's Office; and

WHEREAS, staff is requesting modification of two positions in Finance Department; 1) upgrading Accounting Technician II to Senior Accounting Technician, and 2) downgrading Accountant II to Accountant I. These changes will provide no fiscal impact to the City as the impact by those modifications offset one another. These modifications are the result of desk audits of the positions conducted by Human Resource, which were conducted to ensure the current assignments and responsibilities are aligned with the associated job descriptions.

WHEREAS, the complexity and technical demands of the Human Resources (HR) Division continues to grow as new programs are established and existing programs are built-out. HR has successfully implemented crucial programs such as the disability leave management, while streamlining the recruitment process to broaden the qualified applicant pool; and

WHEREAS, staff seek to add a Utility Manager (6 month LTD) classification title and specification to oversee these city-wide utility programs and services. This position will allow the Public Works Department to comprehensively align the utilities functions under one division which may increase efficiency and services.

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

1. Approve an amendment to the City's Classification Plan eliminating 1.0 FTE Administrative Services Director, eliminating 1.0 FTE Accounting Technician I/II, eliminating 1.0 FTE for Accountant II, adding 2.0 FTE Assistant to the City Manager; adding 1.0 FTE for Accountant I, adding 1.0 FTE Senior Accounting Technician; approve an amendment to the City's Compensation Schedule to establish the compensation for the classification specifications listed above, attached hereto and incorporated by this reference as Exhibit A (Assistant to the City Manager Classification Title and Specification, Accountant I Classification Title and Specification, and Senior Accounting Technician Classification Title and Specification);
2. Approves and establish the following limited term duration (LTD) classifications and the related specifications and compensation schedules for the following: Utility Manager (6 month LTD), and Human Resources Technician I/II (18 month LTD), attached hereto and incorporated by this reference as Exhibit B (Human Resources Technician I/II (18 month LTD) Classification Title and Specification and Utility Manager (6 month LTD) Classification Title and Specification Compensation schedules); and
3. Authorize staff to include the financial and organizational changes reflected above in the Proposed Fiscal Year 2023-2024 Mid-Year Budget and appropriate \$111,468 from water and garbage fund, attached hereto and incorporated by this reference as Exhibit C (City of East Palo Alto Proposed Organizational Chart).

PASSED AND APPROVED on this 6th day of February 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Antonio D. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:

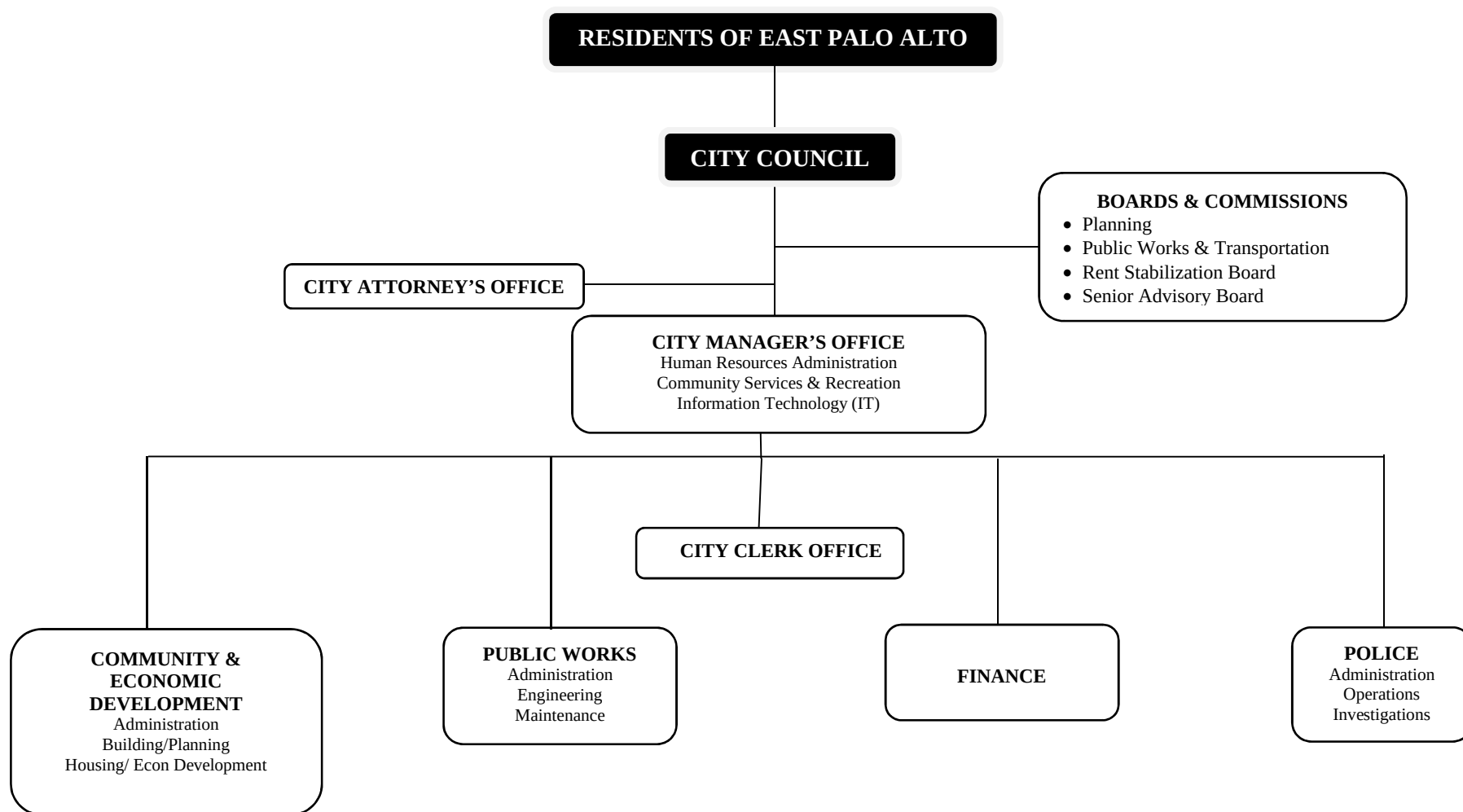
James Colin, City Clerk

John D. Lê, City Attorney

CITY OF EAST PALO ALTO

CITY ORGANIZATIONAL CHART REFLECTING PROPOSED REORGANIZATION

FY 2023-2024 Budget





February 2024

FLSA: Exempt

ASSISTANT TO THE CITY MANAGER

DEFINITION

Under general direction from the City Manager, performs a wide variety of complex administrative and analytical duties; administers the department budget, manages, and oversee assigned administrative processes, procedures, projects and programs; and provides information and assistance to the public regarding assigned programs and services; and performs other related tasks as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the City Manager. May exercises direct supervision over assigned staff.

DISTINGUISHING CHARACTERISTICS

The Assistant to the City Manager is a management level classification with responsibility for assisting the City Manager with the overall management and administration of City operations and services. There is no class series for this classification.

EXAMPLES OF TYPICAL JOB FUNCTIONS (Illustrative Only)

Essential and other important responsibilities and duties may include, but are not limited to, the following:

- Assume direct responsibility for monitoring and administering a variety of programs; oversee assigned administrative support functions including budget.
- Develop and implement operational, administrative, program, and other policies and procedures; assist in contract negotiations and administration.
- Participate in drafting and implementing City-wide and departmental goals, policies, and procedures.
- Direct the preparation and administration of assigned budget(s); maintain and monitor appropriate budgeting controls; prepare various financial reports as required.
- Collect, compile, and analyze complex information from various sources on a variety of specialized topics related to assigned programs; prepare reports which present and interpret data, and identify alternatives; make and justify recommendations.
- Serve as City liaison/facilitator with public and private organizations, community groups and other related organizations.
- Receive and respond to complaints and questions from the general public relating to assigned programs; review problems and recommend corrective actions; prepare summary reports as required.

JOB-RELATED QUALIFICATIONS

Knowledge of:

- Principles and practices of public administration used in the operations of local government
- Methods of research, program analysis, and report preparation.
- Principles and practices of Human Resources.
- Policies and procedures of the assigned department.
- Principles and practices of budget administration.
- Public relations techniques and facilitation skills.
- Principles and procedures of accounting and procurement practices.
- English usage, spelling, grammar and punctuation.
- Modern office procedures, methods including computers.
- Federal, State and local laws, codes and regulations.
- Perform complex administrative and analytical activities for assigned programs.

Ability to:

- Understand the organization and operation of the assigned department and outside agencies as necessary to assume assigned responsibilities.
- Interpret and apply administrative and departmental policies and procedures.
- Perform responsible and difficult administrative work involving the use of independent judgment and personal initiative.
- Research, analyze, and evaluate programs, policies, and procedures.
- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Prepare clear and concise reports.
- Independently prepare correspondence and memoranda. Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.
- Facilitate public meetings
- Independently manage and prioritize workload, demands and time.
- Use initiative and judgement within established guidelines.
- Manage complex projects and programs.
- Maintain mental capacity, which allows for effective interaction and communications with others.

Education and Experience:

Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:

Five years of increasingly responsible administrative and analytical experience preferably within a local government environment.

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public administration, business administration or a related field. Masters degree highly desirable.

Licenses and Certifications:

- Possession of a valid California Class C Driver's License and a good driving record, at the time of appointment.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; to operate a motor vehicle and to visit various City and meeting sites; vision to read printed

materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone. This is primarily a sedentary office classification although standing and walking between work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects weighing up to 25 pounds.

ENVIRONMENTAL CONDITIONS

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.



ACCOUNTANT I/II

DEFINITION

Under general supervision or direction, performs routine to moderately complex professional accounting and administrative work in support of the City's financial, auditing, and accounting programs; coordinates with other staff members and the public on financial and accounting matters; gathers, prepares, and maintains fiscal records and reports; and performs related duties, as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision or direction from the Financial Services Manager. Exercises direct or general supervision over technical and administrative staff.

DISTINGUISHING CHARACTERISTICS

Accountant I: This is the entry-level classification in the professional Accountant series. Initially under close supervision, incumbents with educational training learn City accounting systems, operations, practices, and procedures. As experience is gained, assignments become more varied and are performed with greater independence. Positions at this level usually perform most of the duties required of the positions at the II-level, but are not expected to function at the same skill level and usually exercise less independent discretion and judgment in matters related to work procedures and methods.

Accountant II: This is the journey-level classification in the professional Accountant series. Positions at this level are distinguished from the I-level by the performance of the full range of duties as assigned, working independently, and exercising judgment and initiative. Positions at this level receive only occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of the work unit. Work is normally reviewed upon completion and for overall results.

Positions in the Accountant class series are flexibly staffed and positions at the II-level are normally filled by advancement from the I-level after gaining the knowledge, skill, and experience which meet the qualifications for and after demonstrating the ability to perform the work of the higher-level class.

EXAMPLES OF TYPICAL JOB FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- Provides responsible professional and technical assistance in the administration and implementation of the City's financial, auditing, and accounting programs; complies with generally accepted accounting principles (GAAP).
- Prepares journal entries and reconciliations of general ledger, journals, subsidiary accounts, and bank statements.
- Oversees, directs and ensures the integrity of the general ledger, including evaluating and analyzing transactions, implementing accounting procedures, and preparing accurate and timely financial

- analyses and reports.
- Maintains expenditure and budgetary control accounts.
 - Prepares and coordinates budget appropriation transfers.
 - Assists in the preparation of and analyzes and adjusts budgets for departmental and City funds; analyzes programs and legislation to determine fiscal and budgetary impact; prepares budgetary appropriation transfers and supplemental budgets.
 - Trains and evaluates the performance of assigned staff; interviews and selects employees and recommends transfers, reassignment, termination, and disciplinary actions; assigns employee duties and reviews work to ensure compliance with established standards, guidelines, and procedures.
 - Ensures that reporting requirements of various federal, state and private agencies related to the accounting function are met.
 - Monitors implemented City policies related to payroll, accounts payable, general ledger, and fixed assets to ensure compliance is maintained; performs follow-up procedures when compliance is not being maintained.
 - Reviews reconciliations performed by other staff, preparation of journal entries, and compilation of monthly reports.
 - Periodically reviews and reconciles financial data, accounting records, bank statements, and related records; prepares periodic summaries of financial transactions including account balances, revenue and expenditure statements, and cost and operating reports.
 - Interprets, explains and applies general and governmental accounting/auditing standards, principles and procedures, laws, and regulations affecting the financial operations of municipal government.
 - Reviews and recommends modifications to accounting systems and procedures.
 - Performs other related duties as assigned.

JOB-RELATED QUALIFICATIONS

Knowledge of:

- Principles, practices, and methods of public and governmental accounting and financing, including program budgeting and auditing and their application to operations.
- General principles and practices of information systems and data processing and its applicability to accounting operations.
- Applicable federal, state, and local laws, regulatory codes, ordinances, and procedures relevant to government financial operations.
- Principles and procedures related to budgetary preparation, control, and development.
- Principles and practices of financial analysis, auditing, and reporting.
- Principles and practices of business organization and public administration.
- Principles and procedures of financial recordkeeping.
- City and department policies and procedures.
- Principles and practices of employee supervision, including work planning, assignment review and evaluation, discipline, and the training of staff in work procedures. Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.
- The structure and content of the English language, including the meaning and spelling of words, rules of composition, and grammar.
- Modern equipment and communication tools used for business functions and program, project, and task coordination.
- Computers and software programs (e.g., Microsoft software packages) to conduct, compile, and/or generate documentation.

Ability to:

- Make accurate arithmetic, financial, and statistical computations.

- Analyze financial data and draw sound conclusions.
- Prepare, examine, analyze, and verify, clear, complete, and concise financial documents and reports.
- Establish and maintain a variety of filing, recordkeeping, control, and tracking systems.
- Understand and carry out a variety of complex instructions in a responsible and independent manner.
- Understand, interpret, and apply all pertinent laws, codes, regulations, policies and procedures, and standards relevant to work performed.
- Effectively represent the department and the City in meetings with governmental agencies; community groups; various business, professional, and regulatory organizations; and in meetings with individuals.
- Learn and understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.
- Independently organize work, set priorities, meet critical deadlines, and follow-up on assignments.
- Effectively use computer systems, software applications, and modern business equipment to perform a variety of work tasks.
- Communicate clearly and concisely, both orally and in writing, using appropriate English grammar and syntax.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

Education and Experience:

Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to a bachelor's degree in accounting, business administration, or a related field. Experience in a public agency setting is desired.

Accountant I: One (1) year of experience performing professional accounting duties.

Accountant II: Three (3) years of experience performing professional accounting duties.

Licenses and Certifications:

- Possession of, or ability to obtain, a valid California Driver's License by time of appointment and a satisfactory driving record.
- Possession of a valid Certified Public Accountant (CPA) license is desired.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer, and to operate a motor vehicle to visit various City and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone. Standing in and walking between work areas is frequently required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification frequently bend, stoop, kneel, and reach to perform assigned duties, as well as push and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 25 pounds with the use of proper equipment. Reasonable accommodations will be made for individuals on a case-by-case basis.

ENVIRONMENTAL CONDITIONS

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.



SENIOR ACCOUNTING TECHNICIAN

DEFINITION

Under general supervision, performs a variety of specialized accounting duties in support of payroll and accounting functions including accounts payable and receivable; prepares, audits, reconciles, and maintains related financial and statistical records, reports, and statements; maintains City financial accounts and records and assists in the preparation of financial reports; prepares information in support of collective bargaining; and performs related duties, as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Financial Services Manager. Exercises technical and functional direction over staff.

DISTINGUISHING CHARACTERISTICS

This is an advanced journey-level and lead class in the Accounting Technician series that performs a variety of technical duties in support of the City's payroll and accounting systems. Incumbents are responsible for the overall preparation and distribution of payroll, maintenance of payroll records, and required reporting in accordance with Federal, State, and local laws, rules, and regulations. Incumbents perform the most complex and responsible types of duties assigned to the class series, exercising a high level of independent judgment and initiative. Incumbents provide functional and technical direction to staff as a regular part of their work routine and are required to be fully trained in all procedures related to the assigned functional area.

EXAMPLES OF TYPICAL JOB FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- Receives, reviews, verifies, and processes time recording documents to prepare payroll for all City employees; audits such documents for completeness, accuracy, and compliance with rules and regulations; prepares and balances payroll reports and records.
- Provides technical and functional direction to assigned staff; gives work assignments; reviews and controls quality of work; participates in performing complex account processing duties.
- Trains employees in work principles, practices, methods, policies, procedures, and applicable Federal, State, and local laws, rules, and regulations; participates in the selection and hiring of staff.
- Prepares journal entries, reconciliation of bank statements, general ledger entries, accounts payable expenditures, accounts receivable, and cash receipt transactions; balances journals and general ledger accounts.
- Researches, compiles, enters, and classifies data from varied sources to make summary reports; reviews data to determine variances and similarities.
- Processes, calculates, and maintains records of a variety of payroll actions, including new-hire set up, overtime hours, cost-of-living adjustments, incentive and/or premium pay, retroactive pay, benefits withholdings, wage garnishments, workers compensation claims, and final paychecks and pay-offs based on appropriate provisions; maintains employee records for voluntary and non-voluntary

- deductions; prepares payroll warrants and wire transfers; prepares reports and payments for various tax, financial, and insurance organizations.
- Conducts wage rate analyses; prepares alternative wage and salary packages used in collective bargaining; develops and drafts personnel rules and policies as they relate to payroll in coordination with the Payroll Manager and/or Human Resources.
 - Interprets, applies, explains, and ensures compliance with provisions of collective bargaining contracts and personnel rules as they apply to payroll and a wide variety of paid and unpaid leave usage; suggests contract and rule changes to improve payroll and time reporting.
 - Applies and ensures compliance with applicable tax laws and rulings with regard to the employee benefits program as well as earnings.
 - Receives and verifies timesheets; checks for available sick leave and vacation days and other types of available leave days and inputs into payroll system; advises supervisors and employees on requirements of union contracts for time reporting.
 - Processes personnel transactions making appropriate adjustments/changes in the payroll system.
 - Prepares reports and payments for employee retirement benefits; prepares quarterly Federal and State tax reports.
 - Prepares insurance premium statements for payment; updates insurance changes for City employees.
 - Assists departments and employees by providing payroll information, explains procedures, and answers labor contract questions pertaining to payroll.
 - Maintains a variety of files and records related to the City's payroll system and general accounting techniques and procedures; reconciles transactions and data as directed; records changes and resolves differences, maintains the accuracy of the accounting and financial records.
 - Checks and tabulates statistical and financial data.
 - Assists with training other accounting staff on various financial information and electronic record-keeping systems.
 - Assists with special projects as required.
 - Performs other related duties as assigned.

JOB-RELATED QUALIFICATIONS

Knowledge of:

- Public agency finance and account functions, payroll processes and techniques, employee benefits processes as they relate to payroll, and laws, rules, regulations, procedures, and office practices related to the processing and recording of payroll and financial transactions related to employee benefits.
- Terminology and practices of accounting and financial document processing and record-keeping, including utility billing, accounts payable, and/or accounts receivable.
- Computerized accounting and finance systems and computer software and systems related to finance and payroll processes; other computer applications related to work, including word processing and spreadsheet software.
- Record keeping, information processing requirements and rules and policies related to the production of an employee payroll.
- Payroll reporting and payment requirements of various State and Federal agencies and benefit providers.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures relevant to assigned area of responsibility, including the City's various Union Memoranda of Understanding and related contracts and documents.
- Principles and practices of auditing accounting and payroll documents.
- Principles of providing functional direction and training.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.

- The structure and content of the English language, including the meaning and spelling of words, rules of composition, and grammar.
- Modern equipment and communication tools used for business functions and program, project, and task coordination.

Ability to:

- Interpret, apply, explain, and ensure compliance with applicable Federal, State, and local laws, rules, regulations, policies, and procedures of accounting, payroll processing, employee record-keeping functions, basic employee benefits processes, and Union Memoranda of Understanding.
- Review payroll and other financial documents for completeness and accuracy.
- Review, post, balance, reconcile, and maintain accurate and confidential payroll records.
- Work closely with staff to maintain a high level of integrity and confidentiality when dealing with sensitive and complex payroll issues.
- Compose correspondence and reports independently or from brief instructions.
- Establish, maintain, and research payroll and related accounting records and files.
- Make accurate arithmetic, financial, and statistical computations.
- Enter and retrieve data from a computer with sufficient speed and accuracy to perform assigned work.
- Establish and maintain a variety of filing, record-keeping, and tracking systems.
- Plan, organize, and coordinate the work of technical staff.
- Understand, interpret, and apply all pertinent laws, codes, regulations, policies and procedures, and standards relevant to work performed.
- Effectively represent the department and the City in meetings with governmental agencies; community groups; various business, professional, and regulatory organizations; and in meetings with individuals.
- Learn and understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.
- Independently organize work, set priorities, meet critical deadlines, and follow-up on assignments.
- Effectively use computer systems, software applications, and modern business equipment to perform a variety of work tasks.
- Communicate clearly and concisely, both orally and in writing, using appropriate English grammar and syntax.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

Education and Experience:

Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to graduation from the twelfth (12th) grade supplemented by college-level coursework or specialized training in payroll, accounting, or a related field and three (3) years of experience that has included the maintenance, processing, and preparation of employee payroll and/or financial and accounting processing and record keeping.

Licenses and Certifications:

- Possession of a valid California Class C Driver's License and a good driving record, at the time of appointment.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone. This is primarily a sedentary office classification although standing and walking between work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects weighing up to 25 pounds.

ENVIRONMENTAL CONDITIONS

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.



Established: 2019
Reclassified to I/II: July 2023
Revised to LTD: February 2024
FLSA: Non-Exempt

HUMAN RESOURCES TECHNICIAN I/II (LIMITED TERM)

DEFINITION

Under general supervision, performs a variety of responsible paraprofessional, technical, and office administrative human resources support functions, including assisting with the recruitment, testing, and selection of staff, salary administration, insurance and benefit programs, and employee training and orientation; prepares, reviews, and distributes human resources information systems records; provides responsible technical and clerical support to professional staff in the Human Resources Department; assists in completing various human resources studies and reports; and performs related duties, as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Human Resources Manager. Exercises no supervision of staff.

DISTINGUISHING CHARACTERISTICS

This is a paraprofessional class in the Human Resources Department responsible for performing the full range of technical work in all of the following areas: recruitment, testing, and selection, classification, compensation, and benefits administration, and employee training and orientation, in addition to performing a variety of record-keeping, administrative, and technical support activities. Positions at this level receive only occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of the work unit. This class is distinguished from the Human Resources Specialist class in that the latter is a professional-level classification that requires the equivalent to a bachelor's degree and performs analytical human resources work.

EXAMPLES OF TYPICAL JOB FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- Participates in the recruitment, testing, and selection of employees, including preparing advertisements and recruitment job flyers, assisting in coordinating recruitment processes, and scheduling and coordinating written performance tests and interviews; advertises, posts, and mails job bulletins; assists in proctoring examinations; constructs rating notebooks; prepares and sends rater confirmation materials and thank you letters.
- Schedules and coordinates selection processes; obtains raters for selection panels and arranges interviews involving employees and other parties.
- Notifies candidates at all steps of the selection process, as assigned; processes employee pre-placement physical examination paperwork.
- Establishes and maintains employee personnel and benefits files and volunteer files.
- Coordinates background check process for required classifications; updates Department of Justice applicant clearance log.

- Utilizes the applicant tracking system; answers questions regarding open positions, application procedures, employment procedures, and basic salary administration practices; responds to requests for employment verification.
- Processes Personnel Action Forms (PAF's) involving terminations, resignations, promotions, and retirements.
- Performs administrative work related to multi-tiered employee benefits programs that include plans such as retirement, long-term disability, health, life, dental, vision, employee assistance program, and worker's compensation.
- Enters benefit enrollment and changes into related databases.
- Administers I-9 program, including issuing forms to new employees, verifying eligibility of employment, completing and signing off on forms, and maintaining accurate files.
- Conducts and coordinates orientations for newly hired employees and answers employee questions regarding benefits, open enrollment periods, and other information regarding employee benefits; photographs and creates employee identification cards.
- Processes employee exits, including Consolidated Omnibus Budget Reconciliation Act (COBRA) paperwork.
- Responds to employee and retiree questions and complaints and may interface with medical insurance providers and insurance representatives.
- Interprets and applies Federal, State, and local laws and regulations concerning human resources programs.
- Maintains employee handbooks and human resources policies and procedures, under the direction of supervisory and management staff.
- Attends labor management meetings with management staff and takes notes.
- Participates in special human resources projects and programs including training programs, open enrollment, and related events; coordinates and integrates program services and activities with other agencies and City departments.
- Receives and screens visitors, telephone calls, and emails, providing a high level of customer service to both external and internal customers; provides information to City staff, other organizations, and the public, requiring the use of judgment and the interpretation of complex policies, rules, procedures, and ordinances.
- Provides general administrative support to the Human Resources function, including preparing correspondence, memoranda, and reports, performing reception functions, processing mail, performing data entry, and maintaining schedules and records.
- Organizes and maintains various administrative, confidential, reference, and follow-up files; purges files as required.
- Operates standard office equipment, including job-related computer hardware and software applications, facsimile equipment, and multi-line telephones.
- Performs other related duties as assigned.

JOB-RELATED QUALIFICATIONS

Knowledge of:

- Basic principles and practices of the human resources function in a public agency setting.
- Policies and procedures related to recruitment, selection, classification, compensation, and benefits administration.
- Methods, techniques, and practices of data collection and basic report writing.
- Business letter writing and standard writing practices for correspondence.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures relevant to assigned area of responsibility.
- Record-keeping principles and procedures.

- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.
- The structure and content of the English language, including the meaning and spelling of words, rules of composition, and grammar.
- Modern equipment and communication tools used for business functions and program, project, and task coordination.
- Computers and software programs (e.g., Microsoft software packages) to conduct, compile, and/or generate documentation.

Ability to:

- Interpret, apply, and explain policies, procedures, and practices of human resources administration.
- Review human resources documents for completeness and accuracy.
- Administer effective recruitment, testing, and selection practices.
- Maintain accurate and confidential human resources records.
- Review and reconcile employee benefit records.
- Perform detailed human resources office support work accurately and in a timely manner.
- Maintain confidentiality of sensitive personal information of applicants, employees, former employees, and other matters affecting employee relations.
- Respond to and effectively prioritize multiple phone calls and other requests for service.
- Make accurate arithmetic and statistical computations.
- Enter and retrieve data from a computer with sufficient speed and accuracy to perform assigned work.
- Establish and maintain a variety of filing, record-keeping, and tracking systems.
- Understand, interpret, and apply all pertinent laws, codes, regulations, policies and procedures, and standards relevant to work performed.
- Effectively represent the department and the City in meetings with governmental agencies; community groups; various business, professional, and regulatory organizations; and in meetings with individuals.
- Learn and understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.
- Independently organize work, set priorities, meet critical deadlines, and follow-up on assignments.
- Effectively use computer systems, software applications, and modern business equipment to perform a variety of work tasks.
- Communicate clearly and concisely, both orally and in writing, using appropriate English grammar and syntax.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

Education and Experience:

Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to an associate degree in human resources management, business or public administration, or a related field, and two (2) years of technical human resources support experience in a public agency setting.

Licenses and Certifications:

- Possession of a valid California Class C Driver's License and a good driving record, at the time of appointment.
- Possession of a Human Resources Certification through either HR Certification Institute (HRCI) or the Society for Human Resource Management (SHRM) is highly desirable.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; to operate a motor vehicle and to visit various City and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone. This is primarily a sedentary office classification although standing and walking between work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard, typewriter keyboard, or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 25 pounds with the use of proper equipment.

ENVIRONMENTAL CONDITIONS

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures



Utility Manager (LIMITED TERM)

DEFINITION

Under general direction, plans, schedules, assigns, and reviews the work of consultants, contractors and staff within assigned area. The Manager will also assist with long- and short-term project planning, design, maintenance, and operations in one or more of the following utility areas: water, wastewater, collection systems, solid waste, telecommunications, storm drain systems, and other utility related programs. Additionally, the Manager performs a variety of complex and responsible support to the City Manager and Public Works Director on all City utility related matters.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the City Manager and Public Works Director. Exercises general direction and supervision over supervisory, technical, operational, and administrative support staff.

DISTINGUISHING CHARACTERISTICS

This is a management classification responsible for planning, organizing, reviewing, evaluating the work of City consultants, contractors and staff. Responsibilities include developing and implementing policies and procedures for assigned programs, budget administration and reporting, contract administration, and program evaluation. Incumbents serve as a resource for organizational, managerial, and operational analyses and studies. Performance of the work requires the use of considerable independence, initiative, and discretion within established guidelines. This class is distinguished from the Public Works Director in that the latter has overall management responsibility for all public works programs, functions, and activities, and for developing, implementing, and interpreting public policy.

EXAMPLES OF TYPICAL JOB FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- Oversee the operations and contract management of the City's water, wastewater, collection systems, solid waste, telecommunications, and other utility related programs.
- Oversees the development of consultant requests for proposals and qualifications for professional services; evaluates proposals and recommends project award; develops, negotiates, and reviews contract terms and amendments; ensures contractor compliance with City and department standards and specifications and time and budget estimates; reviews and updates deliverables; analyzes and resolves complex problems that may arise.
- Advertises, awards, administers public contract for utility related capital projects.
- Participates in the development and implementation of goals, objectives, policies, and priorities for utility services.
- Develops and standardizes procedures and methods to improve operations, and continuously monitors the efficiency and effectiveness of assigned programs, service delivery methods, and procedures; assesses and monitors workload, administrative and support systems, and internal reporting relationships; identifies opportunities for improvement and recommends changes to management.
- Selects, trains, motivates, and evaluates assigned personnel; provides or coordinates staff training; works with employees on performance issues; implements discipline and termination procedures.
- Materially contributes to the development, management and oversight of division budget.

- Meets and confers with contractors, engineers, developers, architects, a variety of outside agencies, including regional and regulatory agencies, and the general public in acquiring information and coordinating utility matters.
- Serves as a liaison for the department to other City departments, divisions, elected officials, outside agencies, and the public; attends meetings in various locations; provides staff support to commissions, committees, and task forces; participates in community events and workshops that provide public information regarding departmental programs, projects, and services; explains and interprets departmental programs, policies, and activities.
- Provides highly complex staff assistance to the City Manager and Public Works Director; serves as a resource to City staff and consultants related to assigned utilities; conducts a variety of organizational and operational studies, special projects, and investigations.
- Prepares and presents concise, accurate, and compelling staff reports, presentations, graphs, charts, and other necessary materials and correspondence related to assigned activities and services to various personnel, boards, City Council, commissions, committees, and boards.
- Attends and participates in professional group meetings; stays abreast of new trends and innovations in utilities; researches emerging products and enhancements and their applicability to City needs; monitors changes in regulations and technology that may affect utility programs; implements policy and procedural changes after approval.
- Responds to difficult and sensitive public inquiries and complaints and assists with resolutions and alternative recommendations.
- Performs other related duties as assigned.

JOB-RELATED QUALIFICATIONS

Knowledge of:

- Principles and practices of employee supervision, including work planning, assignment review and evaluation, discipline, and the training of staff in work procedures.
- Principles and practices of leadership and supervision.
- Organization and management practices as applied to the development, analysis, and evaluation of programs, policies, and operational needs of the assigned area of responsibility.
- Contract management practices and knowledge of public contracting laws in a public agency setting.
- Operation of processes and equipment common to water and wastewater collection systems and treatment facilities, water treatment and distribution, stormwater collection, solid waste diversion and recycling, solid waste franchising and transport, National Pollution Discharge Eliminations System (NPDES).
- Applicable federal, state, and local laws, regulatory codes, ordinances, safety regulations, and procedures relevant to water, wastewater, storm water systems, solid waste, and other utilities.
- Project management practices associated with public works programs and private development projects.
- Principles and practices of environmental impact assessment and related regulatory processes.
- Methods, materials and techniques used in the construction of public works projects.
- Practices of researching issues, evaluating alternatives, making sound recommendations, and preparing and presenting effective staff reports.
- Municipal public works activities, including engineering, water, wastewater, streets, transportation, facility, parks and public right of ways.
- General principles of risk management related to the functions of the assigned area.
- Recent and on-going developments, current literature, and sources of information related to assigned programs and services.
- Applicable federal, state, and local laws, rules, regulations, ordinances, and City policies and procedures relevant to assigned area of responsibility including Title 21 and 22 of California regulations and AB 1343.
- Operation and maintenance of storm water pump stations

- Utility system standard plans
- Operation and maintenance of potable water well and pump systems
- Principles and practices of public works contract administration and grant proposal writing.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.
- The structure and content of the English language, including the meaning and spelling of words, rules of composition, and grammar.
- Modern equipment and communication tools used for business functions and program, project, and task coordination.
- Computers and software programs (e.g., Microsoft software packages) to conduct, compile, and/or generate documentation.

Ability to:

- Select, supervise and mentor staff, provide training and development opportunities, ensure work is performed effectively, and evaluate performance objectively and positively.
- Provide administrative, management, and professional leadership for the division and the City.
- Plan, organize, and direct effective utility services and programs.
- Conduct complex utilities research projects, evaluate alternatives, make sound recommendations, and prepare effective technical reports.
- Prepare and administer large and complex budgets; allocate limited resources in a cost-effective manner.
- Research, analyze, and evaluate new service delivery methods, procedures, and techniques.
- Effectively administer complex projects with contractual agreements and ensure compliance with stipulations.
- Conduct effective negotiations and effectively represent the City and the department in meetings with governmental agencies, contractors, vendors, and various businesses, professional, regulatory, and legislative organizations.
- Prepare clear and concise reports, correspondence, policies, procedures, and other written materials.
- Understand, interpret, explain, and apply all pertinent laws, codes, regulations, policies and procedures, and standards relevant to work performed.
- Effectively represent the department and the City in meetings with governmental agencies; community groups; various business, professional, and regulatory organizations; and in meetings with individuals.
- Learn and understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.
- Effectively use computer systems, software applications, and modern business equipment to perform a variety of work tasks.
- Communicate clearly and concisely, both orally and in writing, using appropriate English grammar and syntax.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.
- Work the hours necessary to accomplish the assigned duties, including evening and weekend hours; attend evening meetings; travel out of town and attend workshops, conferences, seminars during work and non-work hours.

Education and Experience:

Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to a bachelor's degree with major coursework related to water systems, environmental or civil engineering, biological or physical sciences, and seven years increasingly responsible experience in water systems, wastewater collection and/or other public utilities; including three years of supervisory experience and possession of a valid and appropriate California Driver's License.

Licenses and Certifications:

Highly Desired:

- Water Distribution Operator Grade D2 certificate issued by the California State Water Resource Control Board.
- Water Treatment Operator Grade T2 certificate issued by the California State Water Resource Control Board.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer, to inspect City sites, including traversing uneven terrain, climbing ladders, stairs, and other access points, to operate a motor vehicle, and to visit various Agency and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone. This is primarily a sedentary office classification although standing and walking between work areas and to conduct inspections may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects weighing up to 20 pounds.

ENVIRONMENTAL CONDITIONS

Employees predominately work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees will work in the field and occasionally be exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibration, mechanical and/or electrical hazards, and hazardous chemical substances and fumes. Employees may interact with members of the public or with staff under emotionally stressful conditions while interpreting and enforcing departmental policies and procedures.

Senior Accounting Technician (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	34.6288	36.3602	38.1782	40.0871	42.0915
Bi-Weekly	2,770.30	2,908.82	3,054.26	3,206.97	3,367.32
Monthly	6,002.32	6,302.43	6,617.56	6,948.43	7,295.86
Annual	72,027.82	75,629.21	79,410.67	83,381.21	87,550.27

Assistant to the City Manager (Non Bargaining- MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	64.7422	67.9793	71.3783	74.9472	78.6945
Bi-Weekly	5,179.37	5,438.34	5,710.26	5,995.77	6,295.56
Monthly	11,221.98	11,783.08	12,372.23	12,990.84	13,640.38
Annual	134,663.73	141,396.92	148,466.76	155,890.10	163,684.60

Human Resources Technician I (18 Month LTD) (Non Bargaining - SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	39.0416	40.9937	43.0433	45.1955	47.4553
Bi-Weekly	3,123.33	3,279.49	3,443.47	3,615.64	3,796.42
Monthly	6,767.21	7,105.57	7,460.85	7,833.89	8,225.58
Annual	81,206.50	85,266.82	89,530.16	94,006.67	98,707.00

Human Resources Technician II (18 Month LTD) (Non Bargaining - SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	42.9458	45.0931	47.3477	49.7151	52.2009
Bi-Weekly	3,435.66	3,607.45	3,787.82	3,977.21	4,176.07
Monthly	7,443.94	7,816.14	8,206.94	8,617.29	9,048.15
Annual	89,327.26	93,793.62	98,483.31	103,407.47	108,577.84

Accountant I (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	35.8622	37.6553	39.5381	41.515	43.5907
Bi-Weekly	2,868.98	3,012.42	3,163.05	3,321.20	3,487.26
Monthly	6,216.11	6,526.92	6,853.27	7,195.93	7,555.73
Annual	74,593.38	78,323.04	82,239.20	86,351.16	90,668.71

Utility Manager (6 Month LTD) (Non Bargaining - MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	72.9746	76.6233	80.4545	84.4772	88.7011
Bi-Weekly	5,837.97	6,129.87	6,436.36	6,758.18	7,096.09
Monthly	12,648.93	13,281.38	13,945.45	14,642.72	15,374.86
Annual	151,787.21	159,376.57	167,345.40	175,712.66	184,498.30



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2023
TO: Honorable Mayor and Members of the City Council
VIA: Melvin E. Gaines, City Manager
BY: Ana M Torres-Mondragon, Human Resources Manager
SUBJECT: City Attorney Salary

Recommendation

Adopt a resolution approving a salary increase for the City Attorney.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority No. 3: Increase Organizational Effectiveness and Efficiency

Background

On January 9, 2023, John D Lê began his service as East Palo Alto's City Attorney ("City Attorney"). In December 2023, as per his contract, the City Attorney's performance evaluation was conducted.

Per the positive evaluation, the City Attorney was granted the following:

- The same 2.5% Cost of Living Adjustment (COLA) provided to other East Palo Alto staff; and
- A 3% merit increase, bringing the total base salary to \$239,979.63.

The total increase amount of the contract is \$12,511 annually.

Fiscal Impact



POLICY AND ACTION ITEM 9.1

The current budget provides for the contract compensation changes.

Environmental

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) and (5) in that it is a governmental fiscal, organizational or 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 involves a personnel contract, the Levine Act is not applicable.

Analysis of Levine Act Compliance: Not applicable.

Attachments

A. Resolution

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO AUTHORIZING A
SALARY INCREASE FOR THE CITY ATTORNEY**

WHEREAS, the East Palo Alto City Council appointed John D. Lê as City Attorney, on December 6, 2022, effective January 9, 2023, and

WHEREAS, pursuant to the contract between the City and John D. Lê, a performance evaluation was conducted and the City Council decided upon a salary increase;

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 a three percent (3%) merit increase in salary for an annual base salary of 239,979.63;
3. Finds that 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) and (5) in that it is a governmental fiscal, organizational or administrative activity that will not result in direct or indirect changes in the environment.

PASSED AND APPROVED on this 6th day of February 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

Antonio Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney



POLICY AND ACTION ITEM 9.2



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2023
TO: Honorable Mayor and Members of the City Council
VIA: Melvin E. Gaines, City Manager
BY: Ana M Torres-Mondragon, Human Resources Manager
SUBJECT: City Manager Salary Increase and Contract Amendment

Recommendation

Adopt a resolution:

1. Approving a salary increase for City Manager Melvin E. Gaines; and
2. Authorizing the Mayor to execute a first amendment to the employment agreement between City Manager Melvin E. Gaines and the City of East Palo Alto.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority No. 3: Increase Organizational Effectiveness and Efficiency

Background/Analysis

On January 30, 2023, Melvin E. Gaines began his service as East Palo Alto's City Manager ("City Manager"). In December 2022, as per his current contract, the City Manager's performance evaluation was conducted.

Per the positive evaluation, the City Manager was granted the following:

- A contract extension of one year to the current contract, extending its timeframe to January 30, 2026;
- The same 2.5% Cost of Living Adjustment (COLA) provided to other East Palo Alto staff; and
- A 3% compensation adjustment, raising his annual salary to \$242,650, to counter compaction issues with senior staff.



POLICY AND ACTION ITEM 9.2

The total increase of the contract is \$12,650 annually.

Fiscal Impact

The current budget provides for the contract compensation changes.

Environmental

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) and (5) in that it is a governmental fiscal, organizational or 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 involves a personnel contract, the Levine Act is not applicable.

Analysis of Levine Act Compliance: Not applicable.

Attachments

- A. Resolution
- B. First Amendment to City Manager Employment Agreement

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO
APPROVING A SALARY INCREASE FOR THE CITY MANAGER AND AUTHORIZING THE
MAYOR TO EXECUTE A FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF EAST PALO ALTO AND MELVIN E. GAINES**

WHEREAS, the East Palo Alto City Council appointed Melvin E. Gaines, as City Manager, commencing January 30, 2023; and

WHEREAS, upon the successful completion of his annual performance evaluation, the City Manager is being awarded a salary increase and the term of his employment agreement is being extended;

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 a salary increase of \$12,650 annually for a new base salary of \$242,650;
3. Authorizes the Mayor to execute the First Amendment to Employment Agreement First Amendment) for City Manager, attached as Exhibit B, between the City of East Palo Alto and Melvin E. Gaines, on behalf of the City Council; and
4. Finding that 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) and (5) in that it is a governmental fiscal, organizational or administrative activity that will not result in direct or indirect changes in the environment.

PASSED AND APPROVED on this 6th day of February 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

Antonio Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney

FIRST AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT

This FIRST AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT ("FIRST AMENDMENT"), for reference dated February 6, 2024, is by and between MELVIN E. GAINES ("GAINES") and the CITY OF EAST PALO ALTO, a municipal corporation ("CITY"), is made with reference to the following facts:

RECITALS:

WHEREAS, on January 30, 2023, Melvin E. Gaines began his service as East Palo Alto's City Manager; and

WHEREAS, in December 2023, the City Manager's performance evaluation was conducted; and

WHEREAS, as a result of the performance evaluation the City Council desires to extend the contract by one year and provide a three percent (3%) base salary increase.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES AGREE TO AMEND SECTIONS 3 AND 4 OF THE EMPLOYMENT AGREEMENT AS FOLLOWS:

AGREEMENT:

3. Term. The term of this AGREEMENT shall commence at 8:00 am on January 30, 2023 ("Effective Date") and shall extend for a period of three years, through January 30, 2026, unless terminated sooner in accordance with the terms in this AGREEMENT.

4. Compensation. For and in exchange for the services provided herein, GAINES shall be compensated at an annual base salary of Two Hundred Forty-Two Thousand Six Hundred Fifty Dollars (\$242,650.00). GAINES shall be paid on a prorated basis bi-weekly in accordance with the CITY's payroll practices and paid at the same time as other employees of the CITY are paid, effective the first full pay period after the Effective Date of this AGREEMENT.

All other provisions of the original AGREEMENT between the parties remain in full force and effect.

IN WITNESS WHEREOF, the parties have entered into this FIRST AMENDMENT.

CITY OF EAST PALO ALTO,
A municipal corporation

MELVIN E. GAINES,
An individual

BY: _____
Antonio Lopez, Mayor

BY: _____
Melvin E. Gaines

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2024

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Jeremy Dennis, Consultant, MRG

SUBJECT: City Attorney & City Manager Performance Evaluation Criteria

Recommendation

By motion, adopt evaluation criterium and tool for the City Manager and City Attorney annual evaluation process.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority No. 3: Increase Organizational Effectiveness and Efficiency

Background

The City contracted with MRG, LLC (consultant) to support the development of evaluation criteria for the City Manager and City Attorney, to be used by the City Council for its annual evaluations of each position. The City Council selected the Mayor and Vice Mayor to serve on an ad hoc committee to work with the City Manager, City Attorney and the consultant to develop these criterium.

Based on the feedback to the above and an analysis of best practices from professional organizations and current processes employed by municipalities, the ad hoc committee is proposing the following:

1. City Manager Evaluation – the ad hoc committee based its recommendation for

POLICY AND ACTION ITEM 9.3

evaluation criteria on the current model used by the City of Lexington North Carolina, and the criteria recommended by the International City/County Managers Association's (ICMA) [fourteen core competencies](#) essential to local government leadership and management:



The tool, as recommended by the committee, is a web-based survey that each council member would be provided at the outset of the annual evaluation process. The tool provides for both narrative and ranking-style input from the Council (Attachment 1)

2. City Attorney Evaluation – the ad hoc committee based its recommendations for evaluation criteria primarily on existing models, including the City of Menlo Park's tool, that utilizes a similar competency document as the City Manager competence discussed in the above section [as informed by ICMA](#).

Similar to the City Manager's tool, the City Attorney tool is a web-based survey, with narrative and ranking-style input opportunities (Attachment 2).

Fiscal Impact

There is no fiscal impact associated with the adoption of these evaluation tools.

Environmental

POLICY AND ACTION ITEM 9.3

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) and (5) in that it is a governmental fiscal, organizational or administrative activity that will not result in direct or indirect changes in the environment.

Government Code § 84308

Applicability of Levine Act: No, as the entitlement involves a personnel contract, the Levine Act is not applicable.

Analysis of Levine Act Compliance: Not applicable.

Attachments

- A. City Manager Evaluation Tool
- B. City Attorney Evaluation Tool

DRAFT East Palo Alto City Manager Evaluation

* Required

Overview and Instructions

Overview

This evaluation form is based on the International City Manager's Association (ICMA) "Manager Evaluations Handbook" and "Practices for Effective Local Government Management and Leadership" (links below). Specifically, ICMA developed 14 core competencies areas "critical for effective local government management" that are utilized as evaluation criteria. Each of the ranking questions below asks questions about each of these 14 areas.

Instructions

The survey consists of two sections:

1. Ten questions with three parts - an overall ranking on each evaluation criterion, and two narrative opportunities to share additional thoughts,
2. A narrative section, with seven questions, asking high-level and summary questions.

You must complete the ranking sections of all ten questions, and the narrative section.

<https://icma.org/page/practices-effective-local-government-management-and-leadership>
https://www.ca-ilg.org/sites/main/files/file-attachments/manager_evaluations_handbook.pdf?1498671576

MANAGEMENT OF THE ORGANIZATION

1. Effectively runs the operations of the organization. Creates a collaborative, team building environment for staff. Recognizes the accomplishments of staff and other agencies working on behalf of the City. Supports a commitment to diversity/inclusion, professional growth (for himself and his team), succession planning, and opportunity within the organization. Accepts full accountability for staff and the outcome of City projects or decisions. Actively addresses mission critical services, identifies organizational problems and takes remedial action, including in areas where service delivery to the public is affected. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

2. Your General Comments

3. Improvement Comments, If Applicable

EXECUTION OF POLICY

4. Understands and complies with ordinances, policies and procedures governing the City including Federal and State legislation and directives. Implements City policy, fairly and consistently, based upon Council decisions, initiatives, and applicable laws and regulations. Presents matters in a factual, analytical way. Coordinates Council policy decisions to staff, other organizations and the community. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

5. Your General Comments

6. Improvement Comments, If Applicable

FISCAL MANAGEMENT

7. Properly prepares and manages the budget. Demonstrates ingenuity and creativity in approaching budgetary matters, including long-range financial needs, monitoring and adaptation for the organization. Incorporates evolving role of technology in service provision. Actively works to sustain cost-competitive government and utility services. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

8. Your General Comments

9. Improvement Comments, If Applicable

RELATIONS WITH THE COUNCIL

10. Makes an effort to be accessible to Council members. Handles issues that are brought by the Council in a consistent and timely manner. Maintains an honest, truthful and professional relationship with each Council member. Keeps a positive attitude and approach to new ideas, issues and complaints raised by Council members. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

11. Your General Comments

12. Improvement Comments, If Applicable

RELATIONS WITH THE CITY ATTORNEY

13. Maintains a professional relationship with the City Attorney and is available when needed. Respects the independent nature of the City Attorney's role, while still operating at the primary advisor to the Council. Handles issues that are brought by the Council in a consistent and timely manner. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

14. Your General Comments

15. Improvement Comments, If Applicable

COMMUNITY RELATIONS AND ENGAGEMENT

16. Makes an effort to understand issues, concerns, and the values of the community. Meets with and listens to members of the community to discuss concerns and strives to understand their interests. Leverages public engagements and community interactions to educate and advocate on City initiatives and services. Represents the City well and in a professional and positive manner. Works proactively and maintains a nonpartisan professional approach with the media and press. Professionally leverages social media. Works effectively and synergizes collaboration with partner agencies, neighboring jurisdictions and community organizations.

*

- ☐ Far Exceeds Expectations
- ☐ Exceeds Expectations
- ☐ Meets Expectations
- ☐ Below Expectations
- ☐ Far Below Expectations
- ☐ N/A

17. Your General Comments

18. Improvement Comments, If Applicable

COMMUNICATIONS

19. Ensures that Council members receive important information in a timely and effective manner. Provides regular updates to the Council, keeping them informed about current and critical issues. Presents the Council and community with clear and accurate reports and correspondence. Responds to correspondence, requests and complaints, timely and appropriately. Facilitates open two-way communication and encourages mutual honesty and respect with Council, staff and the community. Staff reports are clear and useful. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

20. Your General Comments

21. Improvement Comments, If Applicable

LEADERSHIP

22. Provides the Council and the organization with real solutions and creative alternatives to issues and problems that reflect the values of the community. Anticipates and responds to issues. With his team, provides strategic planning support and suggestions in anticipation of major issues and initiatives. Assures that Council decisions are thought out, objective, consistent with past practices and are legal and ethical. Makes use of sound administrative practices. Positively leads through collaboration, mentoring, coaching and motivational techniques. Represents the organization as a positive City ambassador. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

23. Your General Comments

24. Improvement Comments, If Applicable

PROFESSIONALISM

25. Deals effectively and appropriately with the public and other organizations. Devotes time and energy to the job. Demonstrates high ethical standards and integrity. Works to keep “politics” and personal perspectives out of the decision-making process. Stays abreast and active in professional organizations and current issues. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

26. Your General Comments

27. Improvement Comments, If Applicable

VISION, INITIATIVE AND PLAN EXECUTION

28. Sets an example that urges the organization and the community toward innovation, problem solving and solution oriented action. Actively works to envision a future state resisting the status quo and develops new ideas and initiatives for consideration. Adapts to evolving technological advancements and social media platforms. Offers professional recommendations and implements Council's vision to make East Palo Alto a City of Choice. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

29. Your General Comments

30. Improvement Comments, If Applicable

Narrative Evaluation

31. What would you identify as the City Manager's strengths as observed during this evaluation period? *

32. What would you identify as the City Manager's opportunities for improvement as observed during this evaluation period? *

33. Are there any initiatives or projects, outside of the Council Priority process, you would like the City Manager to take on in the next evaluation period? *

34. Did the City Manager effectively address/implement/keep you abreast of any initiatives you requested he/staff evaluate? *

35. What performance areas would you identify as most critical for improvement? *

36. What suggestions or assistance can you offer the City Manager? *

...

37. What other comments do you have for the City Manager (for example, about priorities, expectations, or specific objectives for the next year)? *

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DRAFT East Palo Alto City Attorney Evaluation

* Required

Overview and Instructions

Overview

This evaluation form is based on the International City Manager's Association (ICMA) Draft City Attorney Evaluation form, and the City of Menlo Park's City Attorney Evaluation form (links below).

Instructions

The survey consists of two sections:

1. Six questions with three parts - an overall ranking on each evaluation criterion, and two narrative opportunities to share additional thoughts,
2. A narrative section asking high-level and summary questions.

You must complete the ranking sections of all six questions, and the narrative section.

https://icma.org/sites/default/files/301269_City%20Attorney%20Performance%20Evaluation.pdf

<https://www.cacities.org/UploadedFiles/LeagueInternet/e3/e358adf5-8692-4524-995b-de02cd51a003.pdf>

PROVISION OF LEGAL SERVICES

1. Provides competent legal advice in a constructive, results-oriented and useful manner. Capably represents the City's interest, as determined by the City Council, in all forums. Prepares ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes for which they were intended. Ensures the City's codes are up-to-date, and enforces the City's laws effectively. Performs services in a timely manner, consistent with professional standards and deadlines *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

2. Your General Comments

3. Improvement Comments, If Applicable

GENERAL MANAGEMENT OF THE CITY ATTORNEY'S OFFICE

4. Manages the operations of the City Attorney's Office (and outside counsel) in an effective manner. Maintains effective communications with internal and external partners. Provides opportunities for staff growth and professional development. Provides a positive and constructive work environment for staff. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

5. Your General Comments

6. Improvement Comments, If Applicable

RELATIONS WITH THE COUNCIL

7. Maintains effective and timely communications with Council members. Keeps Council and staff apprised of court rulings and legislation that may affect the City. Maintains appropriate availability to Council members, as needed. Maintains a professional, objective and unbiased relationship with the Council. Maintains consistency of opinions between attorneys and his/her own opinions. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

8. Your General Comments

9. Improvement Comments, If Applicable

CITY MANAGER RELATIONS

10. Maintains an effective professional relationship with the City Manager. Maintains availability, as needed. Maintains objectivity and independence in providing legal advice to the City Council, while recognizing the City Manager as the primary advisor to the City Council. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

11. Your General Comments

12. Improvement Comments, If Applicable

MANAGEMENT CHARACTERISTICS

13. Is a creative thinker, interested in hearing the ideas of the Council and each member of legal issues. Always considers City Council's position/priorities before providing advice. Remains positive when tackling challenging issues or community concerns. Remains objective and decisive. Willing to provide advice, even when it is not the answer that is wanted. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

14. Your General Comments

15. Improvement Comments, If Applicable

PROFESSIONALISM

16. Deals effectively and appropriately with the public and other organizations. Devotes time and energy to the job. Demonstrates high ethical standards and integrity. Works to keep “politics” and personal perspectives out of the decision-making process. Stays abreast and active in professional organizations and current issues. *

☐ Far Exceeds Expectations

☐ Exceeds Expectations

☐ Meets Expectations

☐ Below Expectations

☐ Far Below Expectations

☐ N/A

17. Your General Comments

18. Improvement Comments, If Applicable

Narrative Evaluation

19. What would you identify as the City Attorney's strengths as observed during this evaluation period? *

20. What would you identify as the City Attorney's opportunities for improvement as observed during this evaluation period? *

21. Did the City Attorney effectively address/implement/keep you abreast of any initiatives you requested he/staff evaluate? *

22. What performance areas would you identify as most critical for improvement? *

23. What suggestions or assistance can you offer the City Attorney? *

24. What other comments do you have for the City Attorney (for example, about priorities, expectations, or specific objectives for the next year)? *

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EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager, or John D. Lê, City Attorney

BY: Amy Chen, Community & Economic Development Director
Karen Camacho, Housing and Economic Development Manager
Yajaira Morales, Housing Project Manager

SUBJECT: Adoption of 2024-2028 Affordable Housing Strategy

Recommendation

Adopt a resolution:

1. Adopting the 2024-2028 Affordable Housing Strategy, attached hereto as Exhibit A;
2. Authorizing staff to make non-substantive changes, and directs staff, if an amendment to the Affordable Housing Strategy is required by the California Department of Housing as a condition of issuance of a Housing Element compliance letter, to make such required revisions to the 2024-2028 Affordable Housing Strategy; and
3. Finding 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.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority: Promote Housing, Economic and Workforce Development



POLICY AND ACTION ITEM 9.4

Background

On October 16, 2018, the City Council adopted an Affordable Housing Strategy, for the years of 2019 to 2023. The 2019-2023 Affordable Housing Strategy is available at the City of East Palo Alto's Affordable Housing Strategy webpage at: <https://www.cityofepa.org/housing/page/affordable-housing-strategy>.¹

This strategy guided the City of East Palo Alto in its efforts to meet East Palo Alto's affordable housing needs. Staff have been directed to update the strategy for the next five years, to the end of 2028.

The proposed 2024-2028 Affordable Housing Strategy builds on the efforts undertaken to create the 2023-2031 Housing Element, which incorporates what staff heard at four community meetings held in East Palo Alto, one countywide community meeting on fair housing and equity issues, survey results, as well as public comment submitted online and at Planning Commission and Council meetings. In addition, the City hosted a community meeting on November 16, 2023, to hear additional input from residents. The meeting was not well attended. The City also conducted a survey from November 27, 2023 to January 5, 2024 to gather community input on housing problems and funding priorities. There were a total of 48 respondents, 52% of which were tenants, 40% of which were homeowners, and 8% of which were other (see Attachment 3 for a summary of the survey results).

In an effort that grew out of the work of 21 Elements, the Housing Endowment and Regional Trust of San Mateo County (HEART) has created a new Housing Consulting Services Program. San Mateo County communities can contract with HEART on an ongoing basis to add to communities' housing policy and program capacity. Under the contract between HEART and the City of East Palo Alto, Tim Davis from HEART provided substantial assistance in the preparation of this strategy.

While the City Council adopted the 2023-2031 Housing Element on February 21, 2023, and later revised December 2023, the California Department of Housing and Community Development (HCD) has not yet issued a compliance letter. The draft Affordable Housing Strategy is based on the Revised Housing Element issued in December 2023. It is not expected that any additional edits, if required from HCD, would materially affect the Affordable Housing Strategy. Therefore, staff is recommending moving forward with adoption of the Affordable Housing Strategy to provide policy and budget direction for implementing the 2024-2028 work program. If an amendment to the proposed Affordable Housing Strategy is required by HCD as a condition of issuance of a Housing Element compliance letter, staff will make such required revisions to the 2024-2028 Affordable Housing Strategy for alignment.

¹ View 2019-2023 East Palo Alto Affordable Housing Strategy at: https://www.cityofepa.org/sites/default/files/fileattachments/housing/page/20967/affordable_housing_strategy_201903181537592675.pdf



POLICY AND ACTION ITEM 9.4

Analysis

The proposed 2023-2028 Affordable Housing Strategy reflects a focused approach to developing both strategic goals and tactical actions that will satisfy the unique needs and leverage the current opportunities in East Palo Alto, including the following elements:

- **Need for Affordable Housing.** The high cost of local housing and relatively low incomes of renter households contribute to the urgent need for increasing the supply of deed-restricted affordable housing.
- **Guiding Principles.** Staff have identified the core values that will guide the development of the City's goals and implementation of the recommended actions.
- **Goals.** Based on the local need, values, and opportunities, staff developed a set of specific goals that are good mix of both reasonably achievable and aspirational over the 5-year duration of the Strategy.
- **Actions.** Each goal is accompanied by policy and programmatic actions that Council may consider, if appropriate.
- **Programmatic Resources and Uses.** Staff has outlined current resources available for both affordable housing development and other programs that will address the housing needs of East Palo Alto residents, and detailed investments the City can make to support these programs.
- **Workplan.** The workplan provides information on when and how, during the five-year period, the proposed actions will be undertaken.

The *2024-2028 City of East Palo Alto Affordable Housing Strategy* is attached as Exhibit A.

The City Council has already adopted some of the goals and actions contained in the proposed 2024-2028 Affordable Housing Strategy as part of the adoption of the 2023-2031 Housing Element. While the 2023-2031 Housing Element has target dates to achieve goals by 2031, the Affordable Housing Strategy establishes more incremental goals to make progress by 2028. The Council may adopt the specific numerical goals and recommendations for spending in whole or in part, and the City Council may add other actions that are not currently included to address existing and emerging needs not considered during the adoption of the Housing Element. Staff may also present any input or information learned from the Council's Strategic Priorities Retreat on Saturday, February 3, 2024, which can be incorporated on the dais, as the Council deems appropriate.

Fiscal Impact

There is no fiscal impact to the General fund for adopting the Strategy.



POLICY AND ACTION ITEM 9.4

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 the San Mateo Co. Library located at 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.

Government Code § 84308

Applicability of Levine Act: No, as this item does not relate to an entitlement within the meaning of that term in the Levine Act.

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Resolution
2. Exhibit A: 2024-2028 City of East Palo Alto Affordable Housing Strategy
3. Affordable Housing Strategy Summary Survey Results

RESOLUTION NO. XX-2024

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

**ADOPTING THE CITY OF EAST PALO ALTO UPDATED AFFORDABLE HOUSING
STRATEGY**

WHEREAS, the State of California is facing an unprecedented housing crisis and the housing crisis in the Bay Area is severe; and

WHEREAS, almost half of East Palo residents are housing cost burdened, meaning they pay more than 30 percent of their income to housing costs; and

WHEREAS, nearly two-thirds of the City's households earning less than 30% AMI are severely cost burdened, meaning that they pay more than 50% of their gross income on housing; and

WHEREAS, data available from the Association of Bay Area Governments identifies portions of low-income residents in portions of East Palo Alto may be susceptible to economic displacement pressures, and that portions of East Palo Alto are at heightened risk of damage due to flooding or earthquakes, undermining the stability of current households; and

WHEREAS, on October 16, 2018, the City Council adopted an Affordable Housing Strategy, for the years of 2019 to 2023; and

WHEREAS, building on efforts undertaken to create the 2023-2031 Housing Element, the Council considered a revision to the 2019-2023 Affordable Housing Strategy that was the product of community input obtained during four community meetings held in East Palo Alto, one countywide community meeting on fair housing and equity issues, survey results, and public comment submitted online and at Planning Commission and Council meetings; additionally, one such community meeting was held on November 16, 2023 to hear additional input from residents, and a survey was open from November 27, 2023 to January 5, 2024 to gather community input on housing problems and funding priorities; and

WHEREAS, the City of East Palo Alto staff presented to the Council on February 6, 2023 a proposed 2024-2028 Affordable Housing Strategy that serves as a roadmap to facilitate the development of 300 new affordable units and the support programs intended to make sure current East Palo Alto residents can continue to call this City their home.

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

1. Finds the foregoing recitals are true and correct, and are incorporated by this reference into this action;
2. Adopts the 2024-2028 Affordable Housing Strategy, attached hereto as Exhibit A and incorporated by this reference; and

3. Authorizes staff to make non-substantive changes, and directs staff, if an amendment to the Affordable Housing Strategy is required by the California Department of Housing as a condition of issuance of a Housing Element compliance letter, to make such required revisions to the 2024-2028 Affordable Housing Strategy.
4. 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 6th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Antonio D. Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney



CITY OF EAST PALO ALTO AFFORDABLE HOUSING STRATEGY

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EAST PALO ALTO AFFORDABLE HOUSING STRATEGY

SUMMARY OF GOALS

Goal 1: Create More Housing That Is Affordable to East Palo Alto Residents.

Goal 2: Create Homeownership Opportunities for East Palo Alto Residents and Stability for Existing Homeowners.

Goal 3: Preserve Existing Affordable and Rent Stabilized Housing.

Goal 4: Prevent Displacement of East Palo Alto Residents.

Goal 5.1: Apply Environmental Justice Principles in Planning for New Housing Development.

Goal 5.2: Expand and Establish Programs to Promote Fair Housing Practices for East Palo Alto Residents.

Goal 6: Promote Safe and Healthy Housing in East Palo Alto.

Goal 7: Create More Housing Opportunities for Special Needs Households, Including Large Households, People at Risk of or Experiencing Homelessness, and Individuals with Disabilities.

Goal 8: Improve Transparency and Communication Between the City and the Public on Housing Issues.

Goal 9: Build City Capacity for Long-term Housing Planning and Implementation of a Range of Housing Programs and Initiatives.

Goal 10: Amend Zoning and Other Development Regulations to Facilitate the Construction of Affordable and Special Needs Housing.

INTRODUCTION

Purpose of the Strategy

Through the *2019-2023 City of East Palo Alto Affordable Housing Strategy*, the City of East Palo Alto (the City) established a series of goals and actions to increase the availability of affordable housing to meet the needs of East Palo Alto residents. The *2024-2028 City of East Palo Alto Affordable Housing Strategy* (the Strategy) builds on these past efforts, what we heard from the community during Housing Element meetings held in 2021 and 2022, and the commitments made in the *2023-2031 Housing Element*.

The Strategy outlines the City of East Palo Alto's commitment to the creation of new, deed-restricted affordable housing while also funding efforts to help East Palo Alto residents stay in their homes through programs that support renters through rent stabilization and rent supports, and homeowners through home repair programs.

In addition to the specific goals and policies articulated in the Strategy, this document also describes the recommended actions that will make it possible for staff to implement the Plan.



Background on Affordable Housing in East Palo Alto

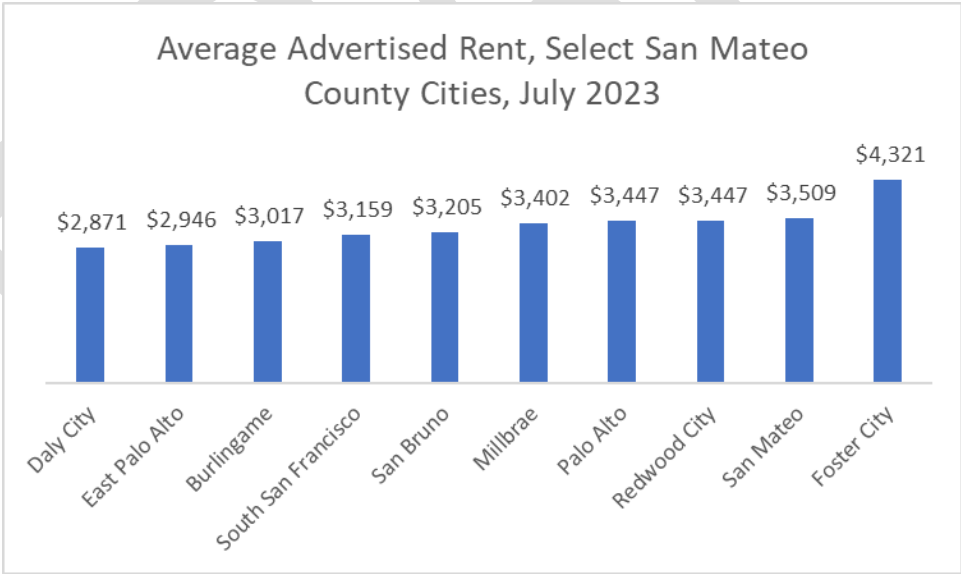
The City's substantial affordable housing needs result largely from two factors: 1) the high cost of housing, and 2) low incomes of East Palo Alto renter households. To better understand this need it is important to know the city's history and the ways in which East Palo Alto has changed substantially over time. The entire Peninsula was the home of Ohlone Native Americans, whose lands were taken first by Spanish ranchers and then by Americans moving west. Prior to World War II, many Japanese flower growers and farmers had made what became East Palo Alto their home, but most were incarcerated in concentration camps for the duration of World War II. Few returned to the area after the war, and East Palo Alto's farms were turned into housing developments in the post-World War II suburbanization of the Peninsula. In the mid-1950's, East Palo Alto changed again, as realtors used "blockbusting" -- a scheme where real estate agents and speculators convinced White families their neighborhoods were turning into slums and property values would drop; bought their homes less than their worth; and rented or sold them at inflated prices to Black/African Americans who faced property deed restrictions, anti-Black federal lending policies, land covenants, and discrimination in other Peninsula communities. As a result, East Palo Alto became the home to the largest Black/African American community on the Peninsula, segregated from the wealthier towns in the region.¹

¹ Change, Julianna (2020). "A Tale of Two Cities: How racism in housing deeds, redlining and gentrification led to the stark divide

East Palo Alto was incorporated as a city in 1983, and soon thereafter passed rent stabilization protections. East Palo Alto remains the only San Mateo County jurisdiction with these protections for renters, though San Mateo County does provide some protections for mobile home residents.

Over time, East Palo Alto has continued to change, and because of its proximity to major high tech employers, faces significant pressures on housing costs, leading to both gentrification and displacement. There has been a precipitous decline in the Black/African American population, from 61 percent of the population in 1980, to 11 percent in 2020.² East Palo Alto remains a diverse community, however; over 66 percent of East Palo Alto residents are Hispanic or Latino, 11 percent are Black or African American, eight percent are White, seven percent are Native Hawaiian or other Pacific Islander (mostly Tongan), five percent are Asian, three percent are of two or more races (non-Hispanic/Latino), and less than one percent are American Indian and Alaska Native or of some other race.³

While rents are lower in East Palo Alto than in San Mateo County as a whole, the median gross rent (rent and utilities paid by the tenant) is \$1,791 in East Palo Alto, compared to \$2,466 for San Mateo County. These 2021 rents, as measured by the American Community Survey, are based on all renters, including long-term renters with rent stabilization protections. Average advertised rents for new tenancies are higher than the median gross rents for existing tenants. Rent Café reported that the average advertised rent for East Palo Alto in July 2023 was \$2,871, among the lowest of San Mateo County communities with data available. Even though rents are lower in East Palo Alto, a household would need an income of \$114,840 to afford the average advertised rent, significantly higher than the median household for East Palo Alto renters of \$71,494.⁴



Source: Rent Café, July 2023 data, www.rentcafe.com. Data is not available for communities with a small number of rentals.

between Palo Alto and East Palo Alto. *The Oracle*. Accessed 9/13/2023 at [The Oracle | A Tale of Two Cities: How racism in housing deeds, redlining and gentrification led to the stark divide between Palo Alto and East Palo Alto \(gunnoracle.com\)](https://www.gunnoracle.com).

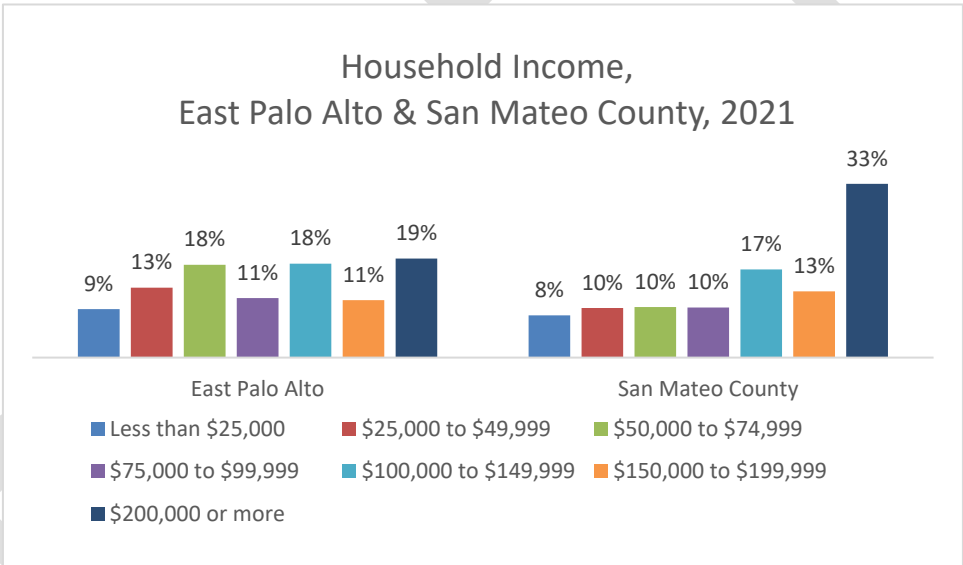
² Source: <http://www.bayareacensus.ca.gov/cities/EastPaloAlto70.htm>

³ US Census Bureau, Census 2020.

⁴ US. Census Bureau, 2021 American Community Survey, 5-year estimates, Table B25119

Home values are also lower in East Palo Alto, as the 2021 median value of all homes was \$955,300 in East Palo Alto, compared to \$1,225,900 for San Mateo County.⁵ Recent sales prices reveal an even greater disparity between East Palo Alto and San Mateo County, as the median sales price in August 2023 in East Palo Alto was \$870,000, compared to \$1.6 million for San Mateo County.⁶ Homeownership is out of reach for East Palo Alto renter households—The median household income for renters is \$71,494, and given today’s high interest rates, the median renter household can only afford to purchase a home priced at \$204,000.⁷

While housing costs are lower in East Palo Alto than many other communities in the region, incomes are also lower, especially for Black/African American and Hispanic/Latino households. The median household income in East Palo in 2021 was \$96,349, compared to \$136,837 for San Mateo County. While 33 percent of San Mateo County households have incomes greater than \$200,000, the same is true for only 19 percent of East Palo Alto households. In addition, 41 percent of East Palo Alto households have incomes of less than \$75,000, compared to only 27 percent of San Mateo County households.



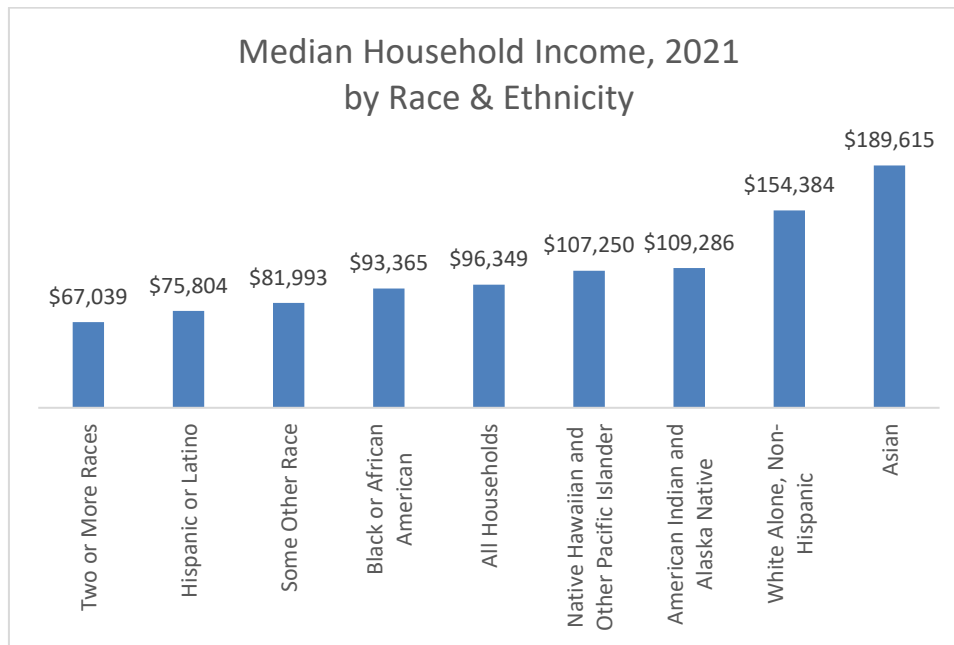
Source: US Census Bureau, 2021 American Community Survey, 5-year estimates, Table S1901.

There are significant racial and ethnic disparities in income in East Palo Alto. While the median household income in 2021 for all households was \$96,349, it was \$75,804 for Hispanic or Latino households, \$93,365 for Black or African American households, but \$154,384 for White non-Hispanic/Latino households and \$189,615 for Asian households.

⁵ Source: US Census Bureau, American Community Survey, 5-year estimated, Table DP04. Gross rent includes rent paid and utilities paid directly by the renter.

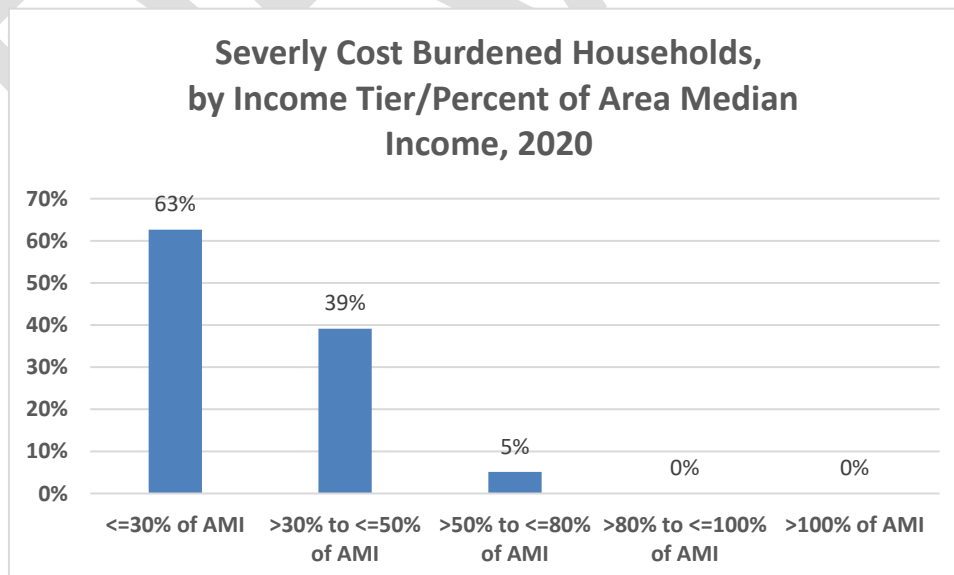
⁶ Source: Realtor.com (https://www.realtor.com/realestateandhomes-search/San-Mateo-County_CA/overview; https://www.realtor.com/realestateandhomes-search/East-Palo-Alto_CA/overview).

⁷ Calculation based on 5% downpayment, 7.18% interest rate (Freddie Mac Mortgage Interest Rate Survey, 9/14/2023), PMI Rate of 0.51% (Freddie Mac), Property Tax Rate of 1.0907% (San Mateo County Assessor’s Office), homeowner property insurance rate of 0.49% (Bank Rate average CA insurance rate), and a housing debt ratio of 28%.



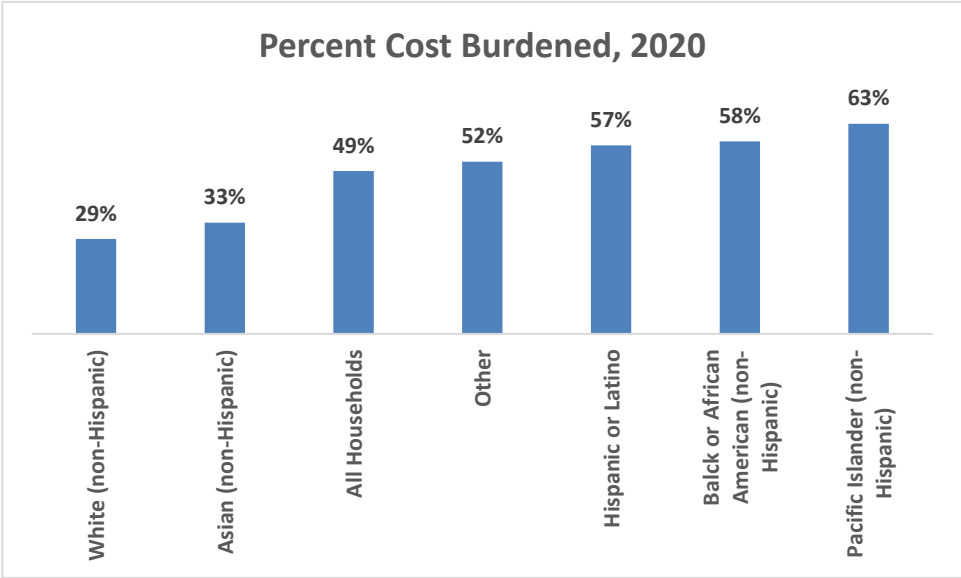
Source: US Census Bureau, 2021 American Community Survey, 5-year estimates, Table S1903.

Given the combination of high housing costs and lower incomes, a high percentage of East Palo residents are housing cost burdened (paying more than 30 percent of their income to housing costs), and therefore at risk of displacement and homelessness. Of all households, 49 percent are cost burdened, with 43 percent of homeowners and 54 percent of renters being cost burdened. A household is considered severely cost burdened if they pay more than 50 percent of their income towards housing. In East Palo Alto, 25 percent of all households are severely cost burdened, with 20 percent of homeowners and 29 percent of renters were severely cost burdened. Almost all severely housing cost burdened households have incomes of less than 50 percent of Area Median Income (\$93,200 for a family of three).



Source: US Census Bureau and HUD, 2020 American Community Survey, 5-year estimates, CHAS data.

The racial and ethnic disparities in income play a role in who is more likely to be cost burdened, as 58 percent of Black/African American and 63 percent of Hispanic/Latino households are cost burdened, the same is true of 29 percent of White households and 33 percent of Asian households, revealing that housing is an issue of both income *and* race and ethnicity.



Source: US Census Bureau and HUD, 2020 American Community Survey, 5-year estimates, CHAS data.

Guiding Principles

When drafting the first Strategy, Staff identified the need to articulate the values that will guide the development of the City's goals and implementation of the recommended actions. These guiding principles have remained the same through this iteration of the Strategy:

Empathy	Every resident of East Palo Alto deserves access to decent, safe, and sanitary housing. Although East Palo Alto does not have the financial resources or developable land to build housing for every resident, our efforts to explore all potential options must be driven by a belief that all residents have the same rights to housing and a compassionate concern for their needs.
Anti-displacement	Anti-displacement/gentrification is a major concern for East Palo Alto's residents and the City Council. The Strategy outlines several strategies and objectives that can help assure that current residents of East Palo Alto can stay in their communities.
Opportunity + Investment	East Palo Alto has limited financial resources to invest in many of the community development and public infrastructure activities that other jurisdictions routinely fund. The development of new affordable housing may serve as a catalyst for the City to secure both Federal and State funding to improve the public infrastructure surrounding an affordable development.
Equitable, Integrated, and Diverse Communities	The Strategy outlines several actions that would lead to a more integrated and diverse community.
Transparency	As the Strategy is implemented, it is imperative that the public, affordable housing developers, local non-profit organizations, and other stakeholders are kept apprised of the City's progress and available resources. The City is committed to: ■ Providing the City Council and community with periodic updates on the Strategy's progress and will devote a page on the City's website that will report results in real time. ■ Being transparent with both revenues and expenditures spent so that the community can track the progress and effectiveness of the City's affordable housing resources and development partners are aware of resources that can help them to propose and complete affordable housing developments.

Structure of the Strategy

REVIEW OF THE 2019-2023 GOALS AND ACTIONS

The goals and actions from the 2019-2023 Affordable Housing Strategy are reviewed, providing background on recent City efforts, which inform the 2024-2028 strategy.

GOALS AND ACTIONS

The Strategy describes an ambitious set of goals that may enable the City of East Palo Alto to increase the supply of housing that is affordable to residents and improve the critical systems that make more housing available. Each goal is explained and further defined through several specific recommended actions that will lead to achieving the intended outcome.

PROGRAMMATIC SOURCES AND USES FOR HOUSING

The Strategy is based on an understanding of current opportunities in both developing affordable housing and maximizing those opportunities to meet the current need. The section outlines how funds currently available to the City of East Palo Alto can leverage federal, state, and other funding to create affordable housing. This section also outlines efforts the City of East Palo Alto is undertaking to fund programs that will help East Palo Alto residents (both renters and homeowners) stay in their communities.

WORKPLAN

The recommended actions comprise an actionable work plan that will advance the City of East Palo Alto's affordable housing goals over a projected 5-year period. The East Palo Alto Affordable Housing Strategy Work Plan Schedule is attached to the Strategy, providing a snapshot of when these goals will be completed.

REVIEW OF THE 2019 TO 2023 GOALS AND ACTIONS

The 2019-2023 *City of East Palo Alto Affordable Housing Strategy* set out a series of goals to address the affordable housing needs for East Palo Alto residents. Below are the outcomes of the major goals.

- **Adopt a Housing Strategy:** The City adopted the 2019-2023 housing strategy in late 2018, and the City is committed to revising the strategy for 2024-2028.
- **Create New Deed Restricted Affordable Housing Units:** The goal was that 500 new deed restricted affordable housing units would have been completed, started construction, or been approved during the life of the plan. From 2019 to 2022, the City approved 251 units, meeting 50 percent of the goal. Successes include the Colibri Commons project, which will bring 135 deed restricted housing units to a City-owned site at 965 Weeks Street, and Certificates of Occupancy were issued for 185 rehabilitated (94 units) and new deed restricted units (91 units) at Light Tree Apartments on East Bayshore Road.
- **Establish a Local Preference for Affordable Housing:** To facilitate East Palo Alto's anti-displacement efforts, East Palo Alto created a local preference in 2020 for those who live in East Palo Alto for its affordable housing lotteries.
- **Preserve Existing Affordable Units:** The goal was to preserve and extend deed- restrictions on 200 units of existing affordable housing. The City took steps to preserve 201 units, and no units of affordable housing were lost between 2019 and 2023. Preservation efforts include the extension of affordability terms for 75 units at the Courtyard at Bay Road, a \$7 million infusion of cash to renovate the 32 units at Nugent Square, and the rebuilding and renovation of 94 units at Light Tree, totaling 201 preserved affordable units among these three apartment complexes.
- **Increase Housing Opportunities for Unhoused Individuals and Families:** The City had a goal of creating 80 housing opportunities for those who have experienced homelessness. This goal was to be met through the creation of 17 safe parking spots for those living in RVs at the RV Safe Parking Program. East Palo Alto met this goal by spending \$1.4 million over five years to establish and maintain the RV Safe Parking program at 1798 Bay Road that helped 116 individuals over the life of the program. The RV Safe Parking program was hosted on the city-owned site and concluded the program on October 31, 2023.
- **Re-Establish the City's Inclusionary Housing Ordinance:** On November 19, 2019, the City Council adopted Ordinance No. 425, the Inclusionary Housing Ordinance, adding Chapter 18.37 to the City of East Palo Alto Development Code. The Ordinance applies to all new residential development. The updated code can be found in the [City of East Palo Alto Municipal Code](#). This new ordinance provides direction and transparency for affordable housing developers and requires payment of in lieu fees from projects with fewer than five units. For projects with five or more units, 20 percent of the units

must be deed restricted. Payout and off-site options are also available, at 25 percent of required units. The program serves an economically diverse set of households, with maximum incomes ranging from as low as 35 percent of Area Median Income for a portion of the rental units, to 100 percent of Area Median Income for a portion of the ownership units. The City has established a web page with [details and guidance](#) on the policy.

- **Create Additional Accessory Dwelling Units (ADUs):** The City had a goal of approving 50 ADUs between 2019 and 2023. The City exceeded this goal as 112 ADUs received building permits and/or received a Certificate of occupancy in East Palo Alto from 2019-2022. In addition, the City secured a CalHome grant to launch a [new program](#) that provides up to a \$100,000 low interest loan for income eligible owners to create a deed restricted ADU on their property.
- **Support Housing Rehabilitations or Solar/Electric Vehicle Installations for Single Family Owner-Occupied Homes:** The City committed to using Housing Rehabilitation Programs and partnerships to assist 50 homeowners with home rehabilitations and/or installations of solar energy systems & EV charging stations. While 22 households were assisted in 2019, the county's home repair program was discontinued in 2020.
- **Add Capacity for Stewardship + Monitoring of the City's Affordable Housing Assets:** In 2019, the City contracted out the monitoring of its Below Market Rate (BMR) homeownership units to EPACANDO. In addition to the monitoring of units, those interested in purchasing a BMR unit at resale can sign up to be notified when a unit becomes available. For more info, see <https://epacando.org/bmr-home-ownership/>.
- **Transparency + Reporting:** To demonstrate responsible stewardship and a commitment to developing the City's potential housing resources, the City committed to a series of reporting actions that would lead to transparency and regular coordination with decision-makers, partners, and the community. The City created reports in 2019 to track the efforts toward fulfilling the last affordable housing strategy. While those reports did not continue during and after the COVID-19 pandemic, the City continued to complete State required Annual Performance Reports on housing production and efforts to meet the goals of the last Housing Element. The City also began a revision of the City's website in 2020 with improvements to the Planning webpage that include updated fact sheets, forms, and, in 2021, the revised Inclusionary Housing Guidelines.
- **Increase City's Voice in Housing Advocacy Efforts:** The City of East Palo committed to playing a larger role in policy/advocacy to expand and preserve affordable housing in East Palo Alto, and to provide constructive solutions for the larger regional problem. Actions taken from 2019 to 2023 include multiple comment letters to the California Department of Housing and Community Development (HCD) on major housing grant programs and to the California Debt Limit Allocation Committee (CDLAC) regarding tax-exempt bond allocations. The City also committed funding toward increasing tenant groups' voices through the Measure O/Measure L Anti-Displacement Services contract.

GOALS AND ACTIONS

This affordable housing strategy lays out a series of efforts the City of East Palo Alto will take over the next five years to address the needs of East Palo Alto residents, through the incentivization and creation of new deed restricted, affordable housing, the preservation of existing affordable housing, and the creation and maintenance of programs and policies that reduce the displacement of both East Palo Alto homeowners and renters. These efforts will also address fair housing concerns including the displacement of Black, Indigenous, People of Color (BIPOC) households from the city and the region, racial disparities in homeownership, and the housing needs of special needs populations.

The goals and actions outlined here closely align with the goals set out in the 2023-2031 Housing Element, though this strategy focuses on affordable housing and the needs of low- and moderate-income households, not goals related solely to overall housing production, and narrows the focus on what is achievable over the next five years, not the eight years outlined in the Housing Element.

GOAL 1 | Create More Housing that is Affordable to East Palo Alto Residents

To fulfill the five-year affordable housing requirements of the Housing Element, over 260 deed-restricted, affordable housing units will need to be approved, start construction, or be completed in East Palo Alto during the 6th cycle Housing Element to meet the City's RHNA. East Palo Alto should be able to meet or surpass this goal. There are already 148 inclusionary housing units in the pipeline, and City of East Palo has the capacity to fund up to 122 units in 100% affordable housing developments (see Resources section). While achievable, success will depend on the City of East Palo Alto reducing government barriers to construction, providing funding and city owned land, and working closely with affordable housing developers.

Implement measures to reduce overall processing times for residential development applications while maintaining robust community outreach and engagement.

By simplifying the development approval process affordable housing can be created more quickly and at lower cost.

- Policy 1.0: Track and review planning approval and building permit processes for residential projects. Establish actions for streamlining, clarifying, and simplifying the approval and permit processes, including the design review process. Seek input from developers and other stakeholders to identify ways to improve and streamline development review. Target: Strive for the following planning application processing timelines by the end of the Housing Element period:
 - Ministerial/By-Right: 1-3 months from a complete application;
 - Discretionary - Planning Commission approval authority: 4-6 months from a complete application, not including projects appealed to City Council; and
 - Discretionary - City Council approval authority: 6-9 months from a complete application, not including projects with extenuating conditions (e.g., projects with an environmental

impact report, development agreement, or tenant relocation plan, or during periods of reduced staffing).

- Policy 1.1: Develop objective development and design standards that will be consistent with adopted findings of approval for all single-family and multi-family developments that simplify, clarify, and improve approval certainty and reduce the time for permit processing. Establish a time schedule for expedited ministerial or administrative approval of projects that comply with objective design standards, zoning standards, and development regulations. Ensure compliance with SB35, SB330, Housing Accountability Act, and other applicable state laws for qualifying projects.
- Policy 1.2: Implement existing processing guidelines for projects that qualify for by-right, ministerial, or administrative approval and CEQA exemption under SB 25, SB 330, Housing Accountability Act, and other applicable state laws.
- Policy 1.3: Program: Review and adjust building permit review and approval procedures as needed to comply with the streamlining requirements in State law AB 2234.
- Policy 1.4: Develop standards to prioritize, incentivize, and expedite processing of residential projects that commit housing units for special needs populations such as the developmentally disabled, single-female head of households, at-risk youths, large family households, extremely low-income households, and unhoused individuals.

Incentivize Affordable Housing Development

In addition to making affordable housing development easier through simplifying processes. East Palo Alto can take additional steps to incentivize affordable housing development.

- Policy 1.5: Pursuant to Government Code 65583.2 (h) and (i), sites that require rezoning to meet the RHNA for lower-income households and sites carried over from the 2015-2023 Housing Element to accommodate the needs of lower-income households shall be rezoned within the statutory deadline prescribed in Government Code 65583.2 (c). The rezoning shall commit to 20% lower-income units, minimum densities, and objective development standards, and complying projects shall not require discretionary approval. One site is carried over from the 2014-2022 Housing Element – a 0.65-acre parcel at 851 Weeks with an existing zoning of 22-40 units/acres and a pending application for a 79unit SB 35 project. If a project contains at least 20% lower-income units and complies with objective development standards, discretionary approval shall not be required. Target: Approve 851 Weeks as SB35 project or designate site for by-right approval for a qualifying project by Spring 2024.
- Policy 1.6: Seek and support financial resources from state, regional, and county housing programs, tax credits, and other sources that provide funding assistance for affordable housing projects to cover design and development costs and off-site public facility and infrastructure improvements. Target: Annually survey Notices of Funding Availability (NOFAs) and work with developers to apply

for funds for affordable housing projects and supporting public improvements. Prioritize assistance for projects in lower-resource areas as defined by AFFH analysis (including, but not limited to, westside of State Highway 101 and south of Bay Road west of University Avenue,)

Encourage smaller smaller-scale housing that is relatively more affordable, including duplexes/triplexes and accessory dwelling units (ADUs), and incentivize the creation of deed restricted units within these properties.

By reducing the barriers to the creation of smaller properties, East Palo Alto will make it easier for the creation of both deed-restricted affordable housing, as well as housing that is naturally more affordable than occupying a full single-family home.

- Policy 1.7: Develop a “next-phase” streamlining effort for ADUs and JADUs, SB 9 projects, and any future small-development ministerial approval process that builds on lessons learned from the ADU Streamlining collaboration with EPACANDO and City Systems (See also Program 10.5 pertaining to ADU zoning amendments that are necessary to comply with current state laws and for numerical/geographical targets).
- Policy 1.8: Study feasibility and desirability of waiving or reducing fees or delaying payment of permit fees and development impact fees for ADUs and small projects, e.g., two or fewer units.
- Program 1.9: Develop outreach materials targeting smaller developers aimed at informing future applicants and improving the quality of Planning and Building applications received.
- Program 1.10: Implement a preapproved and modular ADU designs program or participate in proposed 21 Elements clearinghouse to facilitate streamlined review and reduce design costs of ADUs.
- Program 1.11: Develop proposals for relaxing or allowing flexible zoning standards (e.g., building setbacks and height, open space, parking, and density) to facilitate the development of 5 SB 9 and small infill housing projects to increase housing opportunities and housing types throughout the community. Target: Assist property owners to approve eight (8) SB9 units during the 6th cycle Housing Element Period; focus on opportunities sites in lower-density residential neighborhoods (e.g., under-utilized lots over 10,000 square feet in size.)
- Program 1.12: Develop an expedited legalization process for unpermitted second units. Identify zoning amendments to reduce the impediment to building ADUs, such as setback and open space standards. Identify potential funding sources to assist.
- Policy 1.13: Support and participate in a potential county-wide initiative to create a resource center to effectively educate homeowners, provide resources, and promote the construction of ADUs.

- Policy 1.14: Seek available public and private sources of rehabilitation/repair funding and strengthen partnership with organizations in this area, such as Habitat for Humanity, to produce ADUs. Seek assistance for correcting code compliance issues to legalize or upgrade existing ADUs. Target: Annually research available funds and partnerships and implement incentives with the goal of approving at least 72 new or legalized ADUs in single-family zoning districts between 2024 and 2028.

Develop long-term, sustainable funding sources that are flexible and may be used for affordable housing production and preservation and to prevent displacement and homelessness.

East Palo Alto can increase the availability of affordable housing through strategic investments in new and existing affordable housing projects, while also assisting residents with other programs, such as rental relief.

- Policy 1.15: Implement the 2022 approval of Measure L which increased and expanded the City's existing Gross Receipts Tax on rental residential properties for affordable housing and support programs.
- Program 1.16: Complete passage of this five-year strategic affordable housing plan to implement the 6th Cycle Housing Element goals, policies, and programs, and sets priorities for allocation of the City's affordable housing revenue sources for a finite period (1 year to 5 years). Establish priorities to implement fair housing policies and programs in low resource neighborhoods per the AFFH analysis. Target: Adopt the AHS with numerical goals and place-based funding priorities to implement the goals, policies, and programs in the Housing Element.
- Policy 1.17: The Planning, Public Works, and Housing Departments will collaboratively pursue state grant funds wherever possible to support affordable housing projects and programs to address homelessness in the City. Target: Annually research available funds for affordable housing projects and homelessness programs. Prioritize funds to assist lower-resource areas and the unhoused population.

Take reasonable measures to reduce the cost of development for fully affordable housing developments.

In addition to reducing zoning barriers to the construction and seeking funding for affordable housing, East Palo Alto can take steps that reduce the cost of developing affordable housing.

- Policy 1.18: Use the opportunity of the Ravenswood Business District (RBD) Specific Plan Update or initiate a city-wide study on the feasibility and desirability of fee waivers or reductions or deferred fee payments for fully affordable housing projects; additionally, consider providing City financial

assistance to cover these fees.

- Policy 1.20:⁸ Incorporate parking reductions into the City’s Transportation Demand Management Program to comply with state law AB2097 that eliminates parking minimums within one-half mile of major transit stops for affordable housing projects.

Encourage housing on sites zoned for mixed use in the Ravenswood/4 Corners Specific Plan Area.

Through the planning process for the Ravenswood/4 Corners area, additional affordability can be incentivized.

- Policy 1.21: For sites within the RBD Specific Plan Area, study feasibility and effectiveness of an RBD-specific density bonus, relaxed zoning controls, minimum densities (particularly for mixed-use sites), streamlined subdivision approvals, and by-right or ministerial approvals. Incorporate provisions into the Specific Plan Update and Development Code in summer 2024. (See also related Program 10.8)

Develop Affordable Housing on Public Property

The cost of land and limited space for affordable housing is a challenge most cities face. By providing public land, East Palo Alto could create more opportunities for deed restricted, affordable housing to be developed.

- Program 1.23:⁹ Work with County of San Mateo to complete land swap and determine feasibility of the County developing affordable housing at 2277 University. Comply with the Surplus Lands Act. (This project is not included in Sites Inventory but could potentially be constructed during Housing Element 6th Cycle). Target: Support the County in redeveloping the property for at least ten (10) housing units, or whatever is found feasible, encouraging the County to develop permanent supportive housing.
- Program 1.24: Work with the Ravenswood City School District to facilitate the development of the district-owned parcel at 2120-2160 Euclid Avenue as affordable housing. Comply with the Surplus Lands Act. Target: There is a pending application to develop 430 units of affordable housing for lower income households on the site.

Incentivize “missing middle” housing, or smaller-scale housing that is affordable to households at 80-120% of Area Median Income.

Policy 1.25: Revise City zoning and subdivision standards to increase compatibility with SB 9 (e.g., flexible

⁸ Policy 1.19 was omitted from the 2023-2031 Housing Element. As such, to maintain numbering consistency with the Housing Element, there is no policy 1.19 in this document, either.

⁹Policy 1.22 was omitted from the 2023-2030 Housing Element. As such, to maintain numbering consistency with the Housing Element, there is no policy 1.22 in this document, as well.

zoning standards for setbacks, open space, height, and density) and make process improvements to encourage application of SB 9 on appropriately zoned parcels. Conduct informational outreach to property owners whose properties are prime candidates for SB 9 projects, including advising them of the ministerial approval process. Target: Assist property owners to approve eight (8) SB9 units during the 6th cycle Housing Element Period with focus on opportunities sites in lower-density residential neighborhoods (e.g., under-utilized lots over 10,000 square feet in size.)

Monitor progress on Housing Element Policies, Programs, and Sites Inventory.

By monitoring the progress of the 2023-2031 Housing Element goals, East Palo Alto will be able to revise policies and programs to address challenges that may arise when creating affordable housing.

Policy1.26: Annually review overall progress and effectiveness in meeting RHNA and evaluate progress in meeting Housing Element policies and programs; include information in the Annual Progress Report to HCD. Track the production of inclusionary housing units, ADUs, SB 9 units, and housing for special needs populations. If the City is not making sufficient progress in meeting its Housing Element goals and its RHNA for lower-income units by 2027 (i.e., 130 lower-income units under construction or completed by 2027), consider alternative land use strategies within six months. Possible actions include amending policies and programs, defining new actions, or identifying alternative housing sites, including rezoning if necessary, and strategies to facilitate a variety of housing choices, such as encouraging missing middle zoning (small-scale multi-unit projects), adaptive reuse, and additional ADUs and/or JADUs.

GOAL 2 | Promote and Preserve Homeownership

Homeownership provides stability for families and a means to build wealth. The City supports efforts to increase homeownership, especially for low- and moderate-income households.

Promote financial literacy as a means of encouraging homeownership and support first-time homebuyers.

- Policy 2.1: Develop a City led homebuyer support program or programs tailored to the needs of lower and moderate-income households in East Palo Alto, prioritizing outreach to neighborhoods with a proportionally higher percentage of rental households, such as the westside of Highway 101. Target: Propose a homebuyer support program with a goal of assisting a minimum of eight (8) residents during the 6th cycle Housing Element period.
- Policy 2.2: With the assistance of the City's grant coordinator, seek and apply for funds from state and other sources to create and finance a homebuyer support program.

Create pathways to affordable homeownership opportunities.

- Policy 2.3: One pathway to homeownership is through tenant purchase of their buildings. The City

hopes to create a program that will facilitate a minimum of two single family and one multi-family tenant purchases between 2024 and 2028.

Advocate for homebuyer and homeownership programs at the county, regional, and state levels.

- Policy 2.4: East Palo Alto will continue to work with its partners to advocate homebuyer and homeownership programs at the county, regional, and state levels.

GOAL 3 | Preserve Existing Affordable and Rent Stabilized Housing

To assure housing stability for existing residents, it is important to preserve housing that is affordable to East Palo Alto residents. These affordable units are community assets that cannot be replaced easily.

Ensure that the City's deed-restricted affordable housing and Below Market-Rate (BMR) portfolio remains well-maintained and monitored.

- Program 3.1: Continue working with EPACANDO and Bay Area Affordable Homeownership Alliance (BAAHA) on the existing BMR Program contract and draft Request for Proposals (RFP) for next phase of BMR Program management, including additional rental and for-sale inclusionary housing units. Target: Maintain 53 existing BMR units and add at least eight (8) new BMR ownership or rental units during the 6th cycle Housing Element period.

Improve data on the affordability of the City's rental housing stock outside of the Rent Stabilized portfolio.

- Program 3.2: With the allocated City Council funding, research potential rent registry program and administer Request for Proposals for potential rent registry program administrator.

Leverage County initiatives and affordable housing resources to increase public awareness of affordable housing opportunities in East Palo Alto.

- Program 3.3: Work with the County of San Mateo and landlords to list all affordable housing projects and inclusionary units on Doorway, a new regional platform for searching and applying for affordable housing and finding affordable housing resources and conduct proactive outreach to East Palo Alto residents.

Protect and preserve the City's supply of rent-stabilized affordable housing units.

- Policy 3.4 Continue to support the function of the Rent Stabilization Board to enforce the City's Rent Stabilization Ordinance to protect tenants from unreasonable rent increases, to protect tenants from unlawful evictions, and to allow landlords sufficient rental income for maintenance

and operating expenses and capital improvements. Target: The City plans to assist the approximately 2,500 registered units under the Rent Stabilization Ordinance.

GOAL 4 | Prevent Displacement of East Palo Alto Residents

Given high rents and sales prices, it is crucial that the City take action to help East Palo Alto residents stay in their communities.

Connect the creation of new jobs in the City from commercial development to the creation of new housing at the appropriate affordability levels.

New jobs create the need for additional housing, at a range of price levels and affordability. City policies can assure that these new jobs help to support housing affordable to both new and existing residents.

- Policy 4.1: As part of the Ravenswood Business District (RBD) Specific Plan update, develop a requirement to build new housing at specified levels of affordability based on a numerical linkage to office/R&D square footage in the RBD. Target: This plan should allow for the creation of between 1,350 and 1,600 new housing units, of which 220 should be approved/entitled between 2024 and 2028.
- Program 4.2: Participate in countywide nexus study led by 21 Elements to update the existing Commercial Linkage Fee.

Promote the preservation of existing housing stock and rehabilitation of housing that is at-risk due to age, structural deficiencies, etc.

- Policy 4.3: Develop a preservation strategy that addresses funding sources, identification of properties, and partnerships that can lead to preservation of affordable housing in East Palo Alto. Prioritize assistance to lower-resource neighborhoods identified in the AFFH analysis (including, but not limited to, westside of State Highway 101, south of Bay Road/west of University Avenue, and multi-family housing on southside of Bay Road and east of University Avenue.) Target: Identify properties and reach out to organizations to achieve the minimum targets in Policy 4.6 during the 6th cycle Housing Element period.
- Policy 4.4: Identify and maintain a list of at-risk units and substandard buildings throughout the City. Ensure property owners comply with the State Preservation Notice Law. Actively engage with property owners to reach agreements to preserve at-risk units and properly maintain their properties. Target: Through these efforts, the City hopes to preserve or conserve the affordability of at least thirteen (13) substandard or at-risk units; set a goal to improve a minimum of thirteen (13) substandard or at-risk units between 2024 and 2028.

- Policy 4.5: Study improvements to the City’s process for addressing code violations on residential properties, including, but not limited to, unpermitted second units.
- Program 4.6: Develop a City housing rehabilitation program for City Council consideration that covers both single-family homes and multi-family apartments to preserve affordable housing opportunities, encourage proper maintenance and repairs, promote renovation, and increase energy conservation. The City will prioritize neighborhoods with a concentration of units in need of rehabilitation (as outlined in the Housing Element, including, but not limited to, westside of State Highway 101, south of Bay Road west of University Avenue, and multi-family housing on southside of Bay Road east of University Avenue). Target: Propose a program with a goal of renovating a minimum of four single-family and 13 multi-family homes between 2024 and 2028.

Support housing stability of existing lower-income homeowners and enable the community’s seniors to age in place.

- Program 4.7: Research establishing and funding a City home repair program to assist low-income homeowners with major repairs and rehabilitation to address acute safety and livability issues. Develop a public outreach plan and inform homeowners of financial assistance available from other agencies such as energy conservation and electrification incentives. Assistance will be targeted to lower-resource neighborhoods outlined in the AFFH analysis (including, but not limited to, westside of State Highway 101 and south of Bay Road west of University). The City has a goal of assisting a minimum of five low-income homeowners between 2024 and 2028.
- Policy 4.8: Continue to implement public accessibility improvements in accordance with the City’s ADA Compliance Plan and allow for reasonable accommodations through Municipal Code Chapter – Reasonable Accommodations and Development Code Chapter 18.98 – Reasonable Accommodations as needed to comply with all applicable state laws.
- Policy 4.9: Study models of foreclosure prevention in similarly sized cities, whether through local investment or leveraging outside funding and evaluate establishing a mortgage assistance program for low-income households, with the goal of assisting at least three (3) homeowners between 2024 and 2028.

Promote community/cooperative ownership of land and housing in East Palo Alto.

- Program 4.10: Evaluate opportunities to support and/or leverage local community land trusts (CLTs) to create community ownership of new or preserved affordable housing, e.g., through scattered-site ADUs, small inclusionary projects, or preservation projects. The City’s goal is to participate in at least one annual workshop to provide outreach and education to CLTs and similar organizations to create affordable rental and ownership housing with identification of possible opportunity sites.

Prevent displacement due to high housing cost burden and barriers to housing, such as rental deposits.

- Policy 4.11: Continue to appropriate funds and consider increasing funds for direct emergency financial assistance or rent relief to be administered by a qualified organization identified through a Request for Proposals (RFP) process. Conduct proactive public outreach, particularly to lower-income households and neighborhoods where a high housing cost burden has been documented in the fair housing assessment. The City has a goal of providing direct emergency financial assistance or rent relief to 30 households per year, subject to funding availability.
- Program 4.12: Develop a proposal for City Council consideration for a direct financial assistance program for first and last month's rent/security deposit assistance.

Implement an effective and fair housing compliant Local Preference Policy.

- Policy 4.13: Complete and enforce guidelines on the City's existing Local Preference Policy.

Provide access to living wage jobs to allow residents to afford to remain to live in East Palo Alto.

- Program 4.14: East Palo Alto residents passed Measure HH in 2018, which created a parcel tax on large office developments. Funds from Measure HH can be used to implement a Workforce Development Program to provide job training, apprenticeships, and job placement services to residents through partnerships with community-based non-profit organizations and private companies. Programs shall include proactive outreach to East Palo Alto residents, and service agreements shall define performance goals and metrics and required deliverables. The City's goal is to assist at least eighty (80) East Palo Alto residents through the Pilot Workforce Development Program during 2024-2025 and evaluate continuing and expanding the program beyond 2025.

GOAL 5.1 | Apply Environmental Principles in Planning for New Housing Development

East Palo Alto faces simultaneous challenges of rising sea levels and potential shortages in clean, drinkable water. These challenges directly affect the ability to build new affordable housing and protect existing housing and residents.

Adopt policies and programs to address environmental justice issues in the community.

- Program 5.1: Update the Environmental Justice Element (Health and Equity) in the City's General Plan to include a comprehensive set of policies and programs and an implementation plan to address environmental justice issues and public outreach, engagement, and transparency; scope of work to include a robust community engagement process is integrated into the preparation of the Housing Element.

Address water and sewer system constraints to housing production, to the extent they are within the City's control, through targeted capital and governance improvements.

- Program 5.2: Establish and implement a plan to address the San Mateo County Local Agency Formation Commission (SMCLAFCo) Municipal Service Review and to resolve the delays to housing development caused by issues with the East Palo Alto Sanitary District.
- Program 5.3: Implement the Water System Master Plan adopted in 2022 and complete the first-phase capital improvements in the plan. Update the Urban Water Management Plan to conform with the Master Plan and ensure adequate water service to parcels identified as developable in the Housing Element Sites Inventory (adequate water supply but water infrastructure upgrades may be needed for certain locations).
- Policy 5.4: Work with water and sewer service providers to adopt a policy that prioritizes water and sewer capacity allocations to affordable housing projects and low-income households in accordance with state law (SB1097).

Minimize new housing in highest-risk areas prone to flooding/sea level rise or due to environmental contamination.

- Program 5.5: Leverage community partnerships to utilize and maintain data and maps wherever possible to monitor areas subject to flooding and identify sites for future development and to comply with Government Code 65302.
- Program 5.6: Develop an environmental “overlay” map with most up-to-date data to avoid housing in at-risk areas or with prescribed mitigation measures.

Prioritize flood control, infrastructure, and transportation improvements in lower-resource areas.

- Policy 5.10:¹⁰ Pursue funding and prioritize neighborhoods of concentrated need for future investment, which may include but is not limited to rehabilitation, safe routes to schools, parks, transit, and active transportation. Evaluate the distribution of infrastructure and transportation investment by higher versus lower need areas when updating the Capital Improvement Program (CIP). Assess the needs in lower-resource areas and implement actions to ensure an equitable distribution of investment. Target: Ensure that the CIP and economic redevelopment plans reflect the needs of lower-resource areas as identified in the AFFH analysis (including, but not limited to, westside of Highway 101 and south of Bay Road west of University Avenue).
- Policy 5.11: Support local and regional flood control and infrastructure projects that benefit existing and future residents. Prioritize improvement projects that benefit high need and lower-resource areas as identified in AFFH analysis. Target: Support the San Francisquito Creek Joint

¹⁰ Policies 5:10 and 5:11 are grouped with Goal 5.1 for clarity.

Powers Authority (SFCJPA) in completing the following flood control projects to benefit residents on the westside of the State Highway 101: Palo Reach II project – channel improvements as well as top of bank improvements to enhance the creek and increase flow/capacity; Pope Chaucer Bridge Project improvement project in Menlo Park to replace the bridge to enhance flow and capacity; and Newell Bridge Replacement Project – replace bridge to enhance flow and capacity under the bridge.

GOAL 5.2 | Expand and establish programs to promote fair housing practices for East Palo Alto residents.

East Palo Alto is a mixed-income, multi-racial community with many households that have few affordable options elsewhere in the Bay Area. Programs and policies identified as part of the City's plan to Affirmatively Further Fair Housing (AFFH) can improve the housing choices and stability for East Palo Alto residents.

- Program 5.7: Implement fair housing and anti-eviction programs using Measure O/Measure L and other qualifying local revenue sources to fund community-based organizations to provide legal services, financial assistance, case management, referrals, proactive community outreach (social media, workshops, flyers), resource information, and a staff a citizen advocacy committee. Contracts with organizations will specify quantified deliverables for each of these areas. Target: See the performance metrics for this program in Section 6.4, Implementation Plan.
- Policy 5.8: Continue to support agencies such as Project Sentinel, Community Legal Services in East Palo Alto, and Legal Aid at Work that provide consultation and landlord/tenant mediation services for residents.
- Policy 5.9: Prioritize providing fair housing and support services to special needs populations such as extremely low-income households, persons with disabilities, female heads of households, large family households, seniors, at-risk youths, and households at-risk of homelessness. Target proactive public outreach to lower resource neighborhoods such as western and northern areas in East Palo Alto or projects where there is a higher presence of special needs populations based on the fair housing analysis. The City has a goal of providing fair housing and support services for minimum of 20 special needs individuals or households between 2024 and 2028.

GOAL 6 | Promote Safe and Healthy Housing in East Palo Alto

A range of policies and programs can improve the health and well-being of lower-income East Palo Alto residents, whether in deed-restricted, rent stabilized, or market-rate housing.

Strengthen monitoring and enforcement of habitability issues.

- Policy 6.1A: Annually review the City's habitability complaints and the Rent Stabilization

Ordinance's rules and regulations and forward any recommended changes or updates for enforcing habitability issues to the City's Rent Stabilization Board.

- Program 6.1B: Continue to use code enforcement to support housing preservation and neighborhood quality and identify housing maintenance issues. Refer property owners with compliance needs to the City's programs for financial assistance on code corrections, emergency repairs, and rehabilitation. Between 2024 and 2028, the City, through code enforcement efforts, is setting a goal to correct code violations and make necessary repairs and improvements for a minimum of 13 housing units.

Incorporate amenities into multifamily housing that support households with children.

- Policy 6.2: Determine the most effective means of incentivizing or requiring childcare facilities in new affordable housing developments and commercial developments.

Improve energy conservation and reduce the carbon footprint of residential buildings.

- Program 6.3: Implement the East Palo Alto Reach Codes, which became effective in January 2021 and apply to all new construction and substantial rehabilitations and additions; continue to explore expanding building electrification requirements and support incentive programs for retrofitting existing buildings.

Improve earthquake readiness and resilience.

- Program 6.4: Complete and implement the recently updated Multi-Generational Local Hazard Mitigation Plan.
- Program 6.5: Update the City's Safety Element to address earthquakes, flooding, and other natural and manmade hazards; consider policies such as establishing a seismic retrofit program to address vulnerable populations living in soft-story buildings and establishing a program for remediation of lead-based paint in older residential buildings; incorporate targeted outreach to vulnerable and special needs populations to ensure their needs are well-addressed.

Ensure implementation and enforcement of flood protection and prevention measures.

- Policy 6.6: Continue to disseminate information through onsite resources and workshops to homeowners, property owners, and developers on FEMA, state, and local regulations on floodplain construction and management practices.
- Program 6.7: Continue to participate in FEMA's Community Rating System Program to ensure that new housing development complies with floodplain construction standards with submission of required certifications.

GOAL 7 | Create More Housing Opportunities for Special Needs Households, including Large Households, People at Risk of or Experiencing Homelessness, and Individuals with Disabilities

East Palo Alto is committed to providing housing for our residents who are most in need of affordable housing.

Incorporate special housing needs into City-supported future affordable housing developments.

- Policy 7.1: For affordable housing projects located near high-quality transit and on City-owned land, with City subsidy, or where otherwise legally defensible, require developers of affordable housing to demonstrate how they will serve people with disabilities in the development.

Provide housing solutions and support services for unhoused residents in East Palo Alto.

- Program 7.2: Finalize the Master Temporary Use Permit (MTUP) process for the temporary housing program rollout that includes City coverage of permit fees to provide housing for individuals experiencing homelessness in the community. The City has a goal of assisting a minimum of five (5) RVs through the MTUP program between 2024 and 2028.
- Program 7.3: Evaluate lessons learned and options for longer-term, holistic solutions to RVs parked in public rights of way after the conclusion of the RV Safe Parking Program.
- Program 7.4: Research all available public funding sources to address homelessness and consider City investment of funds for homeless outreach, case management and supportive housing to supplement the countywide system. Seek funds to assist at least 38 unhoused individuals between 2024 and 2028.
- Policy 7.5: Pursue expansion of support programs for unhoused residents by establishing partnerships with other public agencies, private corporations and foundations, and non-profit service providers. The City has a goal of pursuing programs and partnerships providing support services for a minimum of 38 unhoused households or individuals between 2024 and 2028.
- Policy 7.6: Continue to support the low barrier navigation center and emergency shelter operated by WeHope, a community-based non-profit organization, which provides an interim shelter and supportive services for unhoused individuals. Accommodate the special needs of at-risk youths, households with children, and persons with disabilities. The City has a goal of making available a minimum of 100 beds each night for unhoused and at-risk individuals between 2024 and 2028.

Reduce overcrowding and unsafe housing conditions related to housing affordability in East Palo Alto.

- Policy 7.7: Develop options for incentivizing deeply affordable housing units that serve larger household sizes, such as allowing additional density or other relaxed or flexible zoning

regulations. The City has a goal of producing a minimum of five larger affordable housing units between 2024 and 2028.

- Policy 7.8: Continue to require residential projects to include Extremely Low-Income housing units through the City's Inclusionary Housing Program and encourage production of deed-restricted ADUs serving Extremely Low and Very Low-Income households as an Inclusionary Housing Alternative Compliance option instead of paying in-lieu fees for fractional units. The City has a goal of producing a minimum of 43 extremely low and very low-income deed restricted units (including ADUs) between 2024 and 2028.

GOAL 8 | Improve Transparency and Communication between the City and the Public on Housing Issues and Housing Availability

It is important that East Palo Alto residents are aware of how the City uses its resources to address housing affordability and stability, and that residents are aware of affordable housing units and programs that could stabilize and improve their lives.

Make the City website, social media, and newsletter a reliable source of housing information and make parallel efforts to reach residents through mailers, in-person, and virtual meetings.

- Program 8.1: Improve and maintain the Housing website as a primary means of communicating the City's efforts around housing. Expand proactive measures to inform homeowners, landlords, and tenants about available local and County housing resources and supportive services.
- Policy 8.2: Create a budget for mailers and non-digital outreach on Housing workplan items at the start of each fiscal year.

Incorporate language accessibility/language justice into City materials and meetings.

- Policy 8.3: Provide translation of materials and interpretation of City Council, Planning Commission, Rent Stabilization, and other City meetings in alignment with City's Language Policy.

GOAL 9 | Build City Capacity for Long-term Housing Planning and Implementation of a Range of Housing Programs and Initiatives

The successful implementation of this affordable housing strategy depends on having the appropriate level of staffing, either internally or through contracts and cooperation with other partners.

Maintain sufficient Housing Division staff to implement this Affordable Housing Strategy.

- Policy 9.1: Regularly assess the level of staffing or contract assistance to ensure that sufficient staffing is committed to implementing the policies and programs in this Affordable Housing

Strategy in a timely manner.

Seek efficiency improvements and collaborative staffing and resource opportunities to simultaneously implement this Affordable Housing Strategy programs and other Housing Division responsibilities.

- Program 9.2: Along with other San Mateo County communities, access the services of the HEART of San Mateo County's new Housing Consulting Services program, so as to access additional housing expertise and staffing.

Work in close collaboration with the Planning Division to more efficiently achieve both divisions' goals and workplan items.

- Program 9.3: Collaboratively update the City's Development Code to align Planning and Housing objectives, with an emphasis of resolving inconsistencies and ensuring consistency with the City's General Plan.

Seek financing sources for affordable housing construction and preservation.

- Policy 9.4: As Notices of Funding Availability (NOFA) are issued (typically annually), proactively work with the City's grant coordinator to selectively apply for regional, state, and federal grants to finance qualifying affordable housing projects and to fund East Palo Alto housing programs, such as housing rehabilitation and first-time homebuyers program

Monitor the Housing Element Implementation Plan

- Policy 9.5: Review the Housing Element's Sites Inventory annually to assess progress in achieving the City's RHNA affordable housing allocation and as needed, identify additional sites or adjusting development policies, programs, and priorities.

Monitor the Inclusionary Housing Ordinance

- Program 9.6: Evaluate the effectiveness of the Inclusionary Housing Ordinance (IHO) in producing affordable units and the financial impact of the inclusionary requirements and Alternative Compliance Options on residential development. Evaluate the effect of changing economic, development, and financing conditions and the cumulative financial impact of development impact fees and exactions. Following completion of the evaluation, amend the IHO to reduce constraints within six months if necessary. Continue to assess the financial impact of the IHO on individual projects and implement further measures to reduce the barriers to housing production and achieve the City's RHNA if needed. Additionally, include the IHO requirements in the financial feasibility analysis of impact fees on residential development; these analyses are scheduled every five years for consistency with the Mitigation Fee Act (next analysis to be completed in 2024; subsequent analysis in 2029/2030).

Goal 10 | Amend Zoning and Other Development Regulations to Facilitate the Construction of Affordable

The City of East Palo Alto will undertake changes in zoning and other development regulations that will ease the development of housing, with a particular focus on those efforts which will make it easier to create affordable and special needs housing.

Require replacement housing to be provided for applicable housing developments.

- Policy 10.1: For applicable development projects that will be removing residential units, require a replacement housing program for lower-income households in accordance with State requirements (Government Code 65583.2(g)).

Update zoning and development standards as needed for Emergency Shelters.

- Program 10.2: Evaluate current sites, development standards, and approval process and amend the Development Code to comply with Assembly Bill 2339 and other applicable state laws. AB 2339 adds specificity on how jurisdictions plan for emergency shelters and ensure sufficient capacity for low-income housing in their housing elements. This law requires that the identified zones for emergency shelter meet at least one of the following: (1) vacant and zoned for residential use; (2) vacant and zoned for nonresidential use if the local government can demonstrate how the sites are located near amenities and services that serve people experiencing homelessness; or (3) nonvacant if the site is suitable for use as a shelter in the current planning period. Amend the Development Code to address zoning requirements, update the definition of emergency shelters, ensure sufficient capacity for emergency shelters in zones with proximity to transportation and homelessness services, establish objective development standards, and comply with all other requirements of AB 2339.

Update zoning as needed for by-right Permanent Supportive Housing.

- Program 10.3: Update zoning to so that Permanent Supportive Housing would be allowed by-right in residential and mixed-use zoning districts, as required by the State (Government Code 65651).

Update zoning as needed for Housing for Farmworkers.

- Program 10.4: Update zoning and the definition of a “housekeeping unit” to comply with the state Employee Housing Act and adopt a “barrier-free” definition that does not subject persons with disabilities to special regulations.

Update zoning as needed for Accessory Dwelling Units (ADU)

- Program 10.5: Amend the ADU ordinance to comply with State law, pending formal comment from HCD by December 2023. Further actions include programs and policies to facilitate construction of ADUs (refer to Policies/Programs 1.7 to 1.14 for specifics). Consider additional measures to remove zoning impediments such as relaxing side and rear yard setback and open space standards and

facilitating conversion of unpermitted accessory structures to ADUs. The City has a goal of approving at least 72 ADUs between 2024 and 2028.

Update zoning as needed for residential care facilities and group homes (7+).

- Program 10.6: Update zoning regulations for residential care facilities and group homes (7+) to comply with state law and to reduce barriers for establishing facilities for special needs populations such as persons with disabilities, including revising existing spacing constraints.

Update other zoning ordinance regulations to comply with latest state law and reduce impediments for residential development.

- Program 10.7: Review zoning ordinance regulations for compliance with the current state laws and reduce development impediments or provide incentives such as standards pertaining to parking, open space, density bonuses, and objective design standards. Implement Policies/Programs 1.1 to 1.6, 1.18, 1.20, 1.21 and 1.25 for a comprehensive multi-pronged approach to reduce regulatory constraints, improve development processing, create incentives for housing development, and reduce, mitigate, and not constrain housing supply, cost, and ability to achieve maximum densities.

Adopt updates to the Ravenswood Business District/4 Corners Specific Plan to include residential uses at designated locations.

- Program 10.8: Adopt an update to RBD Specific Plan to allow residential and mixed-use development at designated locations in the plan area and address provisions as noted in other Housing Element and Affordable Housing Strategy policies/programs. Concurrently, rezone parcels for residential and mixed-use development. Additionally, establish by-right approval, minimum residential densities, objective design standards, minimum residential requirements for mixed use zoning, reduce parking set flexible open space standards for affordable housing, create a transportation demand management (TDM) program, streamline subdivision approvals, and undertake other re-zoning efforts to reduce development constraints and create incentives for developments catering to special needs populations. Further, the City will resolve inconsistencies between the General Plan and current Specific Plan, (See related Policy 1.21). The City's goal is to zone sites and define minimum densities and objective design standards to accommodate 1,350 to 1,600 housing units within the Specific Plan area.

Facilitate single-room occupancy (SRO) and transitional supportive housing.

- Program 10.9: Develop procedures and review zoning regulations with the objective of encouraging and facilitating the development of SRO projects and transitional supportive housing at suitable locations. The City's goal is to streamline zoning regulations as needed, identify potential funding, and reach out to developers (e.g., through a request for proposals or qualifications) to construct an SRO or supportive housing project on a suitable site in the City with convenient transit service.

Ensure General Plan and zoning consistency.

- Policy 10.10: During the 6th cycle Housing Element, ensure that the General Plan land use designation and zoning are consistent for all properties included in the City's RHNA Sites Inventory.

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PROGRAMMATIC RESOURCES AND USES

This section will explore the resources available for the development of affordable housing more generally, followed by more detail on the sources and uses of funds that East Palo Alto has to support affordable housing development as well to address the need for affordable housing.

The City and affordable housing owners and developers can use a wide range of resources to build and preserve affordable housing. However, almost every affordable housing project must cobble together funds from multiple sources. This section outlines those sources, which include federal, state, regional, and local sources of funds.

Federal Resources

The main source of funding for affordable housing in the United States is the **Low-Income Housing Tax Credit (LIHTC)** program, which raises equity by selling tax credits to investors. These funds can be used for the acquisition, rehabilitation, or new construction of affordable housing. These credits are managed by the California Tax Credit Allocation Committee.

The U.S. Department of Housing and Urban Development (HUD) makes funds available directly to affordable housing developments for seniors through the **Section 202 program**. HUD also provides fund to local communities to address housing, homelessness, and a range of community development needs through three programs:

- **Community Development Block Grants (CDBG)** fund the creation and preservation of affordable housing, as well as programs that meet the needs of low- and moderate-income households and communities, ranging from home repair programs to job training, to public infrastructure.
- The **HOME Investment Partnership Program (HOME)** funds housing programs serving households with incomes less than 60% of Area Median Income, and can be used for housing acquisition, construction, or rehabilitation, as well as for tenant rental assistance and homebuyer assistance.
- The **Emergency Solutions Grants Program (ESG)** funds services that address homelessness.
- The **Housing Opportunities for Persons with AIDS (HOPWA)** program funds tenant rental subsidies and other programs intended to keep persons with HIV/AIDS stably housed.

East Palo Alto does not receive CDBG, HOME, or ESG funds directly from HUD. The County of San Mateo receives annual allocations of these funds, which may be used in East Palo Alto and other San Mateo County communities that do not receive a direct allocation. For Federal Fiscal Year 2023, the County of San Mateo received \$2,449,879 in CDBG funds, \$1,497,141 in HOME funds, and \$228,547 in ESG funds. The City and County of San Francisco receives an allocation of HOPWA funds each year (\$7,410,761 in FFY2023), which also may be used in San Mateo County.

In addition, East Palo Alto residents can get assistance in paying their rent through HUD voucher programs including the Housing Choice Voucher (Section 8) program, and the Veterans Affairs Supportive Housing (VASH) program. Locally, these programs are administered by the Housing Authority

of the County of San Mateo.

State Resources

The State of California funds a range of affordable housing programs. While many programs fund services and affordable housing developments directly through funding rounds, East Palo Alto may be eligible to apply for some funds directly. These programs are starred (*). Programs include:

Program	Description
Affordable Housing & Sustainable Communities Program (AHSC)*	Funds land use, housing, transportation, and preservation projects that support infill development and reduced greenhouse gas emissions.
CalHome*	Grants to local public agencies and nonprofits to assist first-time homebuyers become or remain homeowners through deferred-payment loans. Funds can also be used for ADU/JADU assistance (i.e., construction, repair, reconstruction, or rehabilitation)
CalHFA Permanent Loan Programs	Provides long term financing for the construction or acquisition and rehabilitation of affordable housing developments.
Cleanup Loans and Environmental Assistance to Neighborhoods (CLEAN) Program*	Department of Toxic Substances Control program that provides low-interest loans to investigate, cleanup, and redevelop abandoned and underutilized urban properties.
California Emergency Solutions and Housing (CESH)	Grants for activities to assist persons experiencing or at-risk of homelessness.
California Self-Help Housing Program*	Grants for sponsor organizations that provide technical assistance for low- and moderate-income families to build their homes with their own labor.
Emergency Housing Assistance Program (EHAP)*	Funds for emergency shelter, transitional housing, and related services for the homeless and those at risk of losing their housing.
Golden State Acquisition Fund (GSAF)*	Golden State Acquisition Fund (GSAF)
Homekey*	Grants to acquire and rehabilitate a variety of housing types (e.g., hotels, motels, vacant apartment buildings) to serve people experiencing homelessness or who are also at risk of serious illness from COVID-19.
Homeless Emergency Aid Program (HEAP)	\$500 million block grant program designed to provide direct assistance to large cities, counties, and Continuums of Care (CoCs) to address the homelessness crisis.
Homeless, Housing Assistance and Prevention (HHAP) Program	Provides grants to large local jurisdictions and to CoCs to support regional coordination and expand or develop local capacity to address immediate homelessness challenges.
Housing for a Healthy	Funding for supportive housing opportunities intended to create

California (HHC)	supportive housing for individuals who are recipients of or eligible for health provided through Medi-Cal.
Housing Navigators Program	\$5 million in funding to counties for the support of housing navigators to help young adults aged 18 to 21 secure and maintain housing, with priority given to young adults in the foster care system.
Housing-Related Parks Program*	Funds the creation of new park and recreation facilities or improvement of existing park and recreation facilities that are associated with rental and ownership projects that are affordable to very low- and low-income households.
Infill Infrastructure Grant Program (IIG)	Grant funding for infrastructure improvements for new infill housing in residential and/or mixed-use projects.
Local Early Action Planning (LEAP) Grants*	Assists cities and counties to plan for housing through providing one-time, non-competitive planning grants.
Local Housing Trust Fund Program (LHTF)	Provides loans for the acquisition, predevelopment expenses and development of affordable rental housing projects, transitional housing projects, emergency shelters and homeownership projects, including down payment assistance to qualified first-time homebuyers, and for rehabilitation of homes owned by income-eligible homeowners.
Mobile-home Park Rehabilitation and Resident Ownership Program (MPRROP)*	Low-interest loans for the preservation of affordable mobile-home parks.
Multi-Family Housing Program (MHP)	Low-interest, long-term deferred-payment permanent loans for new construction, rehabilitation, and preservation of permanent and transitional rental housing for lower-income households.
No Place Like Home	Invests in the development of permanent supportive housing for persons who need mental health services and are experiencing homelessness or chronic homelessness, or at risk of chronic homelessness.
Permanent Local Housing Allocation Program (PLHA)*	Grants (competitive for non-entitlement jurisdictions) available to cities to develop new multifamily affordable rental housing, to substantially rehab and deed restricted existing rental housing, or to assist persons at risk of homelessness through rental assistance, rapid rehousing, or transitional rental housing.
Predevelopment Loan Program (PDLP)*	Short-term loans to cities and non-profit developers for the continued preservation, construction, rehabilitation, or conversion of assisted housing primarily for low-income households.
Regional Early Action Planning (REAP) Grants	Grant funding intended to help COGs and other regional entities collaborate on projects that have a broader regional impact on housing.
SB 2 Planning Grants Program*	One-time funding and technical assistance to help local governments adopt and implement plans and process

	improvements that streamline housing approvals and accelerate housing production.
Supportive Housing Multi-Family Housing Program (SHMHP)	Low-interest loans to developers of permanent affordable rental housing that contain supportive housing units.
Transformative Climate Communities (TCC) Program*	Competitive grants for planning and implementation of community-led development and infrastructure projects that achieve major environmental, health, and economic benefits in the state's most disadvantaged communities.
Transit Oriented Development Housing Program (TOD)	Low-interest loans and grants for rental housing that includes affordable units near transit.
Transitional Housing Program (THP)	Funding to counties for child welfare services agencies to help young adults aged 18 to 25 find and maintain housing, with priority given to those previously in the foster care or probation systems.
Veterans Housing and Homelessness Prevention Program (VHHP)	Long-term loans for development or preservation of rental housing for very low- and low-income veterans and their families.
Workforce Housing Program*	Government bonds issued to cities to acquire and convert market-rate apartments to housing affordable to moderate-/middle-income households, generally households earning 80% to 120% of AMI.

Regional Resources

While we cannot predict how much, if any funding will become available from the following sources, there is a range of other local sources that can be used in East Palo Alto, including:

- **The Bay Area Preservation Pilot (BAPP)** is a Metropolitan Transportation Commission (MTC) program that provides loans for the preservation of existing, unsubsidized, affordable multi-family properties near high-frequency transit service.
- **The Bay Area Transit-Oriented Affordable Housing Fund (TOAH)** is funded by the Great Community Collaborative. TOAH provides pre-development and acquisition financing for affordable housing projects located in transit rich “priority development areas.”
- **The Enterprise Equitable Path Forward Fund** is a five-year, \$3.5 billion nationwide initiative to counter racial inequities rooted in housing, and focuses on supporting Black, Indigenous, and People of Color and housing providers who create and preserve affordable homes.
- **The Housing for Health Fund (HFHF)** is a collaboration among Enterprise Community Partners, Kaiser Permanente, and JP Morgan Chase, and provides \$85 million to promote health and the preservation of affordable housing.
- **The Silicon Valley Community Foundation (SVCF) Special Revenue Fund** helps to encourage the development of affordable housing through a \$2 million allocation to East Palo Alto to purchase certain water rights, and \$500,000, for an affordable housing manager position over a minimum period of five years.
- **The Partnership for the Bay’s Future Bay’s Future Fund (BFF) and Community Housing Fund (CHF)** is a \$500 million initiative to bridge funding gaps throughout the region’s rental housing market and address critical housing needs. The funds are managed by LISC and originated by the San Francisco Foundation, Bay Area LISC, the Corporation for Supportive Housing (CSH), Capital Impact Partners, and other public-private partners.

In addition to these resources, there are efforts to substantially increase the funds available for affordable housing programs and development in the Bay Area. In 2019, the Bay Area Housing Finance Agency (BAHFA) was created by the California legislature. BAHFA is placing a \$10 or \$20 billion regional housing bond on the November 2024 ballot.

Efforts Funded by the City of East Palo Alto

In both the Housing Element and in this Housing Strategy, the City has set numeric goals and has committed to a range of housing programs, including, but not limited to the development of new affordable housing units. These efforts can be organized by programmatic area and the types of families and individuals served, including:

- Developing Affordable Housing
- Addressing Homelessness
- Supporting Housing Quality and Stability
- Encouraging Homeownership

Developing Affordable Housing

East Palo Alto has three methods of creating deed restricted, affordable housing:

- The City's Inclusionary Housing Ordinance;
- The City's Commercial Linkage Policy; and
- Funding of 100% affordable housing developments.

The **Inclusionary Housing Ordinance** requires the inclusion of Below Market Rate ("BMR") units within new market rate developments. Under the Inclusionary Housing Ordinance, 20 percent of units must be deed restricted. The maximum income for these BMR units varies by tenure type but range from as low as 35% of Area Median Income for a portion of the rental units, up to 120% of Area Median Income for a portion of the ownership units. There are options for the creation of off-site units or the paying of a fee in lieu of providing the units. These fees can then be used for 100% affordable housing developments. There are currently 24 BMR units in entitled or approved projects.

The City of East Palo Alto has a **Commercial Linkage Policy** that requires that new office, medical, and research and development projects fund or create deed restricted housing. While most developers are likely to pay a fee, which is used to fund 100% affordable housing developments, a developer can choose to directly fund the creation of units, however, the Landing proposal for lab uses on Bay Road and Weeks Street has proposed the creation of 95 deed restricted units as part of the project.

The City can also directly **fund the development of 100% affordable housing projects**. These funding sources have different funding requirements and restrictions that the City must adhere to and enforce. Most funds must be used on capital expenses, or the administrative costs associated with delivering affordable housing. These sources include:

- **Inclusionary Housing In-Lieu Fees:** The City collects these funds when a developer pays a fee in lieu of providing deed restricted units on-site. In November 2019, the City Council adopted Ordinance No. 425, the Inclusionary Housing Ordinance, adding Chapter 18.37 to the City of East Palo Alto Development Code replacing the previous housing in-lieu fee ordinance. To date, developers have agreed to place their units on-site, and therefore the City has not collected any fees associated with the new ordinance. The City has \$6,813,682 in funds available as of June 30, 2023. All these funds would be used for affordable housing development.¹¹
- **Low- and Moderate-Income Successor Agency Funds:** These funds are related to the housing assets assumed by the City as Housing Successor to the former Redevelopment Agency. The activities are governed by California redevelopment law and must be used to provide housing for those with low- and moderate-incomes. As of June 30, 2023, the City has \$683,775 of these funds available, of which \$114,000 are proposed to be used for foreclosure prevention,

¹¹ The current fund balance of \$6,813,682 in inclusionary housing in-lieu fee fund consists primarily in-lieu fees and settlement funds from developers in exchange for releases from obligations under Owner Participation Agreements to build affordable units.

and the remaining \$569,775 for housing development.

- **Measure HH Housing Funds:** Measure HH was approved by East Palo Alto voters at the November 2018 election and generates ongoing resources from large commercial buildings to be spent on affordable housing and job training programs. Measure HH raises approximately \$1.6 million annually of which a minimum of 35 percent of funds must be used for housing. In addition, a percentage of Measure HH funds are set aside for workforce development, funding the Measure HH Pilot Workforce Development Program. While not a housing program, improving a household's economic conditions will also improve their housing outcomes. As of June 30, 2023, there is \$4,352,127 in Measure HH Housing Funds available, and over the next four years, approximately \$2.3 million in additional funds is projected to become available, for a total of \$6.7 million in funds, all of which would be used for affordable housing development.
- **Transient Occupancy Tax (TOT) Housing Funds:** Each transient (hotel, motel, or short-term occupant) is subject to and must pay a tax in the amount of twelve percent (12%) of the rent charged by the operator. Ten percent of TOT revenues collected is dedicated and used exclusively for affordable housing development, acquisition and/or rehabilitation. An attempt to increase the fee from 12 percent to 14 percent failed at the 2020 ballot. As of June 30, 2023, the City holds \$2,369,951 in TOT Housing funds. Over the next four years, approximately \$1.1 million in additional funds is projected to be available, for a total of \$3.5 million in potential funds. Of these, up to \$3 million will be used for the purchase and/or rehab of housing affordable to low- and moderate-income households, and the remaining \$500,000 would be available for affordable housing development.
- **Commercial Linkage Fees:** The City Council initiated a commercial linkage fee in 2016, and formally and permanently adopted the program in 2020. Currently, the fee is set at \$13.19 per square foot for office, research & development, and medical office uses. There is no fee for retail, restaurants, services, or hotels. Fees are periodically updated based on changes in program and associated costs. As of June 30, 2023, the City has not collected any fees associated with Commercial Linkage. While the City may not have any commercial linkage fees to fund affordable housing developments at present, it may be a viable funding source in the future.

Altogether, East Palo Alto will have approximately \$14.6 million available for developing 100% affordable housing projects. To understand this proposed cost, it is important to understand the overall costs of affordable housing development and how these developments are financed. It now costs upwards of \$1 million *per unit* to build a new, 100% affordable housing development in San Mateo County. The unit cost includes pro-rated land cost at average fair market value, along with development and construction costs. These developments all rely on a range of federal, state, regional, and local funding sources, as well as debt financing. As such, a local city's contribution towards these developments represents only a percentage of the overall cost.

In October 2023, the City of East Palo Alto funded the Colibri Commons (965 Weeks Street) project, which has a financing structure that is typical of such projects. In addition to the land, East Palo Alto provided \$12,500,000 in affordable housing funds, and fee waivers worth another \$3,330,452, for a total of over \$15.8 million in local funding. Given that the development had 135 deed restricted units, the City’s contribution was \$116,400 per unit, or 11% of the total costs. Therefore, it is expected that East Palo Alto’s contribution to building affordable housing would range from \$120,000 per unit on public land, and \$180,000 on private land.¹² Given this per unit cost, the City’s \$14.6 million in funding can support the creation of anywhere from 81 units on privately owned land to 122 units on publicly owned parcels.

Possible Funds Available for Affordable Housing Development					
Source of Funds	Current Funds Available	Probable Additional Funding*	Other Housing Programs	Total Funding Available for Development	Programs Funded
Inclusionary Housing In-Lieu Fees	\$6,813,682	None Anticipated	\$0	\$6,813,682	Housing Development
Low Mod Successor Agency	\$683,775	\$0	-\$114,000	\$569,775	Housing Development; Foreclosure Prevention
Measure HH*	\$4,352,127	\$2,348,171 ¹³	\$0	\$6,700,298	Housing Development
Transient Occupancy Tax	\$2,369,951	\$1,100,000	-\$2,957,000	\$512,951	Housing Development, Purchase and Rehab of Existing Housing
Total	\$14,219,535	\$3,448,171	-\$3,071,000	\$14,596,706	
*Additional funding is based on four additional years of minimum income.					

Addressing Homelessness

To support the unhoused, East Palo Alto has committed to the following efforts that require the use of City resources:

- The City is waiving permit fees for non-profits applying for Master Temporary Use Permits. The Master TUP for Temporary Housing is a streamlined process that consists of a single application containing all applicable site standards and conditions for different types of temporary housing, including safe overnight parking, on a variety of properties. Applicants can apply for a single property or for a multi-site program, such as a rotating shelter, for up to 12 months at a time.

¹² At the time of writing, 760 Weeks Street was on the market for \$2,500,000, which could accommodate approximately 42 units, for a cost per unit of \$60,000.

¹³ Given that expected revenue for 2023/2024 for Measure HH funds was \$1,677,265, and that at least 35% would be for housing, approximately \$587,043 per year would be available. Over four years, it would total over 2.3 million in additional resources.

The goal is to assist five RV owners between 2024 and 2028. While waiving fees is not a financial outlay for the City, it does represent a \$30,000 reduction in fee income to the City.

- The City has a goal of assisting 38 unhoused individuals. There are a range of programs that can help the City meet this goal. from the creation of permanent supportive housing to workforce development programs. The City expects to access external funds, such as the State's Homekey program, to support this goal.
- WeHOPE's emergency shelter is an important resource for East Palo Alto's unhoused residents. East Palo Alto will work with WeHOPE to secure external funding, such as San Mateo County Measure K funds, to assure that this shelter continues to be available.

Supporting Housing Quality and Stability

The City of East Palo Alto is committed to helping families, both renters and owners, stay in their homes, and that the quality of those homes are maintained and improved.

For renters, East Palo Alto's rent stabilization ordinance is an important tool in stabilizing tenants, but additional programs are needed to stabilize East Palo Alto Renters that require City financial support.

- The City has a goal of supporting 30 households a year (for a total of 150 households between 2024 and 2028) with rental assistance. For year one, the City has committed \$100,000 in operating funds for the program, which will be operated by the Samaritan House. Each household would receive one-time assistance of approximately \$1,900 to \$3,000.
- The City is providing \$280,000 a year for two years (a total of \$560,000) for tenant stability programs including tenants' rights and fair housing outreach and education, case management services, and legal aid. Rent Stabilization program fees pay for \$116,000 of the annual costs, with the remaining \$164,000 coming from the City's General Fund Reserves. Services are provided by [Community Legal Services in East Palo Alto](#) (CLSEPA), [Nuestra Casa](#), and [Youth United for Community Action](#) (YUCA).

Home repair programs will assist both homeowners and renters to stay in their homes, while also increasing the quality of housing. The City has set a goal of providing major repairs for three single-family homes and 13 units in multi-family homes (for a total of 16 units) between 2024 and 2028. The City is allocating up to \$50,000 per unit in TOT Housing Funds, for a total program cost of \$800,000. The City will also seek San Mateo County managed federal CDBG funds to offset or match the City's investment. If awarded, the City will help low-income homeowners, through referrals to existing home repair programs funded with San Mateo County CDBG funds. This program will enhance the ability to identify opportunities for physical rehabilitation and thus preserve affordable housing units.

The City also has set a goal of assisting three homeowners facing potential displacement due to foreclosure. The cost of such an effort could cost approximately \$114,000 in Low Mod Successor Agency funds, to include counseling services and mortgage assistance. Some homeowners may be able to access the Federal Homeowner Assistance Fund, allowing East Palo Alto to assist additional

homeowners.

Workforce development programs also address household stability by improving individuals' and families' financial stability. The City of East Palo Alto has committed \$775,215 in Measure HH funds for an 18 month [pilot program](#). If successful, Measure HH funds are a recurring source of income that could continue to fund the program through the remainder of this strategy.

Encouraging Homeownership

Homeownership is the primary way that moderate- and middle-income families build wealth,¹⁴ and the long-term gap in homeownership rates between White, non-Hispanic/Latino households and Black/African American and Hispanic/Latino households has contributed to racial wealth gaps.¹⁵ Given the high sales prices in East Palo Alto and San Mateo County, it has gotten very difficult for East Palo Alto residents to buy their first home, and the City is hoping to encourage homeownership through homebuyer financial assistance and support for tenant purchases of their homes.

- **Homebuyer Financial Assistance:** The Housing Assistance Fund was created specifically to provide financial assistance for first-time homebuyers. Currently there are \$474,742 in these funds available, and the City has committed to helping eight (8) households purchase a home between 2024 and 2028. While City staff are still developing this program, the funds available could support downpayment assistance of up to \$50,000 per household.
- **Tenant and Non-Profit Purchase of Rental Properties:** The City is committed to assisting tenants and/or non-profits purchase their home to secure long-term stability. The City's goal is to assist with the purchase of two single-family homes and one four-to-six-unit multi-family home. Total program costs are expected to be approximately \$2,157,000, funded by City TOT fund Housing funds.

¹⁴ Schuetz, Jenny (December 9, 2020). "Rethinking Homeownership Incentives to Improve Household Financial Security and Shrink the Racial Wealth Gap." The Brookings Institution. Accessed 12/15/2023 at <https://www.brookings.edu/articles/rethinking-homeownership-incentives-to-improve-household-financial-security-and-shrink-the-racial-wealth-gap/>

¹⁵ According to 2018-2022 American Community Survey Estimates for San Mateo County, 66% of White, non-Hispanic/Latino households were homeowners, compared to 63% for Asian households 58% for Black/African American households, and 42% for Hispanic/Latino households.

Summary: Housing Program Costs and Sources			
Program	Amount	Source of Funds	Proposed Outcomes
Master Temporary Use Permits	\$30,000	Fee waivers	Assist 5 RVs with waivers
Rental Assistance	\$500,000	Operating Funds	Assist 150 households
Tenant Stability Programs	\$1,400,000	Measure O/L Funds	Annual grants to non-profits for legal services, tenant outreach, and case management.
Major Home Repairs	\$800,000	Measure HH Housing Funds, County CDBG Funds	Repair 3 single family and 13 multi-family units
Minor Home Repairs	\$25,000	County CDBG Funds	Assist 5 homeowners
Foreclosure Prevention	\$114,000	Low Mod Successor Agency Funds	Assist 3 homeowners
Workforce Development	\$775,215	Measure HH Workforce Development Funds	Assist 80 individuals
Homebuyer Financial Assistance	\$474,742	Housing Assistance Fund	Assist 8 homebuyers
Tenant & Non-Profit Property Purchases	\$2,157,000	Transient Occupancy Taxes	Assist purchase of 2 single family homes and 1 multi-family home
Affordable Housing Development	\$14,596,706	Inclusionary Housing In-Lieu Fees, Low Mod Successor Agency Funds, Measure HH Housing Funds. Transient Occupancy Taxes	Build 80 to 120 affordable housing units, depending on land costs

WORKPLAN

The City of East Palo Alto is committed to fulfilling the goals of this affordable housing strategy between 2024 to 2028. Some will be addressed in the next two years, and some will take longer to implement, or are ongoing efforts.

Policy/ Program Number	Affordable Housing Strategy Action	Timelines			
		2024	2025	2026 or later	ongoing
Goal 1: Create More Housing that is Affordable to East Palo Alto Residents.					
	Incentivize affordable housing development.				
1.0	Policy 1.0: Track and review planning approval and building permit processes for residential projects. Establish actions for streamlining, clarifying, and simplifying the approval and permit processes, including the design review process. Seek input from developers and other stakeholders to identify ways to improve and streamline development review.	x		x	
1.1	Develop objective development and design standards that will be consistent with adopted findings of approval for all single-family and multi-family developments that simplify, clarify, and improve approval certainty and reduce the time for permit processing. Establish a time schedule for expedited ministerial or administrative approval of projects that comply with objective design standards, zoning standards, and development regulations. Ensure compliance with SB35, SB330, Housing Accountability Act, and other applicable state laws for qualifying projects.	x	x		
1.2	Implement existing processing guidelines and checklists for projects that qualify for by-right, ministerial, or administrative approval and CEQA exemption under SB 35, SB330, Housing Accountability Act, and other applicable state laws.				x
1.3	Review and adjust building permit review and approval procedures as needed to comply with the streamlining requirements of State law AB 2234.			2027	
1.4	Develop standards to prioritize, incentivize, and expedite processing of residential projects that commit housing units for special needs populations such as the developmentally disabled, single-female head of households, at-risk youths, large family households, extremely low-income households, and unhoused individuals.	x	x		x
1.5	Pursuant to Government Code 65583.2 (h) and (i), sites that require rezoning to meet the RHNA for lower-income households	x			

	and sites carried over from the 2015-2023 Housing Element to accommodate the needs of lower-income households shall be rezoned within the statutory deadline prescribed in Government Code 65583.2 (c). The rezoning shall commit to 20% lower-income units, minimum densities, and objective development standards, and complying projects shall not require discretionary approval. One site is carried over from the 2014-2022 Housing Element – a 0.65-acre parcel at 851 Weeks with an existing zoning of 22-40 units/acre and a pending application for a 79-unit SB 35 project. If a project contains at least 20% lower-income units and complies with objective development standards, discretionary approval shall not be required.				
1.6	Seek and support financial resources from state, regional, and county housing programs, tax credits, and other sources that provide funding assistance for affordable housing projects to cover design and development costs and off-site public facility and infrastructure improvements.				x
	Encourage smaller smaller-scale housing that is relatively more affordable, including duplexes/triplexes and accessory dwelling units (ADUs).				
1.7	Develop a “next-phase” streamlining effort for ADUs and JADUs, SB 9 projects, and any future small development, ministerial approval process that builds on lessons learned from the ADU Streamlining collaboration with EPACANDO and City Systems. (See Program 10.5 pertaining to ADU zoning amendments that are necessary to comply with current state laws and for numerical geographical targets.)	x			
1.8	Study feasibility and desirability of waiving or reducing fees or delaying payment of permit fees and development impact fees for ADUs and small projects, e.g., two or fewer units.	x			
1.9	Develop outreach materials targeting smaller developers aimed at informing future applicants and improving the quality of Planning and Building applications received.	x			
1.10	Implement a preapproved and modular ADU designs program or participate in proposed 21 Elements clearinghouse to facilitate streamlined review and reduce design costs of ADUs.		x		
1.11	Develop proposals for relaxing or allowing flexible zoning standards (e.g., building setbacks and height, open space, parking, and density) to facilitate the development of 5 SB 9 and small infill housing projects to increase housing opportunities and housing types throughout the community.		x		
1.12	Develop an expedited legalization process for unpermitted second units. Identify zoning amendments to reduce the impediment to building ADUs, such as setback and open space standards.	x			
1.13	Support and participate in a potential county-wide initiative to create a resource center to effectively educate homeowners,	x			

	provide resources, and promote the construction of ADUs.				
1.14	Research all available public and private sources of rehabilitation/repair funding and strengthen partnership with organizations in this area, such as Habitat for Humanity.				x
	Develop long-term, sustainable funding sources that are flexible and may be used for affordable housing production and preservation and to prevent displacement and homelessness.				
1.15	Implement the 2022 approval of Measure L which increased and expanded the City's existing Gross Receipts Tax on rental residential properties for affordable housing and support programs.	x			
1.16	Update the City's five-year Affordable Housing Strategy (AHS) to implement the 6th cycle Housing Element goals, policies, and programs and to sets priorities for allocation of the City's affordable housing revenue sources for a finite period (1 year to 5 years). Establish priorities to implement fair housing policies and programs in low resource neighborhoods per the AFFH analysis.	x			
1.17	The Planning and Housing Departments will collaboratively pursue state grant funds wherever possible to support affordable housing projects and programs and to address homelessness in the City. Target: Annually research available funds for affordable housing projects and homelessness programs. Prioritize funds to assist lower-resource areas and the unhoused population.	x			x
	Take reasonable measures to reduce the cost of development for fully affordable housing developments.				
1.18	Use the opportunity of the Ravenswood Business District (RBD) Specific Plan Update or initiate a city-wide study on the feasibility and desirability of fee waivers or reductions or deferred fee payments for fully affordable housing projects; additionally, consider providing City financial assistance to cover these fees.		x		
1.20	Incorporate parking reductions into the City's Transportation Demand Management Program including compliance with AB2097 and related state laws that eliminates parking minimums within one-half mile major transit stops and radius and parking maximums for affordable housing projects.		x		
	Encourage housing on sites zoned for mixed use in the Ravenswood/4 Corners Specific Plan Area.				
1.21	For sites within the RBD Specific Plan Area, study feasibility and effectiveness of an RBD-specific density bonus, relaxed zoning controls, minimum densities (particularly for mixed-use sites), streamlined subdivision approvals, and by-right or ministerial approvals. Incorporate provisions into the Specific Plan Update and Development Code in summer 2024. (See also related Program 10.8)	x			
	Develop affordable housing on public property				

1.23	Work with County of San Mateo to complete land swap and determine feasibility of the County developing affordable housing, encouraging permanent supportive housing development, at 2277 University. Comply with Surplus Lands Act. (This project is not included in Sites Inventory but could potentially be constructed during Housing Element 6th Cycle.)	x	x	x	
1.24	Work with Ravenswood City School District to facilitate the development of the district-owned parcel at 2120-2160 Euclid Avenue as affordable public school employee housing. Comply with Surplus Lands Act.	x	x	x	
	Objective: Incentivize “missing middle” housing, or smaller-scale housing that is affordable to households at 80-120% of Area Median Income.				
1.25	Revise City zoning and subdivision standards to increase compatibility with SB 9 (e.g., flexible zoning standards for setbacks, open space, heights, and density) and make process improvements to encourage application of SB 9 on appropriately zoned parcels. Conduct informational outreach to property owners whose properties are prime candidates for SB 9 projects, including informing them of the by-right or ministerial approval process.		x		
	Monitor progress on housing element policies, programs, and sites inventory.				
1.26	Annually review overall progress and effectiveness in meeting RHNA and evaluate progress in meeting Housing Element policies and programs; include information in Annual Progress Report to HCD. Track the production of inclusionary housing units, ADUs, SB 9 units, and housing for special needs populations. If the City is not making sufficient progress in meeting its Housing Element goals and its RHNA for affordable units by 2027 (i.e., at least 130 lower-income units under construction or completed by 2027), consider alternative land use strategies within six months. Possible actions include amending policies and programs, defining new actions, or identifying alternative housing sites, including rezoning if necessary, and strategies to facilitate a variety of housing choices, such as encouraging missing middle zoning (small-scale multi-unit projects), adaptive reuse, and additional ADUs and/or JADUs.	x	x	x	x
Goal 2: Create Homeownership Opportunities for East Palo Alto Residents and Stability for Existing Homeowners.					
	Promote financial literacy as a means of encouraging homeownership and support first-time homebuyers.				
2.1	Develop a City led homebuyer support program or programs tailored to the needs of lower and moderate-income households in East Palo Alto. Prioritize outreach to neighborhoods with a proportionally higher percentage of rental households such as the westside of State Highway 101.	x	x		

2.2	With the assistance of the City's grant coordinator, seek and apply for funds from state and other sources to create and finance this program.			x	
	Create pathways to affordable homeownership opportunities.				
2.3	One pathway to homeownership is through tenant purchase of their buildings. The City hopes to create a program that will facilitate a minimum of two single family and one multi-family tenant purchases between 2024 and 2028.	x			
	Advocate for homebuyer and homeownership programs at the county, regional, and state levels.				
2.4	Advocate for the homebuyer and homeownership programs at the county, regional, and state levels.				x
Goal 3: Preserve Existing Affordable and Rent Stabilized Housing					
	Ensure that the City's deed-restricted affordable housing and Below Market-Rate (BMR) portfolio remain well-maintained and monitored.				
3.1	Continue working with EPACANDO and Bay Area Affordable Homeownership Alliance (BAAHA) on the existing BMR Program contract and draft a Request for Proposals (RFP) for the next phase of BMR Program management, to maintain the 53 existing BMR units and add 8 rental or for-sale inclusionary housing units.	x			x
	Improve data on affordability of the City's rental housing stock outside of the rent stabilized portfolio.				
3.2	With the allocated City Council funding, research potential rent registry program and administer Request for Proposals (RFP) for potential rent registry program administrator.	x			
	Leverage County initiatives and affordable housing resources to increase public awareness of affordable housing opportunities in East Palo Alto.				
3.3	Work with the County of San Mateo and landlords to list all affordable housing projects and inclusionary units on Doorway, a new regional platform for searching and applying for affordable housing and finding affordable housing resources and conduct proactive outreach to East Palo Alto residents.				x
	Protect and preserve the City's supply of rent-stabilized affordable housing units.				
3.4	Continue to support the function of the Rent Stabilization Board (RSB) to enforce the City's Rent Stabilization Ordinance to protect tenants from unreasonable rent increase, to protect tenants from unlawful evictions, and to allow landlords sufficient rental income for maintenance and operating expenses and capital improvements.				x
Goal 4: Prevent Displacement of East Palo Alto Residents.					
	Connect the creation of new jobs in the City from commercial				

	development to the creation of new housing at the appropriate affordability levels.				
4.1	As part of the Ravenswood Business District/4 Corners (RBD) Specific Plan update, develop a requirement to build new housing at specified levels of affordability based on a numerical linkage to office/R&D square footage in Ravenswood Business District (RBD).	x			
4.2	Participate in countywide nexus study led by 21 Elements to update the existing Commercial Linkage Fee.	x			
	Promote the preservation of existing housing stock and rehabilitation of housing that is at-risk due to age, structural deficiencies, etc.				
4.3	Develop a preservation strategy that addresses funding sources, identification of properties, and partnerships that can lead to preservation of affordable housing in East Palo Alto. Prioritize assistance to lower resource neighborhoods identified in the AFFH analysis (including, but not limited to, westside of State Highway 101, south of Bay Road west of University Avenue, and multi-family housing on southside of Bay Road east of University Avenue.)	x			
4.4	Identify and maintain a list of at-risk units and substandard buildings throughout the City. Ensure property owners comply with the State Preservation Notice Law. Actively engage with property owners to reach agreements to preserve at-risk units and properly maintain their properties. Through these efforts, the City hopes to improve 13 substandard or at-risk units between 2024 and 2028.	x			x
4.5	Study improvements to the City's process for addressing code violations on residential properties, including, but not limited to, unpermitted second units.		x		
4.6	Create and fund a City housing rehabilitation program for City Council consideration that covers both single-family homes and multi-family apartments to preserve affordable housing opportunities, encourage proper maintenance and repairs, promote renovation, and increase energy conservation. Prioritize neighborhoods with a concentration of units in need of rehabilitation per Housing Element, Section 2.12.2.D (including, but not limited to, westside of State Highway 101, south of Bay Road west of University Avenue, and multi-family housing on southside of Bay Road east of University Avenue).		x	x	
	Support housing stability of existing lower-income homeowners and enable the community's seniors to age in place.				
4.7	R Research establishing and funding a City home repairs program to assist low-income homeowners with major repairs and rehabilitation to address acute safety and livability issues. Develop a public outreach plan and also inform homeowners of financial assistance available from other agencies such as energy	x	x		

	conservation and electrification incentives. Prioritize assistance to lower-resource neighborhoods identified in AFFH analysis (including, but not limited to, westside of State Highway 101 and south of Bay Road west of University Avenue.)				
4.8	Continue to implement public accessibility improvements in accordance with the City's ADA Compliance Plan and amend Municipal Code Chapter 14.10 – Reasonable Accommodations and Development Code Chapter 18.98 – Reasonable Accommodations as needed to comply with applicable state laws.				x
4.9	Study models of foreclosure prevention at the local level in similarly sized cities, whether through local investment or leveraging outside funding; evaluate establishing a mortgage assistance program for low-income households.	x	x		
	Promote community/cooperative ownership of land and housing in East Palo Alto.				
4.10	Evaluate opportunities to support and/or leverage local community land trusts (CLTs) to create community ownership of new or preserved affordable housing, e.g., through scattered-site ADUs, small inclusionary projects, or preservation projects.	x	x		
	Prevent displacement due to high housing cost burden and barriers to housing, such as rental deposits.				
4.11	Continue to appropriate funds and consider increasing funds for direct emergency financial assistance or rent relief to be administered by a qualified organization identified through a Request for Proposals (RFP) process. Conduct proactive public outreach, particularly to lower-income households and neighborhoods where a high housing cost burden has been documented in the fair housing assessment.	x			
4.12	Develop a proposal for City Council consideration for a direct financial assistance program for first and last month's rent/security deposit assistance.		x		
	Implement an effective and fair housing compliant Local Preference Policy.				
4.13	Complete and enforce guidelines on City's existing Local Preference Policy.	x			
	Provide access to living wage jobs to allow residents to afford to remain to live in East Palo Alto.				
4.14	Through Measure HH, a parcel tax on large office developments approved by East Palo Alto residents in 2018, implement a Pilot Workforce Development Program to provide job training, apprenticeships, and job placement services to residents through partnerships with community-based non-profit organizations and private companies. Programs shall include proactive outreach to East Palo Alto residents, and service agreements shall define performance goals and metrics and required deliverables.	x			

Goal 5.1: Apply Environmental Justice Principles in Planning for New Housing Development.

	Adopt policies and programs to address environmental justice issues in the community.				
5.1	Update the Environmental Justice Element (Health and Equity) in the City's General Plan to include a comprehensive set of policies and programs and an implementation plan to address environmental justice issues and public outreach, engagement, and transparency; scope of work to include a robust community engagement process is integrated into the preparation of this Element.	x			
	Address water and sewer system constraints to housing production, to the extent they are within the City's control, through targeted capital and governance improvements.				
5.2	Establish and implement a plan to address the San Mateo County Local Agency Formation Commission (SMCLAFCo) Municipal Service Review and to resolve the delays to housing development caused by issues with the East Palo Alto Sanitary District.	x			
5.3	Implement the Water System Master Plan adopted in 2022 and complete the first-phase capital improvements in the plan. Update the Urban Water Management Plan to conform with the Master Plan and ensure adequate water service to parcels identified as developable in the Housing Element Sites Inventory (adequate water supply but water infrastructure upgrades may be needed for certain locations.)	x	x		
5.4	Work with water and sewer service providers to adopt a policy that prioritizes water and sewer capacity allocations to affordable housing projects and low-income households in accordance with state law (SB1097).	x			
	Minimize new housing in highest-risk areas prone to flooding/sea level rise or due to environmental contamination.				
5.5	Leverage community partnerships to utilize and maintain data and maps wherever possible to monitor areas subject to flooding and identify sites for future development and to comply with Government Code 65302.				x
5.6	Develop environmental "overlay" map with most up-to-date data to avoid housing in at-risk areas or with prescribed mitigation measures.	x			
	Prioritize flood control, infrastructure, and transportation improvements in lower-resource areas.				
5.10	Pursue funding and prioritize neighborhoods of concentrated need for future investment, which may include but is not limited to rehabilitation, safe routes to schools, parks, transit, and active transportation. Evaluate the distribution of infrastructure and transportation investment by higher versus lower need areas when updating the Capital Improvement Program (CIP). Assess the needs in lower-resource areas and implement actions to ensure an		x	x	

	equitable distribution of investment.				
5.11	Support local and regional flood control and infrastructure projects that benefit existing and future residents. Prioritize improvement projects that benefit high need and lower-resource areas as identified in AFFH analysis.	x	x	x	
Goal 5.2: Expand and establish programs to promote fair housing practices for East Palo Alto residents.					
5.7	Implement fair housing and anti-eviction programs using Measure O and other qualifying local revenue sources to fund community-based organizations to provide legal services, financial assistance, case management, referrals, proactive community outreach (social media, workshops, flyers), resource information, and a staff a citizen advocacy committee. The City Council has allocated over \$200,000 toward anti-displacement and fair housing programs.	x			
5.8	Continue to support agencies such as Project Sentinel, Community Legal Services in East Palo Alto, and Legal Aid at Work that provide consultation and landlord/tenant mediation services for residents.				x
5.9	Prioritize providing fair housing and support services to special needs populations such as extremely low-income households, persons with disabilities, female heads of households, large family households, seniors, at-risk youths, and households at-risk of homelessness. Target proactive public outreach to lower resource neighborhoods such as western and northern areas in East Palo Alto or projects where there is a higher presence of special needs populations based on the fair housing analysis. The City has a goal of providing fair housing and support services for minimum of 20 special needs individuals or households between 2024 and 2028.				x
Goal 6: Promote Safe and Healthy Housing in East Palo Alto.					
	Strengthen monitoring and enforcement of habitability issues.				
6.1A	Annually review the City's habitability complaints and the Rent Stabilization Ordinance's rules and regulations and forward any recommended changes or updates for enforcing habitability issues to the City's Rent Stabilization Board.				x
6.1B	Continue to use code enforcement to support housing preservation and neighborhood quality and identify housing maintenance issues. Refer property owners with compliance needs to the City's programs for rehabilitation assistance.				x
	Incorporate amenities into multifamily housing that support households with children.				
6.2	Determine the most effective means of incentivizing or requiring childcare facilities in new affordable housing developments and commercial developments.	x			
	Improve energy conservation and reduce the carbon footprint of residential buildings.				
6.3	Implement the East Palo Alto Reach Codes, which became	x			

	effective in January 2021 and apply to all new construction and substantial rehabilitations and additions; continue to explore expanding building electrification requirements and support incentive programs for retrofitting existing buildings				
	Improve earthquake readiness and resilience.				
6.4	Complete and implement the recently updated Multi-Generational Local Hazard Mitigation Plan.				x
6.5	Update the City's Safety Element to address earthquakes, flooding, and other natural and manmade hazards; consider policies such as establishing a seismic retrofit program to address vulnerable populations living in soft-story buildings and establishing a program for remediation of lead-based paint in older residential buildings; incorporate targeted outreach to vulnerable and special needs populations to ensure their needs are well-addressed.	x			
	Ensure implementation and enforcement of flood protection and prevention measures.				
6.6	Continue to disseminate information through onsite resources and workshops to homeowners, property owners, and developers on FEMA, state, and local regulations on floodplain construction and management practices.				x
6.7	Continue to participate in FEMA's Community Rating System Program to ensure that new housing development complies with floodplain construction standards with submission of required certifications.				x
Goal 7: Create More Housing Opportunities for Special Needs Households, Including Large Households, People at Risk of or Experiencing Homelessness, and Individuals with Disabilities.					
	Incorporate special housing needs into City-supported future affordable housing developments.				
7.1	For affordable housing projects located near high-quality transit, on City-owned land, with City subsidy, or where otherwise legally defensible, require developers of affordable housing to demonstrate how they will serve people with disabilities in the development.	x	x		
	Provide housing solutions and support services for unhoused residents in East Palo Alto.				
7.2	Finalize the Master Temporary Use Permit (MTUP) process for the temporary housing program rollout that includes City coverage of permit fees to provide housing for individuals experiencing homelessness in the community.	x			
7.3	Evaluate lessons learned and options for longer-term, holistic solutions to RVs parked in public right of way with the conclusion of the RV Safe Parking Program.	x			x
7.4	Research all available public funding sources to address homelessness and consider City investment of funds for homeless				x

	outreach, case management and supportive housing to supplement the countywide system.				
7.5	Pursue expansion of support programs for unhoused residents by establishing partnerships with other public agencies, private corporations and foundations, and non-profit service providers.	x			x
7.6	Continue to support the low barrier navigation center and emergency shelter operated by WeHope, a community-based non-profit organization, which provides an interim shelter and supportive services for unhoused individuals. Accommodate the special needs of at-risk youths, households with children, and persons with disabilities.				x
	Reduce overcrowding and unsafe housing conditions related to housing affordability in East Palo Alto.				
7.7	Develop options for incentivizing deeply affordable housing units that serve larger household sizes, such as allowing additional density or other relaxed or flexible zoning regulations.	x			
7.8	Continue to require residential projects to include Extremely Low-Income housing units through the City's Inclusionary Housing Program and encourage production of deed-restricted ADUs serving Extremely Low and Very Low-Income households as an Inclusionary Housing Alternative Compliance option instead of paying in-lieu fees for fractional units.	x			
Goal 8: Improve Transparency and Communication between the City and the Public on Housing Issues.					
	Make the City website, social media, and newsletter a reliable source of housing information and make parallel efforts to reach residents through mailers and in-person meetings.				
8.1	Improve and maintain the Housing website as a primary means of communicating the City's efforts around housing. Expand proactive measures to inform homeowners, landlords, and tenants about available local and County housing resources and supportive services.				x
8.2	Create a budget for mailers and non-digital outreach on Housing workplan items at the start of each fiscal year.				x
	Incorporate language accessibility/language justice into City materials and meetings.				
8.3	Provide translation of materials and interpretation of City Council, Planning Commission, Rent Stabilization, and other City meetings in alignment with City's Language Policy.	x			
Goal 9: Build City Capacity for Long-term Housing Planning and Implementation of a Range of Housing Programs and Initiatives.					
	Maintain sufficient Housing Division staff to implement this Affordable Housing Strategy.				
9.1	Regularly assess the level of staffing or contract assistance to ensure that sufficient staffing is committed to implementing the policies and programs in this Affordable Housing Strategy in a				x

	timely manner.				
	Seek efficiencies and collaborative staffing and resource opportunities to simultaneously implement this Affordable Housing Strategy programs and other Housing Division responsibilities.				
9.2	Along with other San Mateo County communities, access the services of the HEART of San Mateo County's new Housing Consulting Services program, so as to access additional housing expertise and staffing.	x			
	Work in close collaboration with the Planning Division to more efficiently achieve both divisions' goals and workplan items.				
9.3	Collaboratively update the City's Development Code to align Planning and Housing objectives, with an emphasis of resolving inconsistencies and ensuring consistency with the City's General Plan.	x	x		
	Seek financing sources for affordable housing construction and preservation.				
9.4	As Notices of Funding Availability (NOFA) are issued (typically annually), proactively work with the City's grant coordinator to selectively apply for regional, state, and federal grants to finance qualifying affordable housing projects and to fund East Palo Alto housing programs, such as housing rehabilitation program and first-time homebuyers' program				x
	Monitor the Housing Element Implementation Plan				
9.5	Review the Housing Element's Sites Inventory annually to assess progress in achieving the City's RHNA affordable housing allocation and as needed, identify additional sites or adjusting development policies, programs, and priorities.				x
	Monitor the Inclusionary Housing Ordinance				
9.6	Evaluate the effectiveness of the Inclusionary Housing Ordinance (IHO) in producing affordable units and the financial impact of the inclusionary requirements and Alternative Compliance Options on residential development. Evaluate the effect of changing economic, development, and financing conditions and the cumulative financial impact of development impact fees and exactions. Following completion of the evaluation, amend the IHO to reduce constraints within six months if necessary. Continue to assess the financial impact of the IHO on individual projects and implement further measures to reduce the barriers to housing production and achieve the City's RHNA if needed.	x	x		x
Goal 10: Amend Zoning and Other Development Regulations to Facilitate the Construction of Affordable and Special Needs Housing					
	Require replacement housing to be provided for applicable housing developments.				

10.1	For applicable development projects that will be removing residential units, a replacement housing program for lower-income households in accordance with State requirements (Government Code 65583.2(g)).				x
	Update zoning and development standards as needed for Emergency Shelters.				
10.2	Emergency Shelters - Evaluate current sites, development standards, and approval process and amend the Development Code to comply with Assembly Bill 2339 and other applicable state laws. Amend the Development Code to address zoning requirements, update the definition of emergency shelters, ensure sufficient capacity for emergency shelters in zones with proximity to transportation and homelessness services, establish objective development standards, and comply with all other requirements of AB 2339.	x			
	Update zoning as needed for by-right Permanent Supportive Housing.				
10.3	Update zoning to so that Permanent Supportive Housing would be allowed by-right in residential and mixed-use zoning districts, as required by the State (Government Code 65651).	x			
	Update zoning as needed for Housing for Farmworkers.				
10.4	Update zoning and the definition of a “housekeeping unit” to comply with the state Employee Housing Act and adopt a “barrier-free” definition that does not subject persons with disabilities to special regulations.	x			
	Update zoning as needed for Accessory Dwelling Units (ADU)				
10.5	Amend the ADU ordinance to comply with State law, pending formal comment from HCD by December 2023. Further actions include programs and policies to facilitate construction of ADUs (refer to Policies/Programs 1.7 to 1.14 for specifics). Consider additional measures to remove zoning impediments such as relaxing side and rear yard setback and open space standards and facilitating conversion of unpermitted accessory structures to ADUs. The City has a goal of approving at least 72 ADUs between 2024 and 2028.	x			
	Update zoning as needed for residential care facilities and group homes (7+).				
10.6	Update zoning regulations for residential care facilities and group homes (7+) to comply with state law and to reduce barriers for establishing facilities for special needs populations such as persons with disabilities, including revising existing spacing constraints	x			
	Update other zoning ordinance regulations to comply with latest state law and reduce impediments for residential development.				
10.7	Review zoning ordinance regulations for compliance with the	x	x	x	

	current state laws and reduce development impediments or provide incentives such as standards pertaining to parking, open space, density bonuses, and objective design standards. Implement Policies/Programs 1.1 to 1.6, 1.18, 1.20, 1.21 and 1.25 for a comprehensive multi-pronged approach to reduce regulatory constraints, improve development processing, create incentives for housing development, and reduce, mitigate, and not constrain housing supply, cost, and ability to achieve maximum densities.				
	Adopt updates to the Ravenswood Business District/4 Corners Specific Plan to include residential uses at designated locations.				
10.8	Adopt an update to RBD Specific Plan to allow residential and mixed-use development at designated locations in the plan area and address provisions as noted in other Housing Element and Affordable Housing Strategy policies/programs. Concurrently, rezone parcels for residential and mixed-use development. Additionally, establish by-right approval, minimum residential densities, objective design standards, minimum residential requirements for mixed use zoning, reduce parking set flexible open space standards for affordable housing, create a transportation demand management (TDM) program, streamline subdivision approvals, and undertake other re-zoning efforts to reduce development constraints and create incentives for developments catering to special needs populations. Further, the City will resolve inconsistencies between the General Plan and current Specific Plan, (See related Policy 1.21). The City's goal is to zone sites and define minimum densities and objective design standards to accommodate 1,350 to 1,600 housing units within the Specific Plan area.	x			
	Facilitate single-room occupancy (SRO) and transitional supportive housing.				
10.9	Develop procedures and review zoning regulations with the objective of encouraging and facilitating the development of SRO projects and transitional supportive housing at suitable locations. The City's goal is to streamline zoning regulations as needed, identify potential funding, and reach out to developers (e.g., through a request for proposals or qualifications) to construct an SRO or supportive housing project on a suitable site in the City with convenient transit service.		x		
	Maintain General Plan and zoning consistency.				
10.10	During the 6th cycle Housing Element, ensure that the General Plan land use designation and zoning are consistent for all properties included in the City's RHNA Sites Inventory.				x

SUMMARY SURVEY RESULTS AFFORDABLE HOUSING STRATEGY

The following are summary survey results of the Affordable Housing Strategy open between November 27, 2023 and January 5, 2024. There were a total of 48 respondents, 52% of which were tenants, 40% of which were homeowners, and 8% of which were other.

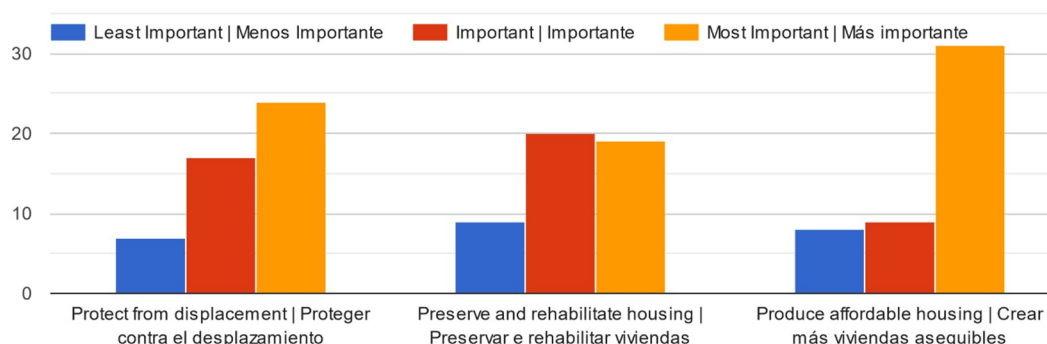
Disclaimer: The following are direct quotes from the survey responses, and may contain misspellings. Please omit any misrepresentations in survey responses.

Question 1: What housing problems have you experienced? | ¿Qué problemas de vivienda ha experimentado?

- Rent too expensive
- Seeing friends struggle. We've had to help out a few folks in need of short term housing.
- Poor management of affordable housing, overcrowded streets with no parking, dirtiness, crime.
- Landlords that don't maintain properly the property, or don't want to fix issues in the property (due to property old age), or if they fix them, they want to pass the cost directly to the tenant
- Lack of affordable housing options. When homes are listed for sale they're immediately purchased and flipped and turned into airbnb units or sold for millions of dollars.
- illegal foreclosure when bank created fake documents and sold my house
- No parking, crowded streets, cars parked on sidewalks which makes the neighborhood unwalkable and dangerous for drivers and pedestrians.
- Housing repair cost issues
- Woodland being terrible corporate landlords.
- Por el momento no he tenido ningun problema pero si es muy dificil pagar una renta alta por que la renta wsta mas alta cada dia
- Denied affordable housing for being middle income but not able to afford housing in the city because its still too expensive
- Landlords that are renting their homes have no regulations and there are like 20+ people living in the same home causing the streets overcrowded and sometimes people double park or block part of driveways.
- none personally but have seen friends struggle
- Ha sido dificil encontrar vivienda a buen costo y cuando encuentro casa, me suben la renta cada año
- Mold, water problem, cockroaches, no maintenance and not getting rent money back.

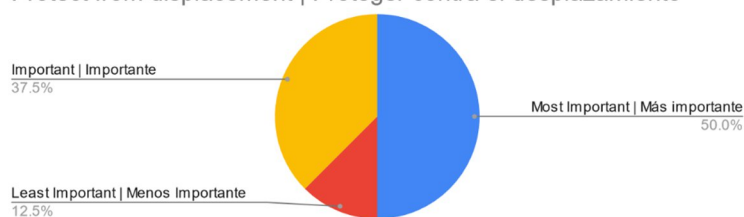
- affordability
- Ive experienced many in the past, but from what I can remember as of now are no hot water, roaches, stove randomly not working, and Random power outages without warning.
- Woodland ignores their residents.
- I have seen cockroaches & when moved in the painting was bad,
- cock roaches
- homeownership opportunities
- Inability to pay mortgage. Almost lost home.
- Displacement and lack of affordable housing possibilities to move out of my mom's home
- Rent burden
- Parking and not enough to match the ADU and amount of double up and rental homes. Housing for Young Adults who are in community college
- The electrical lights turn off very often when to many things are plugged in at once.
- I can't extend my home or build an ADU because it's in a flood zone. I have to wait until the Menlo Park levee is complete and FEMA changes its map. I could produce more housing if this were done.
- Affordable home improvement ie-solar installation, new roof for senior homeowners
- Poor management by various landlords, over many years. Problems from crowded housing, lack of parking. Witnessing the tragic increase in housing insecurity and homelessness.
- Landlord harassment
- Maintenance.
- We rented a house that was very poorly maintained. It had no heat,, no insulation, the roof leaked, and I'm pretty sure there was mold that caused my son to have asthma and be hospitalized at 5 years old. Due to high rents and competition for renting single family homes in EPA, landlords take advantage to overcharge for miserable living conditions and feel no pressure to update dilapidated residences. When we moved out he immediately rented the same home to another family without making any repairs.
- Tengo 2 años en Península Park Apartments y me han incrementado la renta cada año
- ha sido difícil encontrar una vivienda de tamaño adecuado para mi familia de 7 a un precio accesible. Además que los pocos landlords que nos han tocado son hostiles
- overcrowding
- Scarce units

Question 2: What do you see as the City's funding priorities for affordable housing | ¿Dónde deben priorizarse recursos?



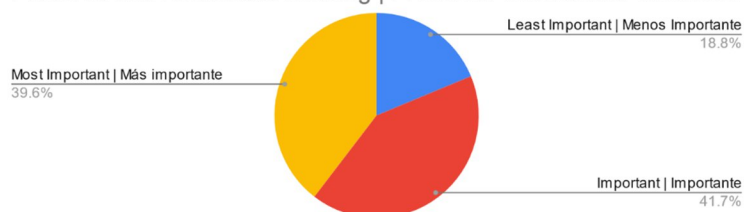
Summary: 42 respondents listed “Protect from displacement | Proteger contra el desplazamiento” as Most Important or Important; 6 respondents listed it as Least Important

Protect from displacement | Proteger contra el desplazamiento



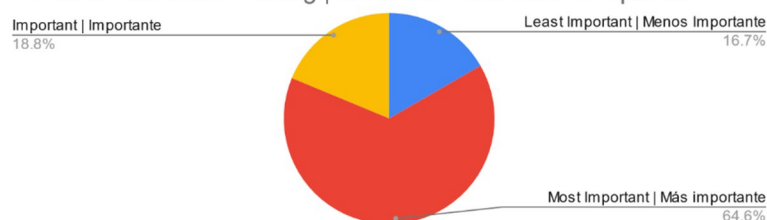
Summary: 39 respondents listed “Preserve and rehabilitate housing | Preservar e rehabilitar viviendas” as Most Important or Important; 9 respondents listed it as Least Important

Preserve and rehabilitate housing | Preservar e rehabilitar viviendas

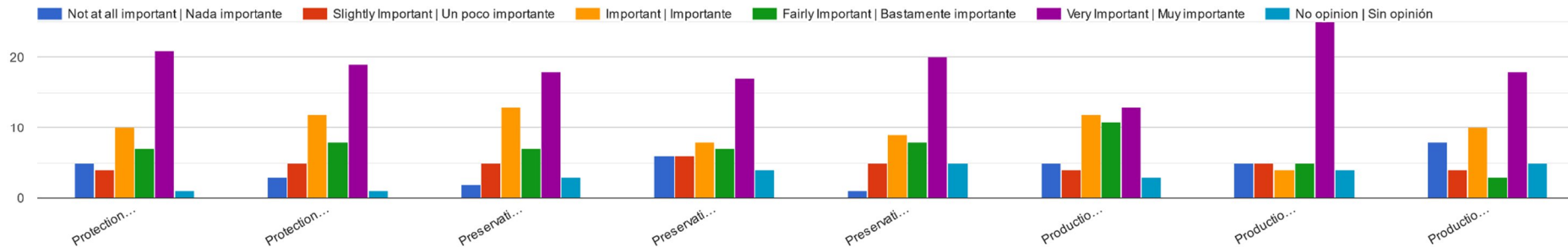


Summary: 40 respondents listed “Produce affordable housing | Crear más viviendas asequibles” as Most Important or Important; 8 respondents listed it as Least Important

Produce affordable housing | Crear más viviendas asequibles



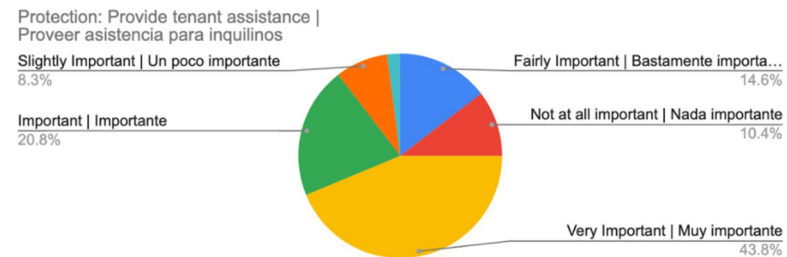
Question 3: What is the City's most important funding priorities for affordable housing? (Please rank). | ¿Dónde deben priorizarse recursos?



Summary

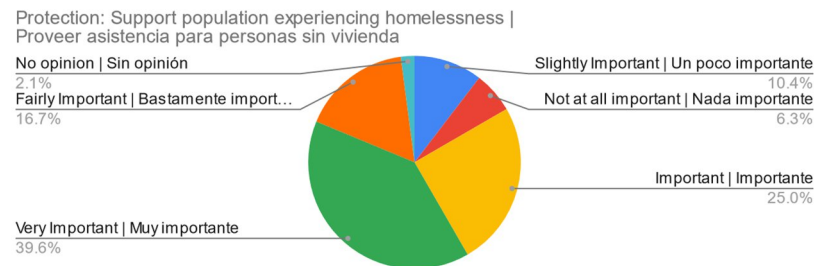
Graph 1: Protection: Provide tenant assistance | Proveer asistencia para inquilinos

- 38 Respondents listed it as Very Important, Fairly Important or Important
- 9 Respondents listed it as Slight Important or Not at all Important
- 1 Respondent had No Opinion



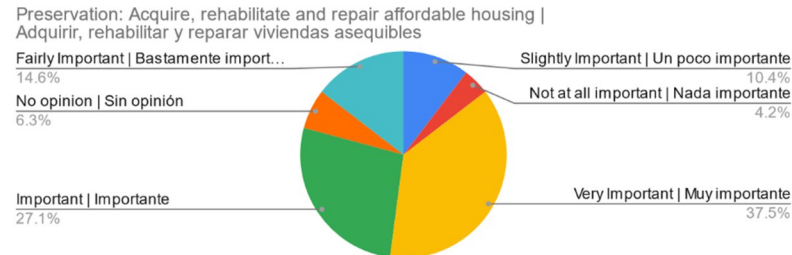
Graph 2: Protection: Support population experiencing homelessness | Proveer asistencia para personas sin vivienda

- 39 Respondents listed it as Very Important, Fairly Important or Important
- 8 Respondents listed it as Slight Important or Not at all Important
- 1 Respondent had No Opinion



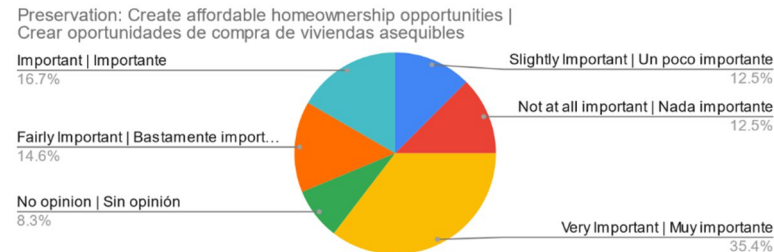
Graph 3: Preservation: Acquire, rehabilitate and repair affordable housing | Adquirir, rehabilitar y reparar viviendas asequibles

- 38 Respondents listed it as Very Important, Fairly Important or Important
- 7 Respondents listed it as Slight Important or Not at all Important
- 3 Respondents had No Opinion



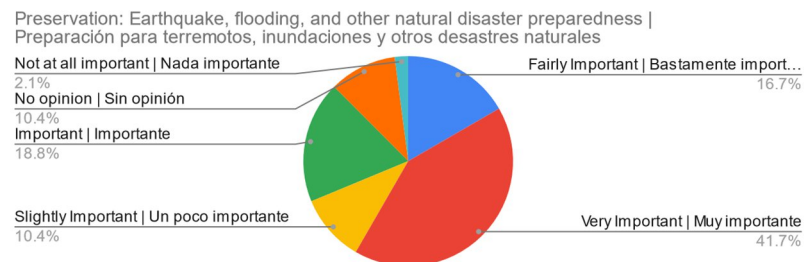
Graph 4: Preservation: Create affordable homeownership opportunities | Crear oportunidades de compra de viviendas asequibles

- 32 Respondents listed it as Very Important, Fairly Important or Important
- 12 Respondents listed it as Slight Important or Not at all Important
- 4 Respondents had No Opinion



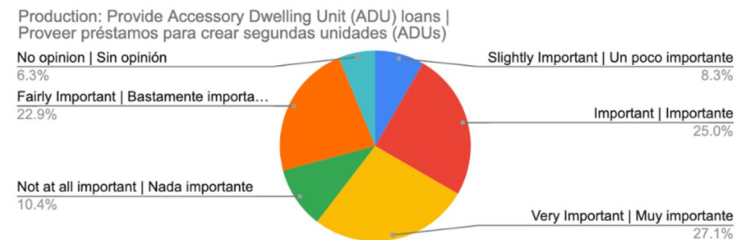
Graph 5: Preservation: Earthquake, flooding, and other natural disaster preparedness | Preparación para terremotos, inundaciones y otros desastres naturales

- 37 Respondents listed it as Very Important, Fairly Important or Important
- 6 Respondents listed it as Slight Important or Not at all Important
- 5 Respondents had No Opinion



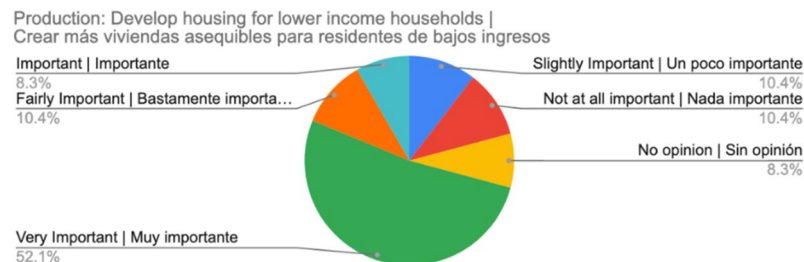
Graph 6: Production: Provide Accessory Dwelling Unit (ADU) loans | Proveer préstamos para crear segundas unidades (ADUs)

- 36 Respondents listed it as Very Important, Fairly Important or Important
- 9 Respondents listed it as Slight Important or Not at all Important
- 3 Respondents had No Opinion



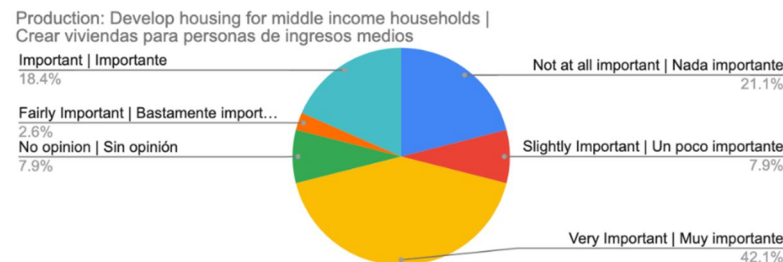
Graph 7: Production: Develop housing for lower income households | Crear más viviendas asequibles para residentes de bajos ingresos

- 34 Respondents listed it as Very Important, Fairly Important or Important
- 10 Respondents listed it as Slight Important or Not at all Important
- 4 Respondents had No Opinion



Graph 8: Production: Develop housing for middle income households | Crear viviendas para personas de ingresos medios

- 31 Respondents listed it as Very Important, Fairly Important or Important
- 12 Respondents listed it as Slight Important or Not at all Important
- 5 Respondents had No Opinion



Question 4: Why did you rate that way? ¿Por qué calificaste de esa manera?

Not seeing any movement in these areas
The city has placed far too much emphasis on low income housing.
we need both long term and short term solutions - but without the long term solutions nothing will really change.
Because of the results I see of East Palo Alto. Ithe city is becoming a dump, with individuals using and selling drugs on the street.
We need more housing overall, and the market forces will settle things naturally. Government intervention tends to make things worse, aka bureaucracy and corruption
I am from this community and was able to get a job that pays enough for me to afford rent in this community but more than the low low income thresh hold. I am still considered low income but it is important that opportunities are produced for folks who are from this community and can not afford to live here but make more that low low income.
easier to preserve or repair and keep existing residents than to create new housing and choose residents by lottery
Because we need more low income housing
The city has so many problems and yet it's spending WAY TOO MUCH time on COPA/TOPA/OPA. We live in one of the most expensive areas in the country. The time spent on COPA (and it's other forms) will help SO FEW PEOPLE if it's even passed. At the expense of ALL the other problems the city could have been tackling. Why are the roads crumbling? Why can't city infrastructure be maintained? Why do I drive down the roads with trash littered and literally dumped on the sides of roads? It's absolutely shameful. We're a real city. Let's act like one.
We need to protect existing low income residents in EPA who are the most in need of assistance and the greatest at risk of displacement.
We need more housing production at all income levels for all residents, present and future!
Housing is important is East Palo Alto especially since it's really expensive.
Por que es importante que aiga programas para que uno pueda comprar o rentar algo que este mas
We need affordable housing in East Palo Alto for low and middle income people
We must create more affordable homes for renters of middle and lower income residents.
i think to get to the long term solution, there needs to be more housing (and infrastructure to support it)
Es importante que toda persona tenga un lugar para vivir sin preocuparse que al día siguiente pueda ser botado por no poder 1 o 2 meses de renta. Al igual que deben hacer recursos e información para la gente que está en riesgo de perder su hogar.

As per a presentation at a recent city council meeting, bracing on foundations need to be completed, otherwise thousands of people will be homeless in the next big earthquake.
Because these are issues that the city should already be prioritizing these issues in the first place. We as the community member should have to speak about it multiple times and there's still no change from the city. I hope to see some kind of change in EPA soon.
Accessibility for affordable housing for extremely low income as most residents are in East Palo Alto needs to be considered and addressed asap
I rated this way because I think in East Palo Alto homeless people get neglected a lot in society. Also I think the preservation of affordable housing is very important;
It's important to know how to better the community.
Because I did and I think what I picked is correct
Because East Palo Alto struggles with these issues and we should be prioritizing low income because that's what makes up EPA
Residents who aren't low income but also not moderate or higher levels of income are not addressed in the City's housing stock.
There are more people/higher demand for homes than available homes. Preserving existing homes is important, but long term affordability won't occur if demand continues to outweigh supply. More housing is needed.
Prefer Mixed-Income housing for a balanced community
Personal opinion
Protection, creation, and preservation is a human right
Priority needs to be allocated to low-income community members and especially the majority renter households that are extremely rent burdened. More affordable housing needs to be built. The highest priority ought to be assigned to the highest need in our City.
We are characterized as low income but need mid-income opportunities. Individuals are coming back and need housing due to getting degree etc.
I rated that way because everything on the list is very important and well needed here in East Palo Alto. We need to provide a safe and well costing living spaces for the community and families.
Production of all kinds of housing is the most effective way out.
We need housing for all, not just the lowest income families.
The survey question says "What is the City's" my response is based on what I see City doing and not what I think the city should be doing.
As majority tenant city, a city on the SF Bay on earthquake country.
I believe the City has enough policies in place around development of affordable housing. To take this city to the next phase - a place where the quality of life is good for families and neighbors, the town needs to develop more well-rounded access to retail, entertainment and other life-fulfilling services. Not just affordable housing. Encourage

development of new market housing with some set aside for low-income so developers want to come to EPA and develop housing and service provider locations (restaurants, hair salons, retail stores, etc.).
Keeping people who have housing in their housing is the most cost-effective way to address homelessness
Rated based on what's not currently being addressed or funded.
There actually are currently a lot of supports available in San Mateo county for the most low income families and individuals. Those who make just above the cutoff for these programs are the ones struggling the most.
Porque las rentas están muy altas y los salarios no suben tanto
Muchas de estas opciones deben ser tomadas en cuenta en conjunto para cualquier residente.
The housing conversation has always been supportive of lower income residents or market rate residents and the middle-income residents get the short end of the stick.
The city only provides housing for extremely low-income individuals and does little to provide housing for those in the 50 -60% AMI

Question 5: How can the City better meet the housing needs of East Palo Alto residents? | ¿Cómo puede la Ciudad satisfacer mejor sus necesidades de vivienda?

Stop letting landlords raise the rent to amounts that our community cannot afford
rezone east palo alto to eliminate Single Family Home zoning, allow for apartments in all neighborhoods, and eliminate parking requirements, setbacks, height limitations, and implement parking restrictions.
take over EPASD, build more housing, get more transit options here.
Keep the city clean, safe and stop implementing socialism policies which only affect the city growth. Let's encourage people to be law-abiding citizens or residents who are accountable. The City should focus on making EPA beautiful!
Give incentives to developers, and get out of the car way
By allowing some of the new development projects to build housing units and getting grants to help create affordable units for lower/ middle incomes but with some parameters around the housing so it does not become unsafe like some of the low income apartments in the city are.
1) Reverse the loss of home ownership from 2006-2012: Help EPA residents to BUY single-family houses or 2-3-4plexes currently owned by non-EPA residents, and facilitate coops to buy mobile home parks and apartment buildings. 2) The OPA/COPA/DOPA meetings were confusing, tightly controlled (in a bad way) and exhausting -- all for an ordinance that will not help many people. Future meetings should be concise, with super-clear explanations (in readable text), AND a very clear, open, informative Q&A.

It has to be care about the people in this residents,
Why doesn't the city act in the best interest of our residents? Why not focus on problems that can be fixed and that will make our city more enjoyable? For example, why can't we have smooth roads? Why is our city like a dump? It's absolutely shameful.
Continue prioritizing low income housing priorities.
Hearing from the East Palo Alto residents and holding events/ workshops that we can benefit from. As well as being opening for many solutions/ ways to help with housing needs.
Rentas mas bajas y programas para comprar casa
More housing for not only low income but middle income households
Providing information about affordable housing opportunities. Providing a class about financial services and stock to our community. A Policy that will make a change to our community.
Educating the citizens about opportunities and by creating a program where the city assist the buyers with the down payment.
make it easier to build housing, ADU's, expand house capacity, etc. the permitting process, etc is too big of an obstacle.
La ciudad debería tener más información para los residentes en sus redes sociales y hacer juntas virtuales para que esta información llegue a todos. También podrían pedir fondos \$\$ para que se les den asistencia (con los tramites necesarios) a aquellos que han perdido su trabajo y no pueden pagar la renta
More focus group meetings, but publicize them readily and spread out the timing and locations. Make sure there is enough parking available. If the city wants to encourage ADU's, make the permitting process much easier and publish easy to read guidelines on the process and requirements. Don't encourage people to make ADUs and then penalize them for having them later on.
The city can support EPA residents by passing policies that are benefecial to residents.
Create policies like OPA to allow for a smoother pipeline to home ownership for it's residents that have every intention to stay in East Palo Alto until their dying day. We need to even the oppressive and discriminatory playing field that does not create access for all
I think the city council can better meet the housing need of East Palo Alto by actively going on and asking residents. Listening to the youth is mainly important. I think that the city sometimes makes decisions without the actual input of the city.
By making houses / apartments more affordable.
Use the money to make housing better
meet with residents more often, push for affordable housing programs, homeless shelters
Create housing opportunities for all residents.

Promote opportunities that result in more housing for people. Ideally, housing for people at various income levels; as opposed to 100% market rate or 100% affordable.
Support building housing more than building commercial structures
Less protocols
Extremely low income housing access and options both renter and home ownership
We have no youth homeless shelters in EPA and that is a huge problem. There are no transition group homes either. I work with youth who experience homelessness or as systems impacted and are trying to reintegrate into society but it's extremely hard with no stable housing option available. There is also an acute and ongoing need for rental assistance. The core agencies in the county are not able to support all the people who need the help and it would be great to explore how the City can supplement that effort to fill in the gaps where needed.
Create a policy for single family rental homes Homeowners who own SEVERAL houses but not keeping them up for renters or doing scams. Its a gap in ALL of the housing policies
Ways that the City can help with meeting the housing needs of East Palo Alto is by hearing our community out for real and understanding what their saying is not just a small problem that they have but knowing that this is a big problem here in East Palo Alto and it's not just one person but it's a lot of EPA's residents who deal with having to leave where they grew up just to be able to afford somewhere to live. Please come up with ways to make housing affordable here in East Palo Alto.
Help us get out of FEMA flood zone ASAP by pushing levee/flood protection projects fast and ALSO ensuring we have the fastest possible FEMA map update at each step.
By providing housing for those in the 50-60% of AMI.
Host interactive town halls quarterly on different housing related issues. And survey's before to get the temperature of concerns/issues.
What up, rogue?! Increase staffing with passionate, knowledgeable people. Don't let misinfo, as happened w/OPA, to be so influential. Prevent nonresident landlords from having as much influence as residents. Always keep sight of how EPA isn't typical of Sili Valley. Factor in our community values, ensure we have managers like Melvin Gaines, partner with nonprofits to educate residents on basic housing knowledge - the different kinds of housing, terminology, some of EPA's housing history. Residents can recognize their rights, responsibilities and be grounded in the broader knowledge of our history that we're all part of.
By adopting a more well-rounded policy about housing development that encourages development of higher end (appropriate for the neighborhood) and low-income.
Make it easier to create ADUs (not require separate utility connections; expand to smaller lots)
Have more voices at the table reflective of the City's residents.
Find a better alternative to OPA that actually helps long time EPA residents stay in EPA, whether that be rental assistance or buyer assistance programs.

Control de renta,renta accesible
Debería haber un control de precio de renta en la comunidad y revisión de la ciudad a hogares donde se sospeche que estan violando y poniendo en riesgo la seguridad de alquilinos. Muchos renteros abusan con los precios y aparte ofrecen garages que no son apropiados para que viva gente ahí
The housing conversation has always been supportive of lower income residents or market rate residents and the middle-income residents get the short end of the stick.
Housing for those who are in the 50-60% AMI. Provide down payment assistance to residents who wish to purchase. Help prevent housing discrimination.
Make more ubits

Question 6: Anything else? ¿Algo más?

Use the vacant lots for more affordable housing such as across the street from city hall.
Build single family homes, that's what makes w city flourish!
Expensive cities like SF has a history of lots of regulations to help for affordable housing, yet prices are very high.
Which tells that more government intervention just makes things worse.
It is important that any housing program that the city comes up with is fair not be partial to one race or ethnic group.
The ranking section above was hard to complete-- too long, and too wide, with too many questions and choices. My screen required sliding left and right to see all the choices and up/down for the column headings, so my answers are not super-accurate. AND Thank you for the survey. But... I do not like surveys where I am 'forced' to complete questions. What if I do not have the time or energy or simply do not want to answer-- does that mean I should quit and not send ANY answers to you?
we do really really low income housing in East Palo Alto
We should priorities some funding for youth homeless shelters since we don't have one here in East Palo Alto.
Landlords should care about the neighborhood and check that their renters are creating a safe space for everyone.
We need to be responsive and not reactionary for housing opportunities that is deserved by all.
Making youth shelters.
push for youth homeless sheltie
Keep up transparency by City Council, Planning Dept, etc. It's great!

No tengo casa renta es muy cara en California. Su rentals no tienen reglamentacion
Talk to CLSEPA. We also need funds to keep up houses or incentives/tax break for those who support families with breaks on the rent. Also, home owner work (it needs to be comprehensive)
Down payment assistance, first time home buyer program, financial literacy for home buyers
Include advocacy orgs, faith community and nonprofits to help spread the word and host housing events.
Keep up the good fight!
Cada cuanto tiempo deben incrementar la renta y que porcentaje
The city needs to look for ways to build ownership housing and provide opportunities for those who have been pushed out of EPA to return.

Question 7: Housing Situation

Of the 48 respondents, 21% are tenants in 4+ multi-family buildings; 31% are tenants in a single -family home, duplex, or triplex; 31% are homeowners; 8% are single-family home landlords with tenants; 0% are larger property owners with tenants; and 8% just work in East Palo Alto and live elsewhere.

Can you please specify your housing situation? ¿Puedes especificar tu situación de vivienda?

48 responses





EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: February 6, 2024
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 2023-24

Recommendation

Adopt a resolution approving amendments to the Fiscal Year 2023-24 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 2023-24 Adopted Budget on June 20, 2023. The Adopted Budget (excluding Successor Trust) reflects total revenues of \$52.4M and total expenditures of \$49.4M resulting in positive net change in fund balance of \$3.0M across all funds.



POLICY AND ACTION ITEM 9.5

FY 23-24 Adopted - Citywide Funds (In 000's)					
Description	General Fund / General Reserves	Restricted Funds	Capital Funds	Enterprise Funds	TOTAL CITY FUNDS
Total Revenues	34,743	9,330	2,469	5,880	52,422
Total Expenditures	(33,456)	(11,290)	(561)	(4,079)	(49,386)
Net Sources / (Uses)	1,287	(1,960)	1,908	1,801	3,036
Net Transfers	(1,139)	1,139	-	-	(0)
Change in Fund Balance	147	(821)	1,908	1,801	3,035

The Mid-year Budget Amendment report provides an assessment of the City's budget condition in the current fiscal year as compared to the adopted budget based on the actual performance during the first six months of the fiscal year 2023-24 ensuring that ongoing operating revenues will be sufficient to cover operating expenses.

The Mid-year Budget Amendment update includes adjustments that have resulted from past council meeting agenda items since the adoption of the budget. Additionally, it contains adjustments related to encumbrances and capital expenditures carried forward from the prior fiscal year that were previously approved by the City Council, but not included in the adopted budget. The update also proposes and recommends adjustments to certain revenue and expenditure categories, as well as transfers based on staff analysis of current economic trends, program and capital project needs, and alignment with Council strategic priorities. However, these adjustments are subject to Council approval through the attached resolution.

Analysis

Economic Condition and Fiscal Outlook

Financial Results for FY2022-23:

Staff recently reported that the City concluded FY2022-23 in a robust financial position. The General Fund recorded a \$5.3 million change in fund balance, resulting in an unassigned fund balance of \$22.4 million at the end of the fiscal year. As discussed during the related Council meeting, this positive outcome was primarily attributed to one-time factors such as the backfill of Property Tax VLF revenue and salary savings.

Maintaining the Status Quo:



POLICY AND ACTION ITEM 9.5

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 expenditures, leading to a projected budget deficit in the General Fund for the next several years. As a reminder, the General Fund Adopted Budget for FY2023-24 remained balanced by reducing additional spending through departmental initiatives. Given this economic outlook, there is a compelling argument for maintaining a status quo budget 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 robust financial position 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 General Fund Amended net change in fund balance decreased a total of \$8.3M; from \$0.1M to negative \$8.1M. The table below summarizes the General Fund budget amendments from the adoption to the Mid-year.

FY 2023-24 Q2 - General Fund and Reserves (In 000's)				
Description	FY 23-24 Adopted	Amended/ Carry - Forward	Proposed	Total General Fund/Reserves
Total Revenues	34,743	-	-	34,743
Total Expenditures	(33,456)	(4,806)	(100)	(38,362)
Net Sources / (Uses)	1,287	(4,806)	(100)	(3,619)
Net Transfers	(1,139)	(433)	(2,927)	(4,500)
Change in Fund Balance	147	(5,240)	(3,027)	(8,119)

General fund revenues:

There have been no changes in General Fund revenue projection at this point. The table below shows comparison by revenue source between FY23 audited, FY24 adopted and FY24 Mid-year amended.



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	FY 2022-23 AUDIT	FY 2023-24 ADOPTED	FY 2023-24 MID YEAR
Property Tax	\$ 19,892,870	\$ 17,010,000	\$ 17,010,000
Sales Tax	\$ 6,394,903	\$ 6,030,000	\$ 6,030,000
Transient Occupancy Tax	\$ 1,778,986	\$ 2,200,000	\$ 2,200,000
Business License Tax	\$ 1,768,500	\$ 2,601,135	\$ 2,601,135
Other Revenues	\$ 7,959,852	\$ 5,361,443	\$ 5,361,443
Subtotal	\$ 37,795,111	\$ 33,202,578	\$ 33,202,578
Pass-Through Development	\$ 889,875	\$ 1,540,000	\$ 1,540,000
Total Revenues	\$ 38,684,986	\$ 34,742,578	\$ 34,742,578



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General fund expenditures:

The increase in General Fund expenditures, excluding transfers, amounts to \$4.9 million. This change can be divided into two components: 1) Amended and Capital Projects carry-forwards, and 2) Proposed items. The former has already received approval from the Council, while the latter consists of new items that require Council approval. These changes are described in the later sections. The table below reflects expenditure amendments by department. It's worth noting that the former Administrative Services Department budget, including IT, Community Services and Senior Services budget, is now under the City Manager's Office budget subject to Council approval in a separate item in this Council meeting agenda.

DEPARTMENT	FY 2022-23 AUDITED	FY 2023-24 ADOPTED	FY 2023-24 MID- YEAR AMENDED	\$	Chg	% Chg
City Council	153,818	171,150	181,350		10,200	6.0%
City Attorney	655,371	1,031,428	1,045,933		14,505	1.4%
City Clerk	261,418	361,068	443,882		82,814	22.9%
City Manager	3,491,766	4,252,629	4,913,883		661,254	15.5%
Finance	1,013,694	1,278,852	1,426,329		147,477	11.5%
Community Development	4,008,802	5,270,014	7,022,611		1,752,598	33.3%
Public Works	3,736,336	4,700,398	6,320,954		1,620,556	34.5%
Police	11,807,322	15,407,077	15,649,158		242,081	1.6%
Non-Departmental						
Capital/Technology	4,364,818	-	101,878		101,878	#DIV/0!
Insurance and Settlements	806,858	854,684	854,684		-	0.0%
Other Non-Departmental	1,258,035	1,041,965	1,314,703		272,738	26.2%
Overhead Allocation	(861,730)	(913,434)	(913,434)		-	0.0%
Sub-total	30,696,508	33,455,831	38,361,932		4,906,100	14.7%
Transfers	5,274,098	1,139,438	4,499,865		3,360,427	294.9%
Total Expenditures	\$ 35,970,606	\$ 34,595,269	\$ 42,861,797	\$	8,266,527	23.9%

Amended and carry forward changes:

The net amended/carryforward change of negative \$5.2 million comprises two primary components: firstly, adjustments resulting from Council-approved amendments arising from meetings subsequent to the budget adoption, totaling \$0.9 million; and secondly, encumbrances carried forward from the prior fiscal year. These encumbrances, amounting to \$4.3 million, encompass ongoing contractual commitments and purchase orders, with funds appropriated from the assigned fund balance.

Proposed changes:

The proposed and recommended adjustments are primarily resulted from a proposed capital transfer of \$2.4 million from the General Fund reserves to the CIP Fund to support unfunded capital projects. It's worth noting that the Council adopted the budget in June 2023 without planned general capital funding due to a budget deficit. Ending FY2022-23 with a strong



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financial position reported in December 2023, staff now recommend restoring the capital funding to make up for the loss. The following table presents a list of unfunded projects scheduled for later in the current fiscal year or at the beginning of FY2024-25.

No.	Upcoming Unfunded Projects	Project Number	Estimated Project Cost	Estimated Unfunded Amount	Note
1	Library Design	FA-16	\$ 3,200,000	\$1,300,000	Funds secured from \$1.5M State Grant and \$400K from GF committed balance from ARPA saving
2	Police Department Facility Improvements	FA-17	400,000	400,000	Improvement of existing PD modular
3	Tate Stree Office Improvement	FA-02	120,000	120,000	Roof improvement
4	O'Connor Pump Station Design	SD-06A/B	1,000,000	200,000	\$800k USEPA Grant
5	Full Trash Capture Device Installation	FA-02	350,000	350,000	Full Trash Capture is mandated by the State Water Resources Control Board by 2025.
	Total	-	5,070,000	2,370,000	

Furthermore, staff are aware of additional unfunded capital projects, including the third tranche of SFCJPA REACH II funding (\$1.5 million), marking the last of the three recommended contributions, and the Pulgas Ave. Mini Roundabouts Project (\$1.0 million). Staff is seeking grant funds for these projects and intends to revisit the Council in an upcoming meeting to deliberate on the scope of these projects, a contractual approval and seek funding.

The proposed and recommended adjustments also include a proposed transfer of \$157K from the General Fund reserves to the Silicon Valley Community Foundation to correct overcharges of housing personnel costs.

In addition to those proposed amendments funded through the General Fund reserve, staff are seeking an additional appropriation in the amount of \$100K to support ongoing ERP implementation efforts from the committed General Fund IT reserves. As a reminder, the funds for the ERP implementation were initially committed by Council at \$900K in the IT reserve. The current balance of the reserves is approximately \$750K before this recommendation leaving unused funds for \$650K. Furthermore, staff are also seeking an additional transfer of \$400K from the General Fund committed ARPA saving funds to the CIP Fund to support the Library Design project mentioned above. It's important to highlight that the funds were created from the savings in the General Fund resulted from the uses of ARPA fund for the general government purposes and committed by Council in April 2023.

The table below is a summary of the General Fund proposed amendments by funding source.



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No.	Proposed Items	Funding Source			
		IT Committed GF Reserve	ARPA Saving Committed GF Funds	Unassigned GF Reserve	Total
1	Capital transfer for unfunded projects	\$ -	\$ -	\$ 2,370,000	\$ 2,370,000
2	Transfer to SVCF	-	-	157,000	157,000
3	Support ERP implementation	100,000	-	-	100,000
4	Transfer for Library Design (excluding the \$1.3M)	-	400,000	-	400,000
	Total	\$ 100,000	\$ 400,000	\$ 2,527,000	\$ 3,027,000



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Restricted Funds

The Restricted Funds Amended net change in fund balance decreased \$7.4M from negative \$0.8M to negative \$8.2M. The change is primarily attributable to a \$6.5M loan disbursement to Midpen Housing to support 965 Weeks affordable housing projects appropriated from the \$8M State HCD received in the previous fiscal year. The amended/carryforward changes also relate to encumbrances carried forward from the prior year including Measure HH Pilot Workforce Development (\$320K) and City-wide sweeping service contract (\$138K). The following table summarizes the amended changes in restricted funds.

FY 2023-24 Q2 - Restricted Funds (In 000's)				
Description	FY 23-24 Adopted	Amended/ Carry - Forward	Proposed	Total Restricted
Total Revenues	9,330	3	60	9,393
Total Expenditures	(11,290)	(7,986)	390	(18,886)
Net Sources / (Uses)	(1,960)	(7,984)	450	(9,494)
Net Transfers	1,139	157	-	1,296
Change in Fund Balance	(821)	(7,827)	450	(8,198)

The proposed changes totaling \$450,000 include a \$390,000 expenditure reduction related to the Encampment Resolution Funding Program, which will be reinstated in the next fiscal year upon the award of a related grant application.

Capital Funds

The Capital Funds Amended net change in fund balance increased \$3.2M from \$1.9M to \$5.1M. The increase is primarily due to the proposed capital transfers of \$2.8M explained in the General Fund discussion above. The amended/carryforward changes relate to carryforward capital balances for the major capital projects including University Avenue Interchange and POC Highway 101 (\$15.5M), Signage and Bus Shelter Improvements Project (\$0.8M) and Joel Davis Park Restroom Improvement Project (\$0.4M) which are all primarily grant-funded projects reflecting both grant revenues and capital expenditures for the same amount except for the local match portion. The following table summarizes the amended changes in Capital funds.



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FY 2023-24 Q2 - Capital Funds (In 000's)				
Description	FY 23-24 Adopted	Amended/ Carry - Forward	Proposed	Total Capital
Total Revenues	2,469	20,091	-	22,560
Total Expenditures	(561)	(19,649)	-	(20,210)
Net Sources / (Uses)	1,908	443	-	2,351
Net Transfers	-	-	2,770	2,770
Change in Fund Balance	1,908	443	2,770	5,121

Enterprise Funds

The Enterprise Funds Amended net change in fund balance decreased \$6.8M from \$1.8M to \$5.0M negative. The amended/carryforward changes relate to carryforward capital balances including University Avenue and Weeks Street 12-inch Watermain Project (\$6.7M), Water Meter Installation Project (\$0.4M), Woodland Avenue Waterline and City of Palo Alto Interconnect Project (\$0.4M), and Capital water system improvements by Veolia (\$0.3M). The \$2.0M revenue amendment is directly related to State earmark grant for University Avenue and Weeks Street 12-inch Watermain Project. The rest of the funding for the project had already been secured through the transfers made in the previous fiscal year.

FY 2023-24 Q2 - Enterprise Funds (In 000's)				
Description	FY 23-24 Adopted	Amended/ Carry - Forward	Proposed	Total Enterprise
Total Revenues	5,880	2,000	-	7,880
Total Expenditures	(4,079)	(9,149)	(111)	(13,340)
Net Sources / (Uses)	1,801	(7,149)	(111)	(5,460)
Net Transfers	-	433	-	433
Change in Fund Balance	1,801	(6,716)	(111)	(5,026)

The proposed change totaling \$111K is related to the limited-term (6 months) Utility Manager position in a separate agenda item.



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Fiscal Impact

Total proposed amended budget is as follows for the fiscal year 2023-24:

FY 23-24 Mid Year Amended - Citywide Funds (In 000's)					
Description	General Fund / General Reserves	Restricted Funds	Capital Funds	Enterprise Funds	TOTAL CITY FUNDS
Total Revenues	34,743	9,393	22,560	7,880	74,576
Total Expenditures	(38,362)	(18,886)	(20,210)	(13,340)	(90,798)
Net Sources / (Uses)	(3,619)	(9,494)	2,351	(5,460)	(16,222)
Net Transfers	(4,500)	1,296	2,770	433	-
Change in Fund Balance	(8,119)	(8,198)	5,121	(5,026)	(16,222)

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.

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 Budget Summary

RESOLUTION NO. XX – 2024

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EAST PALO ALTO
APPROVING AMENDMENTS TO THE FISCAL YEAR 2023-24 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”) 2023-24 Budget on June 20, 2023, 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.

WHEREAS, upon consideration of the information presented, the City Council desires to make amendments to the FY 2023-24 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; and
2. Approves amendments to the FY 2023-24 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 6th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Antonio Lopez, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney

Exhibit A

FY 2023-24 AMENDED GENERAL FUND SUMMARY							
Fund	Description	Operating		Capital Improvement Plan	Operating Transfers		Net Change Fund Balance
		Revenues	Expenditures		In	Out	
10	General Fund	\$ 33,002,578	\$ (32,833,495)	\$ -	\$ -	\$ (6,964,791)	\$ (6,795,708)
11	IT Replacement Fund	\$ -	\$ (1,823,808)	\$ -	\$ 1,226,742	\$ -	\$ (597,066)
12	Equipment & Vehicles	\$ -	\$ (491,865)	\$ -	\$ 328,500	\$ -	\$ (163,365)
13	Self Insurance	\$ -	\$ (909,684)	\$ -	\$ 909,684	\$ -	\$ -
16	Community Benefit Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
17	Com Dev Pass Thru	\$ 1,540,000	\$ (2,290,980)	\$ -	\$ -	\$ -	\$ (750,980)
99	Emergency Fund	\$ 200,000	\$ (12,100)	\$ -	\$ -	\$ -	\$ 187,900
ELIMINATING ENTRY					\$ (2,464,926)	\$ 2,464,926	\$ -
TOTAL GENERAL FUND		\$ 34,742,578	\$ (38,361,932)	\$ -	\$ -	\$ (4,499,865)	\$ (8,119,219)
201	State Gas Tax	\$ 1,496,600	\$ (1,246,322)	\$ (550,000)	\$ 64,500	\$ -	\$ (235,222)
202	Measure A	\$ 720,400	\$ (3,459)	\$ (550,146)	\$ -	\$ -	\$ 166,795
203	NPDES	\$ 248,300	\$ (770,801)	\$ (138,000)	\$ 531,244	\$ -	\$ (129,257)
204	Rent Stabilization	\$ 614,860	\$ (880,300)	\$ -	\$ -	\$ -	\$ (265,440)
206	Park In Lieu	\$ 4,800	\$ -	\$ -	\$ -	\$ -	\$ 4,800
207	Housing In Lieu	\$ 1,134,000	\$ (9,422,920)	\$ -	\$ -	\$ -	\$ (8,288,920)
209	Housing Assistance Program	\$ 4,800	\$ (9,025)	\$ -	\$ -	\$ -	\$ (4,225)
213	Police Grants	\$ 163,520	\$ (176,229)	\$ -	\$ -	\$ -	\$ (12,709)
215	Misc Federal and State Grants	\$ 495,611	\$ (289,994)	\$ -	\$ -	\$ -	\$ 205,617
218	Affordable Housing TOT	\$ 313,400	\$ (28,917)	\$ -	\$ -	\$ -	\$ 284,483
219	Measure HH	\$ 1,747,400	\$ (1,376,398)	\$ -	\$ -	\$ -	\$ 371,002
220	Lo-Mod Housing Successor	\$ 92,000	\$ (1,311,810)	\$ -	\$ 397,410	\$ -	\$ (822,400)
221	Lighting District	\$ 862,700	\$ (226,906)	\$ (141,363)	\$ -	\$ -	\$ 494,432
222	Drainage District	\$ 163,040	\$ (347,952)	\$ -	\$ 146,284	\$ -	\$ (38,628)
230	Local Grants	\$ 730,500	\$ (727,930)	\$ -	\$ -	\$ -	\$ 2,570
231	CYSFF Grant Fund	\$ 289,400	\$ (322,997)	\$ -	\$ -	\$ -	\$ (33,597)
232	Measure C	\$ 2,880	\$ (124,242)	\$ -	\$ -	\$ -	\$ (121,362)
233	Silicon Valley Community	\$ -	\$ -	\$ -	\$ 157,027	\$ -	\$ 157,027
234	County Measure W	\$ 308,000	\$ (1,689)	\$ (238,190)	\$ -	\$ -	\$ 68,120
301	Capital Improvement Fund	\$ 610,400	\$ (422,849)	\$ (2,565,908)	\$ 2,770,000	\$ -	\$ 391,643
303	Capital Grant	\$ 20,091,496	\$ -	\$ (17,054,859)	\$ -	\$ -	\$ 3,036,637
305	Parks & Trails	\$ 441,779	\$ -	\$ -	\$ -	\$ -	\$ 441,779
306	Public Facilities	\$ 774,906	\$ -	\$ -	\$ -	\$ -	\$ 774,906
307	Transportation	\$ 278,251	\$ (83,333)	\$ -	\$ -	\$ -	\$ 194,918
308	RBD-I Storm D	\$ 360,352	\$ (83,333)	\$ -	\$ -	\$ -	\$ 277,019
309	RBD-O Storm D	\$ 3,200	\$ -	\$ -	\$ -	\$ -	\$ 3,200
510	Water Service Fund	\$ 524,720	\$ (608,396)	\$ -	\$ -	\$ -	\$ (83,676)
511	Water Capital Fund	\$ 3,264,000	\$ (326,918)	\$ (8,515,505)	\$ 433,400	\$ -	\$ (5,145,023)
512	Water Meter Fund	\$ 22,400	\$ (10,000)	\$ (448,640)	\$ -	\$ -	\$ (436,240)
513	Water Capacity Fee Fund	\$ 785,863	\$ (83,333)	\$ -	\$ -	\$ -	\$ 702,530
520	Garbage Service Fund	\$ 3,283,200	\$ (3,346,715)	\$ -	\$ -	\$ -	\$ (63,515)
CITY OPERATING FUNDS		\$ 74,575,355	\$ (60,594,699)	\$ (30,202,611)	\$ 4,499,865	\$ (4,499,865)	\$ (16,221,955)

City of East Palo Alto
GENERAL FUND BUDGET FY 2023-24
For Second Quarter Ended December 31, 2023

Revenues	Adopted 2024	Amended Changes	Proposed Changes	Amended 2024	12/31/2023 Actual YTD	%	12/31/2022 Actual YTD	FY 2022-23 Audited	%
Property Tax	17,010,000	-	-	17,010,000	6,777,159	40%	11,239,746	19,892,870	57%
Sales Tax	6,030,000	-	-	6,030,000	2,288,616	38%	2,462,700	6,394,903	39%
Utility Users Tax	1,726,043	-	-	1,726,043	776,879	45%	773,046	1,936,239	40%
Transient Occupancy Tax	2,200,000	-	-	2,200,000	898,279	41%	827,490	1,778,986	47%
Business License Tax	2,601,135	-	-	2,601,135	142,123	5%	46,207	1,768,500	3%
Fees and Permits	1,590,600	-	-	1,590,600	817,346	51%	698,555	1,749,358	40%
Fines and Forfeitures	225,000	-	-	225,000	191,370	85%	73,534	278,019	26%
Use of Money and Property	652,000	-	-	652,000	1,698,128	260%	1,635,814	1,197,445	137%
Grants and Intergovernmental	342,600	-	-	342,600	59,281	17%	86,185	2,082,546	4%
Charges for Current Services	965,200	-	-	965,200	367,244	38%	326,380	630,596	52%
Other Miscellaneous	1,400,000	-	-	1,400,000	56,491	4%	15,021	975,524	2%
Total Revenues	34,742,578	-	-	34,742,578	14,072,916	41%	18,184,678	38,684,986	47%
Expenditures									
City Council	171,150	10,200	-	181,350	74,745	41%	71,376	153,818	46%
City Attorney	1,031,428	14,505	-	1,045,933	295,500	28%	286,760	655,371	44%
City Clerk	361,068	82,814	-	443,882	181,962	41%	14,714	261,418	6%
City Manager	1,465,567	178,756	-	1,644,323	583,874	36%	488,881	1,042,229	47%
Human Resources	926,727	301,767	50,000	1,278,494	430,770	34%	233,284	676,570	34%
Formerly Administrative svcs	813,482	41,360	-	854,842	266,785	31%	337,440	626,501	54%
Community Programs	741,947	73,795	-	815,743	394,627	48%	346,770	856,828	40%
Senior Services	304,907	15,575	-	320,482	99,678	31%	514,498	289,638	178%
Finance	1,278,852	97,477	50,000	1,426,329	613,604	43%	141,878	1,013,694	14%
Community Development	578,693	90,423	-	669,117	269,233	40%	325,404	880,004	37%
Building Services	1,729,629	1,053,373	-	2,783,002	516,095	19%	505,830	1,176,389	43%
Planning	2,512,720	442,750	-	2,955,470	714,895	24%	557,055	1,763,980	32%
Housing	448,971	166,051	-	615,023	87,102	14%	73,012	188,429	39%
Public Works	480,968	-	-	480,968	25,678	5%	72,864	136,829	53%
Engineering Services	1,148,553	1,054,197	-	2,202,751	587,035	27%	463,780	1,143,704	41%
Maintenance	2,916,938	506,359	-	3,423,296	1,087,628	32%	923,872	2,222,656	42%
Environmental Services	153,939	60,000	-	213,939	85,049	40%	96,570	233,147	41%
Police	5,093,581	242,081	-	5,335,662	2,263,252	42%	2,548,198	4,453,510	57%
Operations	8,233,352	-	-	8,233,352	4,077,765	50%	3,054,441	6,359,513	48%
Investigations	2,080,144	-	-	2,080,144	597,009	29%	450,604	994,299	45%
Non-Departmental:									
Capital Outlay	-	101,878	-	101,878	-	0%	-	4,364,818	-
Insurance and Settlements	854,684	-	-	854,684	814,687	95%	806,859	806,858	100%
Other Non-departmental	1,041,965	272,738	-	1,314,703	776,018	59%	636,300	1,258,035	51%
Overhead Allocation	(913,434)	-	-	(913,434)	(380,598)	42%	(430,865)	(861,730)	50%
Total Expenditures	33,455,831	4,806,100	100,000	38,361,932	14,462,392	38%	12,519,527	30,696,508	41%
Revenues Over / (Under)	1,286,746	(4,806,100)	(100,000)	(3,619,354)	(389,476)		5,665,151	7,988,478	
Other Financing Sources/Uses									
Transfers In	-	-	-	-	-	-	-	2,600,140	0%
Transfers Out	(1,139,438)	(433,400)	(2,927,027)	(4,499,865)	(569,719)	13%	(559,180)	(5,274,098)	11%
Net Operating Transfers	(1,139,438)	(433,400)	(2,927,027)	(4,499,865)	(569,719)	13%	(559,180)	(2,673,958)	21%
Change in Fund Balance	147,308	(5,239,500)	(3,027,027)	(8,119,219)	(959,195)		5,105,971	5,314,520	
Other Reserve Changes	1,857,000	5,199,040	100,000	7,156,040	-			(719,042)	
Projected Operating Reserves*									
Beginning Balance	22,430,105	-	-	22,430,105	22,430,105			17,834,627	
Ending Balance	24,434,413	-	-	21,466,926	21,470,910			22,430,105	

* Projected Reserve Fund Balance is restated based on the most recent audited financial statements and include only unassigned fund balance without contingency reserve.