



EAST PALO ALTO PLANNING COMMISSION REGULAR SESSION AGENDA

Monday, July 14, 2025, 7:00 PM
East Palo Alto City Hall
2415 University Ave.
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 Planning Commission 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 Planning Commission Meeting via Zoom 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 submitting a speaker card at the meeting, or using the **RAISE HAND** feature when the Chair or 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/83924513496>

Or join by phone:

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

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

Webinar ID: 839 2451 3496

International numbers available: <https://zoom.us/u/aMWYF4KT>

1. **CALL TO ORDER AND ROLL CALL**
2. **APPROVAL OF THE AGENDA**
3. **REQUESTS TO APPEAR REMOTELY**

1. REQUESTS TO APPEAR REMOTELY

Pursuant to Government Code Section 54953, members of the body may appear remotely for the following reasons:

- **Teleconference Exception (Gov't Code § 54953(b)):** None.
- **Just Cause (Gov't Code § 54953(f)(A)(i)):** None.
- **Emergency Circumstances (Gov't Code § 54953(f)(A)(ii) (Approval Required)):** One.

Pursuant to Government Code Section 54954.2(b)(4), Commissioner Mendez requests the Commission's permission to attend remotely.

- General description ("emergency circumstances," Gov't Code § 54954.2(b)(1))
- Affirmation (18 year or older participants).
- Admonitions: (a) video and audio must remain on; (b) disruption causes cease of council action.

4. **APPROVAL OF CONSENT CALENDAR**

4.1 **June 9, Planning Commission Meeting Minutes**

Recommendation: Accept the June 9, Planning Commission Meeting Minutes

4.2 **2194 University Shell Gas Station Improvement Denial**

Recommendation:

If the Planning Commission wants to deny the Project, adopt a resolution to:

1. Deny the Conditional Use Permit (CUP20-002), and associated Design Review Permit (DR18-022) and Tree Removal Permit (TRP24-002) applications based on the facts and findings in the staff report and public testimony presented at the Planning Commission public hearing on June 9, 2025, and the subsequent vote of 6-1, where the Planning Commission find the proposed car wash use not compliant with the goals and policies of the Vista 2035 General Plan on June 29, 2020; and
2. Acknowledge that the above actions are final unless an appeal is filed pursuant to East Palo Alto Municipal Code Chapter 18.116 within fifteen (15) days following the actual date the decision was rendered.

5. PUBLIC COMMENT

6. INFORMATIONAL REPORTS

7. PUBLIC HEARINGS

7.1 Consistency of proposed Capital Improvements Projects in the Sanitary Sewer Master Plan with the General Plan Vista 2035

Recommendation:

Adopt a resolution:

1. Finding that the thirteen (13) proposed capital improvement projects are in conformity with the City's General Plan; and
2. Finding this action is exempt from the California Environmental Quality Act (CEQA) under Sections 15378 and 15061(b)(3) of the CEQA Guidelines.

8. ADJOURNMENT

Upcoming meetings:

Regular Meeting	July 28, 2025	7:00 PM
Regular Meeting	September 8, 2025	7:00 PM
Regular Meeting	September 22, 2025	7:00 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 1960 Tate Street, East Palo Alto, CA at the same time that the public records are distributed or made available to the Planning Commission. 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 Planning Commission meeting packet may be reviewed by the public at 1960 Tate Street, East Palo Alto 94303. 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 CED office, 1960 Tate Street, East Palo Alto, California 94303 during normal business hours. Information distributed to the Commission at the 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.

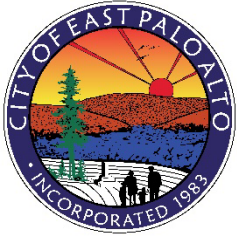
POSTED: (7/10/2025)

ATTEST:

Matthew Ball

Planning Technician

SEAT	COMMISSIONER	EXPIRES	SEAT	COMMISSIONER	EXPIRES
1	Uriel Hernandez	5/16/2026	5	Robert Sherrard	5/31/2027
2	Juan Mendez	5/31/2027	6	Javanni Brown-Austin	5/31/2027
3	Robert Allen Fisk	5/31/2028	7	Curtis Monette	5/31/2027
4	Michael Mashack	5/31/2028	8	Christopher Kao	5/31/2026



EAST PALO ALTO PLANNING COMMISSION STAFF REPORT

DATE: July 14, 2025

TO: Honorable Chair and Members of the Planning Commission

VIA: Amy Chen, Director of Community and Economic Development Department

BY: Matthew Ball, Planning Technician

SUBJECT: June 9, 2025, Planning Commission Meeting Minutes

Recommendation

Accept the June 9, 2025, Planning Commission Meeting Minutes.

Attachments

1. June 9, 2025, Planning Commission Meeting Minutes.



CITY OF EAST PALO ALTO PLANNING COMMISSION REGULAR MEETING MINUTES

June 9, 2025, 7:00 p.m.
EPA Government Center
City Council Chamber
East Palo Alto, CA 94303

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order by Chair Mashack at 7:00 p.m. Chair Mashack acknowledged Commissioner Kao as a voting member due to Commissioner Mendez's absence.

Attendee Name	Title	Status	Arrived
Uriel Hernandez	Commissioner	Present	
Juan Mendez	Commissioner	Absent	
Robert Allen Fisk	Commissioner	Present	
Michael Mashack	Chair	Present	
Robert Sherrard	Vice Chair	Present	
Javanni Brown-Austin	Commissioner	Present	
Curtis Monette	Commissioner	Present	
Christopher Kao	Alternate Commissioner	Present	

2. APPROVAL OF AGENDA

Commissioner Monette made a motion to approve the agenda. It was seconded by Commissioner Hernandez and unanimously approved.

RESULT:	APPROVED
MOTION BY:	Monette
SECOND:	Hernandez
AYES:	Monette, Hernandez, Allen Fisk, Sherrard, Mashack, Brown-Austin, Kao
ABSENT:	Mendez

Planning Manager Lee acknowledged the recent Planning Commission appointments by the City Council, congratulated Commissioners Mashack and Allen Fisk on their reappointments, and welcomed new Commissioner Christopher Kao as an Alternate Commissioner. She expressed appreciation for former Commissioner Q. Smith's service, thanked the Chair and Vice Chair for

their leadership, and extended her gratitude to the Commission for their continued dedication.

3. **APPROVAL OF CONSENT CALENDAR**

Vice Chair Sherrard made a motion to approve the consent calendar. Commissioner Allen Fisk seconded it, and the motion was unanimously approved.

3.1) March 24, 2025, Planning Commission Minutes

Recommendation: Accept the March 24, 2025, Planning Commission Minutes.

RESULT:	APPROVED
MOTION BY:	Allen Fisk
SECOND:	Brown-Austin
AYES:	Allen Fisk, Brown-Austin, Mashack, Sherrard, Hernandez, Kao, Monette
ABSENT:	Mendez

4. **PUBLIC COMMENT**

None.

5. **SPECIAL PRESENTATIONS**

5.1) Election of the Chair and Vice Chair

Recommendation: Select a new Chair and Vice Chair of the Planning Commission for 2025-2026.

Commissioner Brown Austin nominated Robert Sherrard for Chair. With no other nominations, the Commission unanimously voted to elect Commissioner Sherrard as Chair.

Commissioner Brown-Austin nominated Commissioner Uriel Hernandez for Vice Chair. Commissioner Allen Fisk nominated Commissioner Brown-Austin, who declined the nomination. The Commission unanimously voted to elect Commissioner Hernandez as Vice Chair.

6. **PUBLIC HEARINGS**

6.1) 2194 University Ave Shell Gas Station Improvement Project

Recommendation: Review and consider the Mitigated Negative Declaration (MND) included as Exhibit E, along with written comments (Attachment 3) and responses thereto in this Staff Report, along with any oral comments made during the hearing.

Open the Public Hearing and accept comments

Close the Public Hearing

Adopt a resolution which:

1. Approves Design Review Permit (DR18-022), Conditional Use Permit (CUP20-002), and Tree Removal Permit (TRP24-002) for Option 1 discussed below, based on the findings, subject to the standard requirements, conditions of approval, and mitigation measures set forth herein, as may be amended by the Planning Commission; and
2. Adopts a Mitigated Negative Declaration for the proposed project pursuant to CEQA Guidelines Section 15074(b), including response to comments included in this Staff Report; In accordance with CEQA Guidelines Sections 15074.1, adopts a Mitigation Monitoring and Reporting Program (MMRP) with revised mitigation measures therein, and adopts findings that any revised measures are equivalent or more effective in comparison to those in the MND (Exhibit E).

Associate Planner, Michele Huang, presented the 2194 University Avenue Shell Gas Station Renovation project.

Vikash Bansal, owner of the Shell Gas Station, presented a brief overview of his business and the proposed site improvements.

Vice Chair Hernandez motioned to open public comment. The motion was seconded by Commissioner Mashack and unanimously approved.

RESULT:	APPROVED
MOTION BY:	Hernandez
SECOND:	Mashack
AYES:	Hernandez, Mashack, Allen Fisk, Sherrard, Brown-Austin, Monette, Kao
ABSENT:	Mendez

Members of the public, Owen Byrd, Roxana Salazar, Adrienne Bryant, and Ofelia Bello provided comments on the project.

Commissioner Allen Fisk motioned to deny the resolution, seconded by Commissioner Brown Austin. City Attorney John Le advised the maker of the motion to revise the motion to direct staff to return with a revised resolution that includes the basis for denial, or to state the findings for denial during the meeting.

Commissioner Monette introduced a new motion to deny the current resolution and direct staff to return with a revised resolution reflecting the basis for denial, which was inconsistency with the General Plan. The motion was seconded by Commissioner Hernandez and approved.

RESULT:	APPROVED
MOTION BY:	Monette
SECOND:	Hernandez
AYES:	Monette, Hernandez, Sherrard, Mashack, Brown-Austin, Kao
NOES:	Allen Fisk
ABSENT:	Mendez

Commissioner Allen Fisk's original motion was voted on next and failed.

RESULT:	DENIED
MOTION BY:	Allen Fisk
SECOND:	Brown-Austin
AYES:	
NOES:	Brown-Austin, Hernandez, Sherrard, Mashack, Monette, Kao
ABSENT:	Mendez, Allen Fisk

7. **INFORMATIONAL REPORTS**

Senior Planner, Salifu Yakubu, presented the second quarter report on projects processed administratively by staff.

Commissioner Brown-Austin announced that the Juneteenth celebration will be held on June 21, 2025.

Senior Planner Yakubu provided an overview of the two general plan updates that staff have been working on.

Associate Planner Michelle Huang presented an update on the Environmental Justice element.

Associate Planner Alvin Jen presented an update on the Safety element.

8. **ADJOURNMENT**

The meeting was adjourned at 9:32 PM.

ATTEST:

Planning Commission Clerk

Planning Commission Chair

East Palo Alto Planning Commission

June 9, 2025, Minutes



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: July 14, 2025

TO: Honorable Mayor and Members of the Planning Commission

VIA: Amy Chen, Community and Economic Development Director

BY: Elena Lee, Planning Manager
Michelle Huang, Associate Planner

SUBJECT: 2194 University Shell Gas Station Improvement Project Denial

If Planning Commission wants to deny the Project, adopt a resolution to:

1. Deny the Conditional Use Permit (CUP20-002), and associated Design Review Permit (DR18-022) and Tree Removal Permit (TRP24-002) applications based on the facts and findings in the resolution, staff report and public testimony presented at the Planning Commission public hearing on June 9, 2025, and the subsequent vote of 6-1, where the Planning Commission find the proposed car wash use not compliant with the goals and policies of the Vista 2035 General Plan.
2. Acknowledge that the above actions are final unless an appeal is filed pursuant to East Palo Alto Municipal Code Chapter 18.116 within fifteen (15) days following the actual date this resolution is adopted.

Alignment with City Council Strategic Plan

This is aligned with:

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

The Planning Commission finds the project, specifically the conditional use permit, could not be approved in its current state due to inconsistencies with the General Plan goals and policies.



Background

The applicant, Bansal Inc., proposed to remodel the existing Shell service station located at 2194 University Avenue. The proposal included:

- A new 2,048 square foot (sqft) convenience store
- A new 726 sqft foot car wash with an attached 365 sqft equipment room
- New underground fuel tanks, dispensers, and a fueling canopy
- Removing four protected trees and planting twelve trees and various landscaping onsite
- New LED lighting and security cameras throughout the site

The site has a land use designation of Mixed-Use Corridor (MUC) in the General Plan and a zoning designation of Mixed-Use Corridor Subzone 2 (MUC-2).

The Planning Commission held a public hearing on June 9, 2025¹. Staff presented the project, findings, and CEQA analysis, and outlined how the applicant revised the project in response to community and staff input, including enhanced landscaping, additional safety features, and architectural refinements. The applicant conducted multiple rounds of community outreach, including two virtual meetings, one in-person meeting in May 2025, and distribution of paper surveys to customers and nearby residents. The applicant also voluntarily revised the project to improve noise mitigation by increasing the height of the perimeter concrete masonry wall from six feet to seven feet and incorporated additional security measures to the site. Despite these changes, Planning Commissioners expressed ongoing concerns about the inclusion of the car wash, the project's auto-oriented design, a 17-foot wall along University Avenue, and its inconsistencies with the pedestrian-oriented vision of the General Plan. The Commission believes that the project did not sufficiently address core land use and urban design policies set forth in the General Plan.

Although the project met applicable objective development standards per the East Palo Alto Municipal Code (EPAMC), the Planning Commission believes the proposed car wash is inconsistent with the General Plan goals for the University Avenue Corridor and is not compatible with the adjacent residences and the overall vision for the Corridor, as further discussed below.

Analysis

Despite the project's design changes and security upgrades, the Planning Commission still has concerns about the lack of sufficient pedestrian orientation. In particular, the Commission believes the proposed car wash use and structure are incompatible with the General Plan's vision for the University Avenue Corridor.

¹ June 9 Planning Commission staff report: <https://d3n9y02raazwpg.cloudfront.net/cityofepa/f1af8b50-d2d5-11ef-a9e2-005056a89546-88739655-4535-4dfb-8d17-688f5e5d89b8-1749487594.pdf>



CONSENT ITEM 4.2

The Planning Commission recognizes that drive-through facilities, including car washes, are often discouraged or prohibited in urban areas due to a range of environmental, social, and urban planning concerns. While they provide a convenient and essential service for drivers, such facilities often conflict with the principles of walkable, transit-oriented, and sustainable development.

Car washes generate significant noise from machinery, vacuums, and vehicle traffic. Although the noise levels may comply with local code standards, the continuous sound of engines and pressure washers can disrupt the peace and overall quality of life in surrounding residential areas. Moreover, the Planning Commission believes that car washes tend to attract a steady stream of vehicles, leading to increased traffic congestion.

Drive-throughs, such as car washes, also promote car-dependent behavior, which contradicts several key goals of the City's General Plan. Their design typically prioritizes vehicles over people, which is inconsistent with the compact, mixed-use development envisioned for the University Avenue corridor. Although the proposed project includes an 11.7-foot-wide sidewalk, appropriate for an urban corridor, the presence of a 17-foot tall solid, infenestrated car wash tunnel with a near-zero setback overwhelms University Avenue, reducing light and visibility for the pedestrian and significantly diminishing the pedestrian experience. Pedestrian friendly urban design would call for at least a 1:1 setback-to-solid-wall ratio for a comfortable sidewalk experience, or minimal to zero setbacks where façades are light and include transparent glazing.

In conclusion, due to the social, environmental, and infrastructure challenges posed by car washes, many cities choose to locate them in more appropriate commercial or industrial zones. Disallowing a car wash use at the proposed site would reflect a growing commitment to community well-being and a healthier, more sustainable future East Palo Alto, envisioned for people, and not just cars.

Findings Required for Conditional Use Permit

Section 18.88.060 of the EPAMC states that the review authority, in this case the Planning Commission may approve, conditionally approve, or deny a Use Permit only after first making all of the following findings:

- 1. The proposed use is consistent with the General Plan and any applicable specific plan;**

No. After reviewing the staff report and considering testimony at the hearing on June 9, 2025, the Commission believes that the proposed car wash could not be found consistent with the General Plan based on the following goals and policies:

General Plan Policy LU-9.10 Streetscape: Enhance the pedestrian experience through streetscape improvements that could include new street lighting, tree planting,



CONSENT ITEM 4.2

undergrounding of utilities, and easement dedications to increase the size of the sidewalks and pedestrian amenities.

The Planning Commission believes the project does not fully align with General Plan Policy LU-9.10, which calls for enhancing the pedestrian experience along key corridors like University Avenue through improvements such as wider sidewalks, tree planting, and new street lighting. The project falls short of delivering a streetscape with the existing 11ft sidewalk that encourages pedestrian activity or contributes meaningfully to the public realm. Although landscaping and the street-facing façade were improved during project revisions, the site design remains largely oriented toward vehicle access and service use rather than expanding or activating the pedestrian environment and streetscape. The Project provides a near-zero setback, resulting in a 17-foot wall along University Avenue that lacks fenestration. While the proposed mural did add pedestrian scale interest, the height of the wall would close off visibility and light for the pedestrian. Due to the absence of a vibrant streetscape and other inviting features, the project was viewed as a missed opportunity to implement the vision of a more walkable and engaging corridor.

General Plan Goal LU-10: Transform University Avenue into a mixed-use corridor with a diversity of residential, mixed use and commercial development in a walkable urban fabric.

The Planning Commission believes the proposed project is inconsistent with Goal LU-10, which envisions University Avenue as a vibrant, mixed-use corridor with a walkable urban fabric. During the June 9, 2025 Planning Commission hearing, several Commissioners expressed concern that the inclusion of a new car wash reinforced an auto-oriented development pattern that contradicts the City's long-term vision for the corridor. Commissioners noted that while the site improvements are appreciated, the project does not meaningfully contribute to a pedestrian-friendly environment or advance the corridor's transformation into a mixed-use area that prioritizes active street frontages and neighborhood-serving uses that respect the surrounding sensitive receptors, such as the adjacent residential uses. The project includes a near-zero setback, resulting in a 17-foot wall along University Avenue that lacks fenestration. Instead, the design prioritizes vehicle circulation and service use, limiting its compatibility with LU-10.

General Plan Policy LU-10.11 Pedestrian orientation: Require new buildings or substantial remodels along the corridors to enhance pedestrian activity along the sidewalks.

The Planning Commission believes the proposed car wash is inconsistent with Policy LU-10.11, which requires new buildings or substantial remodels along designated corridors to enhance pedestrian activity along sidewalks. Commissioners expressed concern that the car wash component of the project reinforced an auto-centric design that detracts from a walkable, pedestrian-oriented streetscape envisioned for University Avenue. The location and orientation of the car wash tunnel, queuing lane, and vehicular circulation were noted as incompatible with efforts to activate the sidewalk edge or foster pedestrian engagement, thus lessening the policy's intent to promote vibrant, human-scaled corridor development. According to the Planning and Urban Design Standards by American Planning Association (American Planning Association, 2006), "long, unbroken walls feel overwhelming at street



CONSENT ITEM 4.2

level; the same mass, divided into rhythmic blocks, brings the basic design unit of a façade much closer to human scale”. In contrast, the project provides a near-zero setback, resulting in a continuous 17-foot tall and 40-foot-wide wall along University Avenue that lacks fenestration or transparency. The Commissioners further found that the mural on what would otherwise be a blank wall was not sufficient to meet the intent of pedestrian activation and to address the requirements of this Policy.

General Plan Policy LU-10.15 Crime Prevention Through Environmental Design (CPTED): Ensure that new projects incorporate the most relevant crime prevention through environmental design standards or principles.

Although the project incorporated CPTED elements, such as proposed security upgrades including LED cutoff lighting, increased staffing, security cameras, and improved site visibility, Commissioners questioned the long-term enforceability and effectiveness due to the site’s history of general dilapidation.

The Planning Commission believes that, in this case, the project's inconsistencies with key General Plan policies necessitates denial.

2. The proposed use is allowed within the subject zone and complies with all other applicable provisions of the Development Code and the Municipal Code

Yes. Although the project was designed to be consistent with the Development Code, a conditional use permit would be required for the expanded use, including the car wash, to be permitted. However, the Planning Commission believes the project is inconsistent with the General Plan policies in East Palo Alto.

3. The design, location, size, and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity, as detailed in the General Plan or any applicable Specific Plan

Planning Commission believes the answer is No. The project proposes a 2,048 sq ft convenience store and a 736 sq ft car wash with a 365 sq ft equipment room on an 18,779 sq ft lot along University Avenue, located in a Mixed-Use Corridor zone. The design incorporates contemporary materials consistent with nearby developments and enhances safety through CPTED (Crime Prevention Through Environmental Design) principles. The site is planned to operate 24/7 with three staff shifts and includes enhanced lighting, surveillance, and landscaping to buffer adjacent residential areas and improve overall site functionality. However, despite these enhancements, the Planning Commission believes the car wash use is not appropriate for a location directly adjacent to residential properties. As a result, the Commission believes that the car wash use is not compliant with the following General Plan policies:



CONSENT ITEM 4.2

- a. Policy LU-10.1 – This policy encourages mixed use development with an emphasis on residential development on upper floors. The nature of the proposal, with a car wash, does not lend itself to any mixture or use, particularly precluding residential units on the ground floor or upper floors.
 - b. Policy LU-10.10 – The proposed car wash tunnel features a near-zero setback, resulting in a 17-foot wall along University Avenue that lacks fenestration, or the engaging architectural qualities expected at a gateway location. While the applicant acknowledged this shortcoming by proposing to paint mural on the wall, the Commission did not believe that was sufficient to soften the imposing stature of the wall.
 - c. Policy LU-10.11 – The Planning Commission believes the car wash use does not sufficiently enhance pedestrian activity along the street-facing sidewalks.
- 4. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use; and**

Planning Commission believes the answer is No. The proposed project includes a 24-hour convenience store and a 736-square-foot car wash at the existing Shell gas station site. Planned improvements include 28 LED light fixtures, 7-foot CMU sound walls, landscape screening, security cameras, and increased staffing for safety. The car wash would operate daily from 7:00 AM to 10:00 PM, with noise levels mitigated to meet city standards. The project adheres to CPTED (Crime Prevention Through Environmental Design) principles to reduce crime and disturbances and has been reviewed by the East Palo Alto Police Department. Enhanced site circulation, improved visibility, and constant staffing are intended to ensure safety and minimize nuisances. However, despite these enhancements, the Commission found the proposed use to be inconsistent with the intent and spirit of General Plan Goal LU-10, which aims “to transform the University Avenue corridor from its current purpose as a regional traffic roadway into a resource that contributes to the identity, character, and economic stability of East Palo Alto. There should be a variety of residential, office, and retail uses that are higher in intensity than current development, supported by public and institutional uses. The character of the roadway should also be modified to slow traffic and create a more livable place for residents.” Specifically:

- a. The car wash use would preempt the future development of uses that may be more compatible with this important University Avenue gateway corridor.
- b. As a drive-through use whose success largely depends on high traffic volumes, the car wash is antithetical to the goal of calming traffic and does not contribute to a slower, more livable streetscape.
- c. Although the noise generated by the car wash would fall within the city’s allowable



CONSENT ITEM 4.2

limits, it may still be disruptive to adjacent residential areas, particularly during nighttime hours.

5. The subject site is:

- a. **Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and**

Yes. The site is physically suitable for the proposed project regarding the provision of public and emergency vehicles (e.g., fire and medical) access and public services and utilities. The Project involves upgrading existing fueling station by adding a convenience store, car wash, and expanded fueling canopy. The 18,779-square-foot, L-shaped site has operated as a service station since the 1970s and features a flat topography, existing utility connections, and a corner location ideal for commercial use. The design includes two primary access points on University Avenue and Bell Street, with efficient internal circulation. A third, non-compliant driveway would be removed to improve traffic and pedestrian safety. The development meets the development code standards for setbacks, circulation, and landscaping, and has been reviewed by the Menlo Park Fire Protection District for emergency access. Security will be enhanced with 24-hour staffing and surveillance cameras. The site's visibility and accessibility support late-hour operations.

- b. **Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.**

Yes. The project site, situated at a major arterial and local collector intersection, currently hosts a fuel station, the main traffic generator. Proposed additions of a convenience store, a car wash, and late-night operations are not expected to significantly increase localized vehicular traffic. Most trips will be pass-by traffic, with minimal new vehicle activity. The car wash is considered an ancillary use, and its traffic would be modest and spread throughout the day. Improvements include wider driveways, better ingress/egress, and removal of a substandard access point to enhance circulation. The site's strategic location near Highway 101 makes it suitable for late-hour operations, with infrastructure capable of supporting extended business hours and safe vehicular flow. Therefore, the proposed project is compliant with this finding.

Conclusion. After careful review of the staff report, supplemental materials, public testimony, and applicable policy documents, the Planning Commission believes that the proposed Conditional Use Permit for the redevelopment of the existing fuel station, including the addition of a convenience store and a new car wash, does not meet the necessary findings required under Section 18.88.060 of the East Palo Alto Municipal Code. Because a Conditional Use Permit cannot be granted for the expanded use, the project is not eligible for the related Design Review and Tree Removal permits.



CONSENT ITEM 4.2

While the project complies with the zoning and development code standards and the site is physically suitable in terms of size, access, and infrastructure, the Planning Commission believes that the proposed Shell Gas Station Improvement Project is inconsistent with the goals and policies of the Vista 2035 General Plan for University Avenue. Despite the promise of several notable improvements, including enhanced landscaping, security upgrades, enhanced noise mitigation features, and other site improvements, the Planning Commission believes that the project specifically fails to align with General Plan Goal LU-10 and related policies aimed at transforming University Avenue into a walkable, mixed-use corridor. The auto-centric design of the car wash, its blank street-facing wall, lack of pedestrian-oriented features, and proximity to residential uses collectively detract from the corridor's intended evolution into a vibrant, pedestrian-friendly environment.

Moreover, the Commission believes that the project's operating characteristics, particularly the car wash component, was found to reinforce an auto-oriented design that disrupts pedestrian flow and contribute little to streetscape activation, raising compatibility concerns with surrounding land uses and detracting from the orderly and harmonious growth of the area. Additionally, the proposed noise mitigation, lighting upgrades, and security enhancements do not sufficiently offset the project's broader inconsistency with the General Plan's long-term vision of a walkable mixed-use environment.

Given these inconsistencies, the Planning Commission believes that the necessary findings for approval of the Conditional Use Permit cannot be made. The proposed use, as designed, does not further public health, safety, and general welfare, nor does it represent the highest and best use of this important gateway site. As such, the Commission voted 6 -1 on June 9, 2025 to deny the Conditional Use Permit (CUP20-002), Design Review Permit (DR18-022), and Tree Removal Permit (TRP24-002). The approval of the attached resolution would memorialize these findings.

Fiscal Impact

There is no fiscal impact associated with this action.

Public Notice

Public notice was provided by posting the agenda and staff report on the City's website and on the bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

Environmental

The decision to deny the project is exempt from CEQA. (Pub. Res. Code § 21080(b)(5).)

Government Code § 84308

Applicability of Levine Act: Yes.

Analysis of Levine Act Compliance: The signatory for the application is Vikash Bansal, Bansal Inc. Staff is unaware of any other parties or participants relevant to the Commission's



CONSENT ITEM 4.2

consideration of this item.

Attachments

1. Resolution

Attachment 1

RESOLUTION NO. PC 2025-

DENYING A DESIGN REVIEW PERMIT (DR18-022), CONDITIONAL USE PERMIT (CUP20-002), AND TREE REMOVAL PERMIT (TRP24-002) FOR THE SHELL GAS STATION IMPROVEMENTS

WHEREAS, applications for Design Review Permit (DR18-022) on August 27, 2018, Conditional Use Permit (CUP20-002) on June 29, 2020, and Tree Removal Permit (TRP24-002) on June 29, 2020 were submitted to the East Palo Alto Planning Division for Shell Gas Station improvements at 2194 University Avenue, East Palo Alto, Assessor's Parcel Number (APN: 063-321-400); and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider this request on June 9, 2025; and

WHEREAS, Section 18.88.060 of the East Palo Alto Municipal Code (EPAMC) stipulates that the Planning Commission may approve, conditionally approve, or deny a Use Permit only after first making all five required findings; and

WHEREAS, the Planning Commission finds that the proposed project is not consistent with EPA §18.88.060(a) *Required Finding #1*, in that the car wash component of the project is inconsistent with several key policies of the General Plan including LU-9.10, LU-10.11, and certain aspects of LU-10.15 for the reasons outlined in the concurrent staff report; and

WHEREAS, the Planning Commission finds that the proposed project is allowed within the subject MUC-2 Mixed Use Corridor Subzone 2 and is thus compatible with EPA §18.88.060(a) *Required Finding #2: The proposed use is allowed within the subject zone and complies with all other applicable provisions of the Development Code and the Municipal Code*. However, the Planning Commission concludes that inclusion of the car wash makes it inconsistent with the East Palo Alto General Plan; and

WHEREAS, the Planning Commission finds that the proposed project is not compatible with EPA §18.88.060(a) *Required Finding #3: The design, location, size, and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity, as detailed in the General Plan or any applicable Specific Plan*, in that the car wash component of the project is inconsistent with the several key policies of the General Plan including LU-10.1, LU-10.10 and LU10.11 for the reasons outlined in the concurrent staff report; and

WHEREAS, the Planning Commission finds that the proposed project is not compatible with EPA §18.88.060(a) *Required Finding #4* because the site improvements of the project adhere to the Crime Prevention Through Environmental Design (CPTED) principles to reduce crime and disturbances, the inclusion of the car

wash makes the project inconsistent with the intent and spirit of the General Plan Goal LU-10 as identified in the concurrent Staff Report; and

WHEREAS, the Planning Commission finds that the proposed project is compatible with EPA §18.88.060(a) *Required Finding #5a: Physically suitable in terms of the design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and Required Finding #5b: Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate*, in that the project site has suitable geography and urban infrastructure, and provides adequate circulation and access improvements; and

WHEREAS, the Planning Commission concluded that for the proposed project, with the car wash component, three of the five aforementioned required findings to approve a Conditional Use Permit could not be made; and

WHEREAS, as the car wash use is not permitted without an approved Conditional Use Permit, the associated Design Review and Tree Removal Permits cannot be issued; and

WHEREAS, a motion was duly made and seconded for the Planning Commission to deny Conditional Use Permit (CUP20-002) and associated Design Review Permit (DR18-022) and Tree Removal Permit (TRP24-002); and

WHEREAS, the Planning Commission voted 6-1 to deny Conditional Use Permit (CUP20-002) and the associated Design Review Permit (DR18-022) and Tree Removal Permit (TRP24-002); and

NOW, THEREFORE, BE IT RESOLVED THAT THE EAST PALO ALTO PLANNING COMMISSION hereby:

Finds that the above recitals are true and correct, and incorporated herein by reference as findings; and

1. Denies the Conditional Use Permit (CUP20-002), and associated Design Review Permit (DR18-022) and Tree Removal Permit (TRP24-002) applications based on the facts and findings in the staff report and public testimony presented at the Planning Commission public hearing on June 9, 2025, and the subsequent vote of 6-1, where the Planning Commission find the proposed car wash use not compliant with the goals and policies of the Vista 2035 General Plan; and
2. Acknowledges that the above actions are final unless an appeal is filed pursuant to East Palo Alto Municipal Code Chapter 18.116 within fifteen (15) days following the actual date this resolution is adopted.

ADOPTED on this 14th day of July 2025, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

SIGNED:

Robert Sherrard, Chair

ATTEST:

APPROVED AS TO FORM:

Matthew Ball,
Planning Commission Clerk

John D. Lê,
City Attorney



July 14, 2025

Elena Lee
Planning Manager
City of East Palo Alto
Planning Division
1960 Tate Street
East Palo Alto, CA 94303

Via Email: elee@cityofepa.org

Re: 2194 University, East Palo Alto, CA; July 14 Planning Commission Hearing; Consent Item 3.1

Dear Ms. Lee:

I am counsel for Bansal, Inc., the applicant in this matter. I am submitting my client's concerns and objections to the Planning Commission's denial of its application and to the proposed resolution of denial submitted to the Planning Commission in the packet for the July 14, 2025 Planning Commission meeting for its approval in conformance with such denial. We believe the decision disregards the factual record and overlooks the appropriate nature and benefits of this project. We respectfully request the Planning Commission to reconsider this decision and approve the application, or, alternatively, to delay its decision to the September calendar to permit my client to explore alternatives to the current proposal that would have the Planning Commission's support.

First, the denial of the application is not supported by the record. Primarily, the staff report's basis for denial on the grounds that the project does not align with the General Plan policies to enhance the pedestrian experience along University Avenue and transform it into a walkable mixed use, residential and commercial corridor is not supported by substantial evidence. The sole factual basis for this conclusion appears to be the planned wall along University Avenue. The finding is not reasonable or supported by the factual record, as the project will include urban art – specifically a mural painted on said wall – as well as improvement of the curbs and sidewalks, reduction of the number of driveways, and landscaping including numerous trees, all of which are intended to, and will make, the site more pedestrian-friendly.

Nothing in the record supports the notion that a small gas station and car wash built with all of the design elements described above is not consistent with a walkable (but not car-free) corridor. The project's design elements make it compatible with the General Plan. Furthermore, because there is already a gas station, and the addition of a car wash does not add any more "car-centric" sites to the City. As the only car wash in the City of East Palo Alto, moreover, it will not add any

density to such use, while adding a currently lacking amenity for residents. The record also does not support the contention that rejecting the addition of a car wash to the existing gas station will somehow open the possibility of other types of development on this site; the facts are that it is already a gas station and will remain as such.

Additionally, the staff report's contention that the project design does not address crime prevention – despite acknowledging the application includes additional planned lighting, increased staffing, security cameras and increased sit visibility – all elements specifically designed for this specific purpose – is not supported by substantial evidence. The finding that these measures will not be effective because of supposed past dilapidation is unsupported by any facts, speculative and circular, as the fact that there may have been inadequacies in the past without these elements is no indication that crime prevention will not improve once they are added.

Second, the record suggests that the reasons for denial stated in the staff report and discussed above are, in addition to being unsupported by the facts, also pretextual, such that the Planning Commission's denial is an abuse of its discretion. Indeed, the comments of various Commission members at the June 9, 2025 Planning Commission hearing reflect that the members did not consider, debate, or base their votes on any of the facts in the record, the required findings or the General Plan policies, but instead based their positions on unrelated and counter-factual attacks on the applicant, such claims that it was a bad neighbor, that it was greedy and charged excessive rates for gas, and that it kept its premises in disrepair – all unsupported and indeed belied by the record. As a result, the supposed grounds in the staff report and the proposed resolution appear to be mere pretexts to deny the application arbitrarily, capriciously, and without proper justification.

Finally, the City's conduct with regard to the application over the past several years, encouraging the applicant to make multiple changes and incurring significant expenses which the City indicated would get the project approved, may estop it from denying the project at this time.

If the resolution denying the application is approved, we intend to pursue an appeal, and a writ of mandate in court if necessary. However, we propose that the item be continued to the Planning Commission's September calendar to give the us an opportunity to explore whether the project can be revised so as to permit its approval.

Sincerely,

RAMSEY LAW GROUP

A handwritten signature in blue ink, appearing to read 'H. M. Saffouri', is written over the printed name.

Hussein Saffouri



EAST PALO ALTO PLANNING COMMISSION STAFF REPORT

DATE: July 14, 2025

TO: Honorable Chair and Members of the Planning Commission

VIA: Amy Chen, Community and Economic Development Director

BY: Humza Javed, Public Works Director

SUBJECT: Consistency of proposed Capital Improvements Projects in the Sanitary Sewer Master Plan with the General Plan

Recommendation

Adopt a resolution:

1. Finding that the thirteen (13) proposed capital improvement projects are in conformity with the City's General Plan; and
2. Finding this action is exempt from the California Environmental Quality Act (CEQA) under Sections 15378 and 15061(b)(3) of the CEQA Guidelines.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Public health, safety, and quality of life
- Public Infrastructure and Utilities

Background

On November 15, 2023, the San Mateo Local Agency Formation Commission (LAFCO) unanimously approved the City of East Palo Alto's application to designate the East Palo Alto Sanitary District (EPASD) as a subsidiary district of the City. The reorganization took effect on October 1, 2024, when the City Council assumed governance of EPASD. EPASD remains a legally separate entity from the City, and its assets are kept distinct.



PUBLIC HEARING ITEM 7.1

The City of East Palo Alto has a contract with Freyer & Laureta, Inc. (F&L) to provide engineering support services to EPASD, including development of a 2025 Sanitary Sewer Master Plan (SSMP)¹. F&L has been working on the SSMP since the beginning of this year, and they provided progress updates of the SSMP development to the EPASD Advisory Committee. The SSMP is scheduled for consideration of City Council adoption on July 15, 2025.

The SSMP is inclusive of the recommended Capital Improvement Projects (CIP). The CIP currently includes a total of thirteen (13) projects with an estimated total cost of approximately \$78 million slated for completion over the course of the next twenty years.

	PROJECT	ESTIMATED COST \$
1	CIP 1.1	\$ 6,042,000
2	CIP 1.2	\$ 11,315,000
3	CIP 2.1	\$ 7,466,000
4	CIP 2.2	\$ 9,795,000
5	CIP 2.3	\$ 17,635,000
6	CIP 2.4	\$ 9,293,000
7	CIP 2.5	\$ 1,401,000
8	CIP 2.6	\$ 1,377,000
9	CIP 2.7	\$ 5,832,000
10	CIP 3.1	\$ 1,786,000
11	CIP 3.2	\$ 1,949,000
12	CIP 3.3	\$ 1,398,000
13	CIP 3.4	\$ 2,155,000
	Total	\$ 77,444,000

The purpose of this staff report is for the Planning Commission to confirm that the projects are in conformance with the City's General Plan, Vista 2035, and to submit a resolution affirming conformance to the City Council.

Analysis

The SSMP and CIP is intended to provide EPASD with an overall plan for sanitary sewer infrastructure improvements over the next twenty (20) years to maintain sanitary sewer system reliability and support anticipated development within the City.

¹ https://www.cityofepa.org/sites/default/files/fileattachments/sanitary_district/page/24518/2025.05.15_epa_master_plan_-_fully_compiled.pdf



PUBLIC HEARING ITEM 7.1

Pursuant to California Government Code Section 65401, the “city planning agency” (*i.e.*, the Planning Commission and the Planning Division) is required to review all capital projects within a CIP to determine conformity with the City’s General Plan:

“The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.”

A land use action is in conformity with a local general plan if it is “compatible with the objectives, policies, general land uses, and programs specified in the plan.”²

In addition to complying with the Government Code, capital projects are evaluated for conformity with the General Plan because they play a major role in determining the location, intensity and timing of development. A finding that a given project proposed in a CIP is in conformity with the General Plan does not necessarily mean endorsement of the project or specification of the particular form that project will take. Individual projects still must undergo environmental review and receive City Council approval before being carried out.

All of the CIP projects meet the following goals as outlined in the City General Plan:

Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses.

Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.

Table A below summarizes the new projects proposed to be added to the twenty-year CIP and identifies the General Plan goal or policy to which it conforms.

Table A: General Plan Conformity of New FY 19/20 Capital Improvement Projects		
	Project Name	General Plan Goal or Policy Implemented
1	Pipeline Replacement on Menalto Avenue, Poplar Avenue, Bay Road, and Elliot Drive	Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses. Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.
2	Pipeline Replacement on Truck Line in Creek and Beech Street	Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses. Implement infrastructure improvements that encourage

² Although general plan conformity is not specifically defined in the context of Capital Improvement Plans, general plan conformity as it is defined elsewhere in the Government Code is instructive here. *See e.g.*, Calif. Gov. Code §§ 65860(a) and 66473.5.



PUBLIC HEARING ITEM 7.1

		development of higher and better uses which contribute to achieving citywide economic development and livability goals.
3	Pipeline Replacement on Larkspur Drive and Gardenia Avenue	Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses. Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.
4	11 Smart Cover Meters to be installed	Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses. Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.
5	Pipeline Replacement on Bayshore Road, Donohoe Street, and Cooley Avenue, and O'Connor Street	Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses. Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.
6	Pipeline Replacement on University Avenue, Runnymede Street, Clarke Avenue, and Beech Street	Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses. Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.
7	Pipeline Replacement on Truck Line in Creek	Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses. Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.
8	Pipeline Replacement on Bay Road and Pulgas Avenue	Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses. Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.



PUBLIC HEARING ITEM 7.1

		better uses. Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.
9	Pipeline Replacement on Maple Lane	Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses. Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.
10	Pipeline Replacement on O'Connor Street	Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses. Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.
11	New Parallel Truck Line within San Francisquito Creek on Palo Alto Golf Course	Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses. Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.
12	Pipeline Replacement on Dumbarton Avenue, Palo Verde Way, Lilac Way, Flen Way, Capitol Avenue, Woodland Avenue, and Bayshore Road	Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses. Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.
13	Pipeline Replacement on Bay Road, Weeks Street, Garden Street, Clarke Avenue, and Pulgas Avenue	Goal ED-1. 1.10 Infrastructure improvements supporting higher and better uses. Implement infrastructure improvements that encourage development of higher and better uses which contribute to achieving citywide economic development and livability goals.



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. A notice was also published in the Palo Alto Daily News on July 4, 2025. Notices were also mailed to properties within 300 feet of the project site at least ten days prior to this hearing.

Environmental

Staff recommends finding the review of the CIP's conformity with the General Plan exempt from CEQA because: (1) it is not a "project" as that term is defined under section 15378 of the CEQA Guidelines; and (2) it does not directly authorize the construction of individual projects, and as such, there is no possibility that the Planning Commission's finding will have a significant effect on the environment under section 15061 (b)(3) of the CEQA Guidelines. Rather, each subsequent CIP project brought forward will be subject to subsequent approval and environmental review.

Government Code § 84308

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

Analysis of Levine Act Compliance: Not applicable.

Attachments

1. Resolution

RESOLUTION NO. PC 2025 _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EAST PALO ALTO

FINDING THAT THIRTEEN NEW CAPITAL IMPROVEMENT PROJECTS THAT ARE PROPOSED FOR THE TWENTY-YEAR EPASD CAPITAL IMPROVEMENT PROGRAM FOR FY 2025/26 ARE IN CONFORMITY WITH THE CITY OF EAST PALO ALTO'S GENERAL PLAN GOALS OR POLICIES; AND FINDING THIS DETERMINATION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on July 14, 2025, the Planning Commission held a public hearing to determine whether thirteen new capital improvements projects that are proposed to be added to the Fiscal Year 2025/26 – 2045/46 Capital Improvement Program (“CIP”) are in conformity with the East Palo Alto General Plan; and

WHEREAS, pursuant to Section 15378 of the California Environmental Quality Act (CEQA) Guidelines adoption of the Capital Improvement Program does not constitute a project as defined by CEQA; and

WHEREAS, Exhibit A, which is attached hereto and incorporated by this reference, explains how each capital project is in conformance with the City's General Plan.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF EAST PALO ALTO does hereby find that:

1. The thirteen new capital improvement projects proposed to be added to the Twenty-Year (FY 2025/26-2045/46) CIP are in conformity with the City's General Plan Goals or Policies; and
2. The determination that these nineteen projects are in conformity with City's General Plan is exempt from the California Environmental Quality Act (“CEQA”), under CEQA Guidelines (i) Section 15378, as it does not meet the definition of a “project,” and (ii) Section 15061(b)(3) as it can be found with certainty to have no possibility for causing a significant effect on the environment.

PASSED AND ADOPTED this 14th day of July 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

Robert Sherrard, Chair

ATTEST:

Matthew Ball, Planning Secretary

APPROVED AS TO FORM:

John D. Lê, City Attorney



SAND HILL PROPERTY COMPANY

2600 El Camino Real, Suite 410 | Palo Alto, California 94306

2041 Euclid Avenue | East Palo Alto, California 94303

nodisplacement.com | universityandbay.com

July 14, 2025

Planning Commission
City of East Palo Alto
2415 University Ave.
East Palo Alto, CA 94303

Via Electronic Mail

RE: July 14, 2025
Agenda Item 6.1
Consistency of proposed Capital Improvements Projects in the Sanitary Sewer
Master Plan with the General Plan Vista 2035

Honorable Planning Commissioners:

We write today regarding the proposed Sanitary Sewer Master Plan. This is a critical document for the future of the City of East Palo Alto (the “City”) and we do not believe that it is ready for adoption. We urge you to request additional information so that the Master Plan can be updated and refined before it is adopted.

First, there has been inadequate public review of the Master Plan. We became aware of it last week and have had our engineers review it, but they have had to do so on an expedited process while many people are out on summer vacations. We are not clear why there is such a hurry to consider and adopt the Master Plan in back-to-back evenings at the Planning Commission and City Council. The City has been working on this process for years and should not rush to the finish line prematurely without adequate review.

Second, we are not aware that the City has solicited input from the development community on the Master Plan. The Master Plan will significantly affect new development within the City and developers should be consulted to ensure that the Master Plan will accommodate the development that the City has entitled.

Third, in the limited time available, our engineer has identified the following technical issues that we request the City to address prior to adoption of the Master Plan:

- 1.) Baseline sewage flow. There is no breakdown provided for specific flow rates (per capita, different uses, etc.). This is relevant information that reviewers need to understand the baseline sewage flow of 200 gallons per day per EDU. We understand that baseline sewage flows have significantly reduced and we anticipate that a more accurate quantity should be close to 140 gallons per day per EDU.

- 2.) Outdated data. The flow data in the plan come from the 2011/2012 Infiltration/Inflows study by V&A. This study should be updated to reflect current conditions. The Master Plan should be based on current, accurate conditions.
- 3.) Unclear Category 2 Standards. The Master Plan does not explain how the Category 2 classification was made. Many of the segments that were surcharged in the 2015 Master Plan are now considered to be “Category 2” segments. Segments that were surcharged in the 2015 Master Plan should be high priority fixes, and not “Category 2” for future work. Please ensure that the segments that were surcharged in 2015 are not Category 2 segments.

For example, under the 2025 existing conditions, the pipes around and downstream of the Euclid Improvements project are already surcharged and need to be upsized regardless of any new development. However, these are being classified as Category 2 for proposed/future developments to fix. This is visible by comparing Figure 5.1 vs 6.1 and Figure 6.2 vs. 5.3.

- 4.) Unclear Category 3 Classifications. In the Category 3B Figure 6.5, it is not clear why the segments in Category 2 are still considered to be in Category 3B.
- 5.) Peer review. The engineer recommends that the Master Plan be peer reviewed for conformity with industry standards and current practices.

Thank you for your consideration. We strongly support the City’s careful work to solve its sanitary sewer issues. We urge you to make these adjustments before finalizing the Master Plan.

Sincerely,



Michael Kramer