EAST PALO ALTO CITY COUNCIL
SPECIAL MEETING AGENDA

Thursday, December 14, 2023, 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/85244114367

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: 852 4411 4367

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

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1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF THE AGENDA

3. APPROVAL OF CONSENT CALENDAR

1. Signage and Bus Shelter Improvements Project

Recommendation:

Adopt a resolution:

1. Authorizing the City Manager award to, and to negotiate and execute a construction contract, in a form approved by the City Attorney, with Sposeto Engineering Inc., in the amount of $619,652.00; establish a 30% construction contingency in the amount of $185,895.6 for a total construction budget of $805,547.6, and execute future change orders in an amount not-to-exceed the appropriated construction contingency;
2. Appropriate $805,547.6 in the Capital Projects Fund for the Signage and Bus Shelter Improvements Project using the 2019 Affordable Housing and Sustainable Communities (AHSC) Grant;
3. Finding that the project is exempt from the California Environmental Quality Act (CEQA) under Sections 15301 and 15303 of the CEQA Guidelines.

2. Cooley Landing Park Sea Level Rise Vulnerability Assessment

Recommendation: Adopt a resolution appropriating $19,950.00 in payment to Ninyo & Moore Geotechnical and Environmental Sciences Consultants for the completion of a Sea Level Rise Vulnerability Assessment for Cooley Landing Park

3. 2024 Community Services Proposed Calendar

Recommendation: By motion, approve the proposed dates for activities to take place during the 2024 calendar year, subject to City Council modifications.

4. Monthly Cash Treasury Report for October 2023

Recommendation:

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

5. Payment to Casey Construction, Inc. for improvements on East Bayshore Road

Recommendation: Adopt a Resolution authorizing the City Manager to approve a payment in the amount of $8 ,223.87 to Casey Construction, Inc. for

streetscape improvements on East Bayshore Road at Clarke Avenue.

6. Award of contract for slope repair at San Francisquito creek.

Recommendation:

Adopt a resolution:

1. Authorizing the City Manager award to, and to negotiate and execute a construction contract, in a form approved by the City Attorney, with RX Lodge Inc., in the amount of $80,557.00; establish a 10% construction contingency in the amount of $8,055.70, for a total construction budget of $88,612.70, and execute future change orders in an amount not-to-exceed the appropriated construction contingency;

2. Appropriating $88,612.70 from the general fund; and

3. Finding that this Project is categorically exempt under California Environmental Quality Act (CEQA) Sections 15301 (Existing Facilities), and 15303 (New Construction or Conversion of Small Structures).

7. Security Services for East Palo Alto Senior Center

Recommendation: Adopt a resolution authorizing the City Manager to enter into an agreement, in a form approved by the City Attorney, with Genesis Private Security, to provided unarmed Security Services for the East Palo Alto Senior Center and other city-owned and operated facilities on an as needed basis in the amount not to exceed $4 9,100 for the remainder of FY 2023-24 with the option for two six-month extensions at City Manager discretion.

8. Annual Compensation Schedule for FY 202 3-24 (amended)

Recommendation: Adopt a resolution approving the FY 2023-24 Compensation Schedule.

9. Amending Job Description

Recommendation:

Adopt a resolution approving the following amended job description:

1. Reserve Officer

10. Annual Development Impact Fee Report (AB 1600 Report)

Recommendation: Adopt a Resolution accepting the Annual Development Impact Fee Report (AB 1600 Report) for Fiscal Year 2022-23.

11. City Council Meeting Minutes

Recommendation:

Adopt the November 21, 2023, City Council Meeting Minutes.

12. City Council's Proposed Schedule for 2024

Recommendation:

Pursuant to Resolution No. 5061, by motion, approve the 2024 City Council meeting schedule in Attachment 1.

13. Proclamation Turkish Republic Day

Recommendation:

Present the proclamation.

14. Proclamation for Luisa Buada

Recommendation:

Present the proclamation.

4. CLOSED SESSION - NONE

5. PUBLIC COMMENT

6. INFORMATIONAL REPORTS - NONE

7. SPECIAL PRESENTATIONS

1. HIP Housing Presentation

Recommendation:

Receive a presentation HIP Housing.

8. PUBLIC HEARINGS

1. Supplemental report on the 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:

As considered and continued from a publicly noticed City Council meeting on December 5, 2023:

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

1. Repeal and replace Chapter 18.96 and add/amend other Chapters and Sections of the Development Code to facilitate ADUs. **This was approved at the December 5, 2023 City Council hearing with Council direction to amend Section 96.050.J on Architectural Compatibility for future Council consideration.**

2. Amend other Chapters and Sections of Title 18 to:

- add Section 18.96.050(F)(3) on provisions for second driveways on corner lots and Section 18.96.050(D) to 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;

- amend Section 18.10.030 Table 2-2 to reduce the minimum useable open space requirement from 750 square feet to 500 square feet or 50 percent of the remaining rear yard, whichever is less, in the R-LD zoning district;

- amend Section 18.30.080 to allow second driveways on corner lots with single-family homes;

- amend Chapter 18.90 Variances and Minor Variances to add fences up to eight feet to Table 7-3 Types of Minor Variances allowed.

3. 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.

4. Discuss the matter of 1) reducing the required setbacks for detached ADUs, possibly to 0-feet, and 2) allowing separate sale /conveyance of primary dwelling units and ADUs through condominium subdivisions pursuant to the recently approved Assembly Bill (AB) 1033 and provide direction to staff on how to proceed regarding these two items, which may include returning to either the Planning Commission or the Council with additional information for further consideration.

2. Repeal of Chapter 6.04 of the San Mateo County Ordinance Code and Adoption of New Amended Code as Relates to Animal Control & Licensing, Including Clarifications to Existing Code, Renumbering, and a Revised Schedule of Fees.

Recommendation: A. Waive the first reading and introduce an ordinance repealing and replacing Chapter 6.04 (Animal Control) of Title 6 of the City of East Palo Alto Municipal Code to clarify existing definitions, enact additional requirements for animal control, and revise the fees for animal control services; and

B. Find that the project is exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 and 15061.

3. Updated Tobacco Retailer Ordinance

Recommendation:

Waive the first reading and introduce an ordinance repealing and replacing Chapter 5.80 “Tobacco Retailer Permits” of the East Palo Municipal Code with an ordinance that consolidates and clarifies existing definitions, in addition to enacting additional requirements for tobacco retailer permits, to align with the County of San Mateo Model Ordinance.

9. POLICY AND ACTION

1. Utility Box Art Project

Recommendation:

By motion, authorize the City Manager to:

1. Formalize a partnership with EPACenter Arts to complete the Utility Box Art

Project at 13 locations around East Palo Alto.
2. Provide direction on which design concept, Infinite EPA or EPA Livingscapes, best showcases the talent and creativity of East Palo Alto.

10. COUNCIL REPORTS

11. ADJOURNMENT

Upcoming Meetings

Meeting	Date	Time
Special Meeting	January 9, 2024	6:30 PM
Special Meeting	January 23, 2024	6:30 PM
Regular Meeting	February 6, 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: December 7, 2023

ATTEST:

James Colin
City Clerk

CONSENT ITEM 3.1

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

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

SUBJECT: Signage and Bus Shelter Improvements Project

Recommendation

Adopt a resolution:

1. Authorizing the City Manager award to, and to negotiate and execute a construction contract, in a form approved by the City Attorney, with Sposeto Engineering Inc., in the amount of $619,652.00; establish a 30% construction contingency in the amount of $185,895.6 for a total construction budget of $805,547.6, and execute future change orders in an amount not-to-exceed the appropriated construction contingency;
2. Appropriate $805,547.6 in the Capital Projects Fund for the Signage and Bus Shelter Improvements Project using the 2019 Affordable Housing and Sustainable Communities (AHSC) Grant;
3. Finding that the project is exempt from the California Environmental Quality Act (CEQA) under Sections 15301 and 15303 of the CEQA Guidelines.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Promote Health & Public Safety
Promote Housing, Economic & Workforce Development

Background

On January 29, 2019, via Resolution No. 5074, the City Council authorized the City Manager to submit an application jointly with Eden Housing/EPACANDO to the California Department of Housing and Community Development for an AHSC award in an amount not to exceed $20,000,000 for the Light Tree Project.

On March 3, 2020, via Resolution 23-20, the City Council authorized the execution of a contract related to the 2019 Light Tree AHSC application. On September 1, 2020, the 2019 AHSC disbursement agreement was executed. As part of the grant, $1,000,000.00 was allocated for transportation-related amenities (TRA). The scope included the improvement of bus shelters, benches, and sidewalks at various bus stops.

The Public Works Department with the assistance of its on-call consultant CSG, worked on preparing plans, specifications, and estimates (PS&E) for the signage and bus shelter improvement project throughout 2023. The PS&E package detailing the work can be found on the City website linked below:

https://www.cityofepa.org/publicworks/page/signage-and-bus-shelter-improvements-project-rfb

Analysis

The project was advertised on November 14, 2023, for solicitation of construction bids. On December 5, 2023, sealed bids were received, publicly opened via Zoom, and read aloud by the City Clerk and a Public Works Engineer. Two (2) contractors submitted bids for the Project with the following bid results:

No.	Company Name	Total Base Bid Amount
1	Sposeto Engineering, Inc.	$619,652.00
2	Golden Bay Construction, Inc.	$685,519.00

The bid summary analysis is included as Attachment 2 to this report.

Sposeto Engineering Inc. submitted the lowest base bid in the amount of $619,652.00. City staff performed a bid analysis, verified qualifications, and checked license as well as references for the lowest bidder.

Contingent upon completing all insurance and bonding requirements of the Contract Specifications, staff recommends that the City Council authorize the City Manager to execute a construction contract with Sposeto Engineering Inc., the lowest responsive and responsible bidder, in an amount not-to-exceed $619,652.00 and appropriating an additional $185,895.6 (30%) for construction contingency.

Fiscal Impact

Staff is requesting an appropriation in the amount of $805,547.6 in the Capital Project Fund through the 2019 AHSC grant.

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

Awarding this contract is not a project under the California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) because the action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

The Bus Stop Improvement Project itself would be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and as 15303 (New Construction or Conversion of Small Structures).

The scope of work involves replacing eight (8) existing bus shelters and replacing three (3) existing benches. Approximately five (5) new benches would be placed within previously established bus stops (on or adjacent to existing sidewalks). The project includes replacing nine (9) existing 8-foot tall bus stop poles and replacing them with 7 to 8 foot tall metal poles that include plastic seats and a solar panel/E-Paper display. The new pole would be about two feet by two feet in width and the dimensions of the seat would be about 38.5 inches x 14.5 inches. The scope also involves minor concrete upgrades in areas with existing concrete.

Attachments

1. Resolution
2. Bid Summary

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 CONSTRUCTION CONTRACT WITH SPOSETO IN THE AMOUNT OF $619,652 FOR THE SIGNAGE AND BUS SHELTER IMPROVEMENTS PROJECT, ESTABLISH A 30% CONSTRUCTION CONTINGENCY IN THE AMOUNT OF $185,895.6 FOR A TOTAL CONSTRUCTION BUDGET OF $805,547.6, EXECUTE FUTURE CHANGE ORDERS IN AN AMOUNT NOT-TO-EXCEED THE APPROPRIATED CONTINGENCY FINDING THE PROJECT EXEMPT FROM CEQA

WHEREAS, Capital Improvement Project (CIP) ST-25 would improve bus stops around the City; and

WHEREAS, the tentative scope of work for CIP ST-25 involves replacing eight (8) existing bus shelter and replacing three (3) existing benches. Approximately five (5) new benches would be placed within areas previously established as bus stops (on or adjacent to existing sidewalks in place). The project includes About nine (9) sign seats will be placed; this work involves replacing the nine (9) existing 8-foot tall bus stop poles and replacing them with 7 to 8-foot tall metal poles that include plastic seats and potentially a solar panel/E-Paper display. The new pole would be about two-feet by two-feet in width and the dimensions of the seat will be about 38.5 inches'' x 14.5 inches''. The scope also involves minor concrete upgrades in areas with existing concrete; and

WHEREAS, the goal of the improvements is to encourage the use of public transit; and

WHEREAS, this project is listed in the City's two-year CIP and ten-year CIP; and

WHEREAS, the project was advertised for construction bids on November 14, 2023; and

WHEREAS, on December 5, 2023, the City of East Palo Alto ("City") received sealed bids that were publicly opened via Zoom and read aloud by the City Clerk and a Public Works Engineer; and

WHEREAS, there were a total of two (2) contractors who submitted bids for the project with Sposeto Engineering Inc. being the lowest responsible bidder with a bid amount of $619,652.00; and

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

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

1. Finds the foregoing recitals are true and correct and are incorporated by reference into this action;

2. Authorizes the City Manager to award to, negotiate, and execute a construction contract, in a form approved by the City Attorney, with Sposeto Engineering Inc. for $619,652.00; establish a 30% construction contingency of $185,895.6, for a total construction budget of $805,547.6, and execute future change orders in an amount not-to-exceed the appropriated construction contingency;

3. Appropriate $805,547.6 in the Capital Projects Fund for the Signage and Bus Shelter Improvements Project using the 2019 Affordable Housing and Sustainable Communities (AHSC) Grant; and

4. Finds that the project is exempt from the California Environmental Quality Act (CEQA) under Sections 15301 and 15303 of the CEQA Guidelines.

PASSED AND ADOPTED this 14th day of December 2023**,** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Gauthier, Mayor

ATTEST:

James Colin, City Clerk

APPROVED AS TO FORM:

John D. Lê, City Attorney

				Engineers Estimate		Golden Bay Construction		Sposeto Engineering	
No.	**Item**	**Quantitiy**	**Unit**	**Unit Price**	**Total**	**Unit Price**	**Total**	**Unit Price**	**Total**
1	Mobilization	1	LS	$ 50,000	$ 50,000	$ 33,250	$ 33,250	$ 35,000	$ 35,000
2	Traffic Control	1	LS	$ 10,000	$ 10,000	$ 68,188	$ 68,188	$ 28,000	$ 28,000
3	Stormwater Pollution Prevention	1	LS	$ 20,000	$ 20,000	$ 2,500	$ 2,500	$ 3,600	$ 3,600
4	Erosion Control Installation	1	LS	$ 20,000	$ 20,000	$ 2,000	$ 2,000	$ 5,000	$ 5,000
5	Remove Concrete	1650	SF	$ 20	$ 33,000	$ 14	$ 23,100	$ 4	$ 6,600
6	Remove Curb and Gutter	80	LF	$ 20	$ 1,600	$ 30	$ 2,400	$ 24	$ 1,920
7	Remove and Dispose Ex. Bus Shelter	8	EA	$ 4,000	$ 32,000	$ 3,600	$ 28,800	$ 3,400	$ 27,200
8	Remove & Replace Bus Stop Sign	8	EA	$ 300	$ 2,400	$ 750	$ 6,000	$ 625	$ 5,000
9	Shuttle Stop Sign on Shelter	8	EA	$ 400	$ 3,200	$ 600	$ 4,800	$ 2,500	$ 20,000
10	New Tolar Bus Shelter	8	EA	$ 40,000	$ 320,000	$ 42,400	$ 339,200	$ 42,600	$ 340,800
11	Trash Can 32 Gallon Exp. Metal	8	EA	$ 1,300	$ 10,400	$ 1,600	$ 12,800	$ 1,250	$ 10,000
12	Euro Bench (Tolar)	9	EA	$ 1,500	$ 13,500	$ 8,600	$ 77,400	$ 7,595	$ 68,355
13	Bench - 6' Strap Back W/O Vagrant (Tolar)	9	EA	$ 1,000	$ 9,000	$ 2,400	$ 21,600	$ 2,500	$ 22,500
14	Curb Ramp	2	EA	$ 6,000	$ 12,000	$ 5,840	$ 11,680	$ 4,000	$ 8,000
15	Concrete Curb and Gutter	66	LF	$ 250	$ 16,500	$ 151	$ 9,966	$ 112	$ 7,392
16	Concrete Sidewalks Type D-3	600	SF	$ 40	$ 24,000	$ 24	$ 14,400	$ 20	$ 11,700
17	Concrete Driveway Type D-1	135	SF	$ 40	$ 5,400	$ 31	$ 4,185	$ 21	$ 2,835
18	PCC Bus Shelter Pad &	750	SF	$ 60	$ 45,000	$ 31	$ 23,250	$ 21	$ 15,750
	Total Bid				**$ 628,000**		**$ 685,519**		**$ 619,652**

Apparent Lowest Bidder

CONSENT ITEM 3.2

EAST PALO ALTO CITY COUNCIL
STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Fatima Khan, Environmental Services Aide
Humza Javed, Public Works Director

SUBJECT: Cooley Landing Park Sea Level Rise Vulnerability Assessment

Recommendation

Adopt a resolution:

1. Authorizing the City Manager to execute a contract between the City of East Palo Alto (City) and Midpeninsula Open Space District (District) wherein the District will provide $9,975.00 in funding to the City and the City will pay Ninyo & Moore Geotechnical and Environmental Sciences Consultants an amount of $19,950.00 to fulfill a Regional Water Quality Control Board (RWQCB) requirement to perform a sea level rise assessment at Cooley Landing Park;

2. Appropriating a total of $19,950.00 equally from the General Fund Reserve ($9,975) and the District Matching Grant ($9,975);

3. Find that the payment is authorized under section 2.84.060 of the East Palo Alto Municipal Code, as an emergency purchase; and

4. Finding that the proposed contract and SLRVA are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15306 Class 6 (Information Collection).

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority No. 6: Create a Healthy and Safe Community

Background

The Regional Water Quality Control Board (RWQB), to fulfill the requirements for a Land Use Covenant (LUC), is requiring the City of East Palo Alto to perform a Sea Level Rise Vulnerability Assessment (SLRVA) for Cooley Landing Park. Land Use Covenants are administered by the Department of Toxic Substances Control and authorize the continued usage of an area, public or private, with the observation of any directives or restrictions outlined in the LUC. This limits unsafe exposure to potentially hazardous material.

The site that underwent an SLRVA is known as Cooley Landing Park (Site) and is located at 2100 Bay Road in East Palo Alto. It is an approximately 8.5-acre peninsula on the southwestern shore of the San Francisco Bay. From 1932 to 1957, the Site was a San Mateo County landfill. In the 1960's, the Site was acquired and privately owned and operated. Between 1996 and 2010, the Site underwent multiple environmental assessments, including soil and groundwater investigations. In 2006, the City acquired the land and redeveloped it into a park for public use.

Currently, the Site is jointly administered by the City of East Palo Alto and Midpeninsula Open Space District. As the SLRVA would impact parcels from both entities, an agreement to jointly fund the SLRVA has been reached with the District.

The purpose of an SLRVA is to evaluate the effects that any projected sea-level and groundwater rise will have on the Site, its infrastructure, and any below-ground contaminants of concern present on the Site, as well as how remedial measures may be influenced by these variables.

For the City to enter into a LUC for Cooley Landing Park, an SLRVA is necessary. The SLRVA was completed and delivered by Ninyo & Moore to staff on November 22, 2023.

Analysis

Staff has included in the attachments to the staff report the SLRVA performed by Ninyo & Moore with figures that illustrate the full extent of the area being assessed. The SLRVA used California Ocean Protection Council's sea level rise scenario guidance in the assessment, including baseline projected storm surges, 3-foot and 6.5-foot sea level rise projections. Some conclusions from the SLRVA include the following:

- A sea level rise (SLR) of 6.5 ft is likely to occur by the year 2100 and would cause flooding across a majority of the Site. Upward migration of the groundwater will result in groundwater encountering contaminated soil.
- Short-term adaptations should address vulnerabilities due to a total water level of 3 ft (50 year storm surge). These adaptations will help to prevent shoreline overtopping, Site inaccessibility, and erosion.
- Eventually, long-term adaptations will be needed at the site to address future SLR. A better understanding of Site conditions is needed to adequately plan for Site adaptation.

Due to the urgency of this assessment and the requirement by the RWQB, in order to move forward with a LUC, staff is requesting City Council waive the requirement for professional services that exceed $10,000 to go through a formal bid procedure and appropriate $19,950.00 equally from the General Fund Reserve ($9,975) and the District Matching Grant ($9,975). As the District will reimburse half the funding, and the City will effectively pay $9,975.00, this assessment would have otherwise been exempt from the bidding process.

In addition, the City has contracted services with Ninyo & Moore in the past, at the aforementioned Site, and their familiarity with the Site that underwent the SLRVA has made their services of value for this assessment.

Fiscal Impact

Staff recommends appropriating a total of $19,950.00 equally from the General Fund Reserve ($9,975) and the District Matching Grant ($9,975).

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

This proposed contract and SLRVA are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15306 Class 6 as follows:

Section 15306 Class 6 – Information Collection
Cal. Code Regs., tit. 14 Section 15306 provides that projects which consist of basic data collection, research, experimental management, and resource evaluation activities, and which do not result in a serious or major disturbance to an environmental resource are categorically exempt from the provisions of the California Environmental Quality Act. This project consists of data collection, research, and resource evaluation activities only regarding projected sea-level and groundwater rise in an existing public park. Any future actions will be subject to a subsequent City Council action and environmental review. For these reasons, the proposed work will not have any significant effect on the environment and is exempt under Cal. Code Regs., tit 14, Section 15306.

Attachments

1. Resolution
2. Ninyo & Moore Proposal for Preparation of a Sea Level Rise and Vulnerability Assessment
3. Letter of Agreement City of East Palo Alto and Midpeninsula Open Space District 9-5-23
4. Sea Level Rise and Vulnerability Assessment Report

RESOLUTION NO. XX – 2023

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

AUTHORIZING PAYMENT IN THE AMOUNT OF $19,950.00 from the x fund IN ORDER TO PAY NINYO & MOORE GEOTECHNICAL AND ENVIRONMENTAL SCIENCES CONSULTANTS FOR A SEA LEVEL RISE VULNERABILITY ASSESSMENT FOR COOLEY LANDING PARK COMPLETED ON NOVEMBER 22, 2023, WITH THE UNDERSTANDING THAT HALF OF THE PAYMENT IN THE AMOUNT OF $9,975.00 WILL BE REIMBURSED BY MIDPENINSULA OPEN SPACE DISTRICT TO THE CITY OF EAST PALO ALTO.

WHEREAS, the Regional Water Quality Control Board has required that the City of East Palo Alto have a Sea Level Rise and Vulnerability Assessment completed to enter into a Land Use Covenant for Cooley Landing Park, and

WHEREAS, Midpeninsula Open Space District has entered into an agreement with the City of East Palo Alto to jointly fund the assessment and the City has invoiced the District for $9,975.00, and

WHEREAS, Ninyo & Moore completed the Sea Level Rise Vulnerability Assessment in November of 2023, with staff approval, and will invoice East Palo Alto for $19,950.00, and

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

Authorizes the City Manager to execute a contract between the City of East Palo Alto (City) and Midpeninsula Open Space District (District) wherein the District will provide $9,975.00 in funding to the City and the City will provide $19,950.00 from the ...Fund to Ninyo & Moore Geotechnical and Environmental Sciences Consultants to fulfill a Regional Water Quality Control Board (RWQCB) requirement to perform a sea level rise assessment at Cooley Landing facility; exempts this professional service from the request for proposal bidding process; and finds that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15306 of the CEQA Guidelines.

PASSED AND ADOPTED this 14th day of December 2023**,** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Gauthier, Mayor

ATTEST:

James Colin, City Clerk

APPROVED AS TO FORM:

John D. Lê, City Attorney

Ninyo & Moore
Geotechnical & Environmental Sciences Consultants

CELEBRATING 35 YEARS

August 1, 2023
Proposal No. 09OAK03-01562 Rev. 1

Mr. Anwar Mirza, M.S., P.E.
Senior Engineer
City of East Palo Alto
Engineering Division
1960 Tate Street
East Palo Alto, CA 94560

Subject: Proposal for Preparation of a Sea Level Rise and Vulnerability Assessment
Cooley Landing Park
2100 Bay Road
East Palo Alto, CA 94303

Dear Mr. Mirza:

Based on email correspondence with you on July 13, 2023, Ninyo & Moore is pleased to submit this proposal to prepare a Sea Level Rise and Vulnerability Assessment (SLRVA) for the Cooley Landing Park located at 2100 Bay Road in East Palo Alto, California (Site). The SLRVA will be prepared in accordance with emails and documents from the Regional Water Quality Control Board (RWQCB), the San Mateo County Flood and Seal Level Rise Resiliency District (District), and Department of Toxic Substances Control (DTSC).

SITE BACKGROUND

The Site is composed of an approximately 8.5 - acre peninsula and an approximately 800-foot long section of Bay Road (known as Cooley Landing Access Road) between the automobile salvage facility located at 2091 Bay Road and the parking lot at the western edge of Cooley Landing. The Site is assigned Assessor's Parcel Numbers 063-590-030, 096-230-130 and 096-230-150. The Site extends into San Francisco Bay and is geographically located at the eastern extent of Bay Road. A gravel-paved access road traverses the Site generally southwest to northeast and is a continuation of Bay Road. The Site is currently open to the public and includes: bike and walking trails; a bike rack/parking area; viewing and interpretive areas; picnic areas; an outdoor classroom; several areas for wildlife viewing and interpretation; a wetlands area; and parking areas. Surface elevations range from zero to approximately 14 feet above mean sea level (msl).

The peninsula occupies a portion of the Ravenswood Open Space Preserve (ROSP) that also includes a former salt pond, which extends to the north. The peninsula is bordered to the north, east, and south by the San Francisco Bay, and to the west by Cooley Landing Access Road, the ROSP and the Palo Alto Baylands Nature Preserve.

Remedial actions completed on Site included installation of an engineered cap over the entire surface of the Cooley Landing peninsula. The engineered cap was constructed of imported clean soil, geosynthetic liners, and hardscape materials including gravel, aggregate base (AB), decomposed granite, cobbles, asphalt, and concrete. The engineered cap generally consists of 2 feet of clean imported soil; however, the engineered cap within hardscaped areas was generally thinner. The area surrounding the western parking lot on-site, known as the District Extension Area, was incorporated into the project site boundaries after completion of Remedial Action Plan (RAP) implementation activities for the remainder of the Cooley Landing peninsula. The engineered cap installed within the District Extension Area surrounding the western parking lot is comprised of 6 inches of crushed concrete overlain with 1 foot of imported clean soil.

PROPOSED SCOPE OF SERVICES

Document Review

Our scope of services will include a review of several regulatory documents including the County of San Mateo Seal Level Rise Vulnerability Assessment[1], a District Planning Guidance Policy[2], RWQCB Order No. R2-2022-0031[3] and an email from Ms. Michelle Thompson of the RWQCB dated July 13, 2023. The resources reviewed will also include the California Ocean Protection Council's (OPC) State of California Sea-Level Rise Guidance[4], publicly available online modeling programs including NOAA's Sea Level Rise Viewer[5], and the San Francisco Bay Conservation and Development Commission's Adapting to Rising Tides Bay Shoreline Flood Explorer[6].

[1] County of San Mateo, 2018 Sea Level Rise Vulnerability Assessment, Final Report. Published March.
[2] San Mateo County Flood and Seal Level Rise Resiliency District, 2023 Planning Guidance Policy to Protect and Enhance Bay Shoreline Areas of San Mateo County, Public Draft. Dated April 19.
[3] State of California RWQCB, 2022 San Francisco Bay Region Order No. R2-2022-0031, Amending Waste Discharge Requirements for Bayfront Landfills Listed in Table 1. Amendment to Waste Discharge Requirements for Long-Term Flood Protection Considerations at Closed and Operating Municipal and Solid Waste Bayfront Landfills. Dated October 12.
[4] California Ocean Protection Council (OPC), 2018, State of California Sea-Level Rise Guidance, 2018 Update.
[5] NOAA, 2022, Sea Level Rise Viewer, https://coast.noaa.gov/slr/#.
[6] San Francisco Bay Conservation and Development Commission (SFBCDC), 2022, Adapting to Rising Tides Bay Shoreline Flood Explorer, https://explorer.adaptingtorisingtides.org/home.

Site Reconnaissance

Ninyo & Moore will conduct a site reconnaissance to inspect the site engineered cap and identify any areas that may be vulnerable to SLR.

SLRVA Preparation

Ninyo & Moore will prepare a SLRVA that will contain relevant information on the potential risk for adverse effects caused by sea level and/or groundwater level rise (SLR/GWR). The SLRVA will discuss the risk of increased Site contaminant leaching, mobilization, vapor production, and damage to the Site's engineered cap. The SLRVA will include an evaluation of how remedial design of the engineered cap can cope with extreme climate variability and adapt to remain protective over time. More information on the content of the SLRVA is included below.

Based on our review of the documents listed above, the SLRVA will contain the following components:

- A summary of how the Site will be impacted by 3.5 and 6 feet of SLR in the years 2050 and 2100, respectively.
- Site and Site Vicinity Plans will be prepared to identify Site features including sitewide elevations and topography, and vulnerable infrastructures (i.e., waste containment features, wetlands, roads, buildings, remediation systems, piping, wells).
- SLR/GWR concerns including a discussion of baseline conditions for existing groundwater levels from nearby sources, the degree of SLR and GWR, extreme storm event exposure already noted at the Site (if any), sea level elevations at which flooding will impact the site, and any areas potentially vulnerable to GWR.
- A groundwater elevation data monitoring plan will be prepared using data obtained mainly from nearby off-Site wells through the RWQCB Geotracker database.
- A discussion of the potential for the engineered cap to be damaged which in turn may create exposure issues to or discharge from the underlying contaminated fill material, and how the Site's engineered cap may be fortified to protect it from SLR and flooding. In addition, we will discuss how building uses and public access may be protected prior to the projected timing of SLR/GWR, and extreme storm/flooding event impacts.
- A discussion of how SLR can be evaluated and tracked across the Site utilizing groundwater monitoring wells and data collection to better qualify SLR impacts to tidal flux on groundwater.
- A discussion of how GWR and any associated flooding may affect long-term remedy selection, and long-term and post-closure monitoring and maintenance at the Site.

- A discussion of the potential for residual soil constituents of concern, which include polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), organochlorine pesticides (OCPs), total petroleum hydrocarbons (TPHs) as diesel and motor oil, volatile organic compounds (VOCs) and heavy metals to mobilize and migrate to nearby water bodies.

COMPENSATION

Ninyo & Moore proposes to perform the scope of services outlined above on a time-and-materials basis in accordance with the attached rate schedule for a total estimated fee not to exceed **$19,950 (Nineteen Thousand Nine Hundred Fifty Dollars)**.

SCHEDULE

Following receipt of your written authorization to proceed, Ninyo & Moore will commence services described herein. Ninyo & Moore appreciates the opportunity to provide you this proposal. We trust that it satisfies your current requirements and assure you that Ninyo & Moore will be responsive to your needs.

If you have additional questions or comments on our proposed scope of services, please contact either of the undersigned at (510) 343-3000.

Sincerely,
NINYO & MOORE



Kristopher M. Larson, PG 8059
Principal Environmental Geologist



Brian E. Busch
Principal Environmental Scientist

KML/BEB/gvr

Table 1 - Breakdown of Estimated Fee						
Document Review						
Principal Engineer/Geologist/Environmental Scientist	5 hours	@	$ 220.00	/hour	$	1,100.00
Senior Engineer/Geologist/Environmental Scientist	hour	@	$ 210.00	/hour	$	-
Senior Project Engineer/Geologist/Environmental Scientist	hour	@	$ 200.00	/hour	$	-
Project Engineer/Geologist/Environmental Scientist	16 hours	@	$ 195.00	/hour	$	3,120.00
Senior Staff Engineer/Geologist/Environmental Scientist	hour	@	$ 180.00	/hour	$	-
Technical Illustrator/CAD Operator	hour	@	$ 120.00	/hour	$	-
Data Processor	hour	@	$ 80.00	/hour	$	-
			Subtotal		**$**	**4,220.00**
Site Reconnaissance						
Principal Engineer/Geologist/Environmental Scientist	hour	@	$ 220.00	/hour	$	-
Senior Engineer/Geologist/Environmental Scientist	hour	@	$ 210.00	/hour	$	-
Senior Project Engineer/Geologist/Environmental Scientist	hour	@	$ 200.00	/hour	$	-
Project Engineer/Geologist/Environmental Scientist	8 hours	@	$ 195.00	/hour	$	1,560.00
Senior Staff Engineer/Geologist/Environmental Scientist	hour	@	$ 180.00	/hour	$	-
Staff Engineer/Geologist/Environmental Scientist	hour	@	$ 165.00	/hour	$	-
Technical Illustrator/CAD Operator	hour		$ 120.00		$	-
Data Processor	hour	@	$ 100.00	/hour	$	-
			Subtotal		**$**	**1,560.00**
SLRVA Preparation						
Principal Engineer/Geologist/Environmental Scientist	28 hours	@	$ 220.00	/hour	$	6,160.00
Senior Engineer/Geologist/Environmental Scientist	hour	@	$ 210.00	/hour	$	-
Senior Project Engineer/Geologist/Environmental Scientist	hour	@	$ 200.00	/hour	$	-
Project Engineer/Geologist/Environmental Scientist	30 hours	@	$ 195.00	/hour	$	5,850.00
Senior Staff Engineer/Geologist/Environmental Scientist	hour	@	$ 180.00	/hour	$	-
Staff Engineer/Geologist/Environmental Scientist	hour	@	$ 165.00	/hour	$	-
Technical Illustrator/CAD Operator	16 hours		$ 120.00		$	1,920.00
Data Processor	3 hours	@	$ 80.00	/hour	$	240.00
			Subtotal		**$**	**14,170.00**
TOTAL ESTIMATED FEE					**$**	**19,950.00**

DocuSign Envelope ID: 7371096C-E83B-441A-B946-E08170B57FCF

GENERAL MANAGER
Ana M. Ruiz

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Yoriko Kishimoto
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Curt Riffle
Karen Holman
Margaret MacNiven
Zoe Kersteen-Tucker

September 5, 2023

Melvin E Gaines
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94560
Transmitted via email amirza@cityofepa.org

Dear Melvin E. Gaines,

This letter is in response to the ongoing discussion between the City of East Palo Alto (City) and the Midpeninsula Regional Open Space District (District) regarding the documentation necessary to fulfill a Regional Water Quality Control Board (RWQCB) requirement for a Land Use Covenant on parcels owned by the City and the District, that collectively make up Cooley Landing Park. This letter memorializes our agreement to share the cost for a sea level rise assessment required by the RWQCB.

The District agrees to provide $9,975 up front funding for the preparation of a sea level rise and vulnerability assessment for Cooley Landing Park to the City as per the proposal provided by Ninyo and Moore prepared for the City (attached Proposal #090AK03-01562 Rev. 1). The City agrees to enter into an agreement with Ninyo and Moore for completion of the sea level rise assessment per the above proposal and provide a draft copy for review and comment to the District prior to finalization. After completion the City will provide a final copy to the District and the RWQCB.

The main points for contact shall be Senior Engineer Anwar Mirza for the City and Assistant General Manager Brian Malone for the District.

Sincerely,

Brian Malone

Digitally signed by Brian Malone
DN: cn=Brian Malone, o=Midpeninsula Regional Open Space District, ou, email=bmalone@openspace.org, c=US
Date: 2023.09.05 17:05:17 -07'00'

Brian Malone
Assistant General Manager
Midpeninsula Regional Open Space District

Agreed and Accepted by:

DocuSigned by:
Melvin Gaines
4A361DD749224BE...

Melvin E. Gaines
City Manager
City of East Palo Alto

Sea Level Rise Vulnerability Assessment

Cooley Landing Park

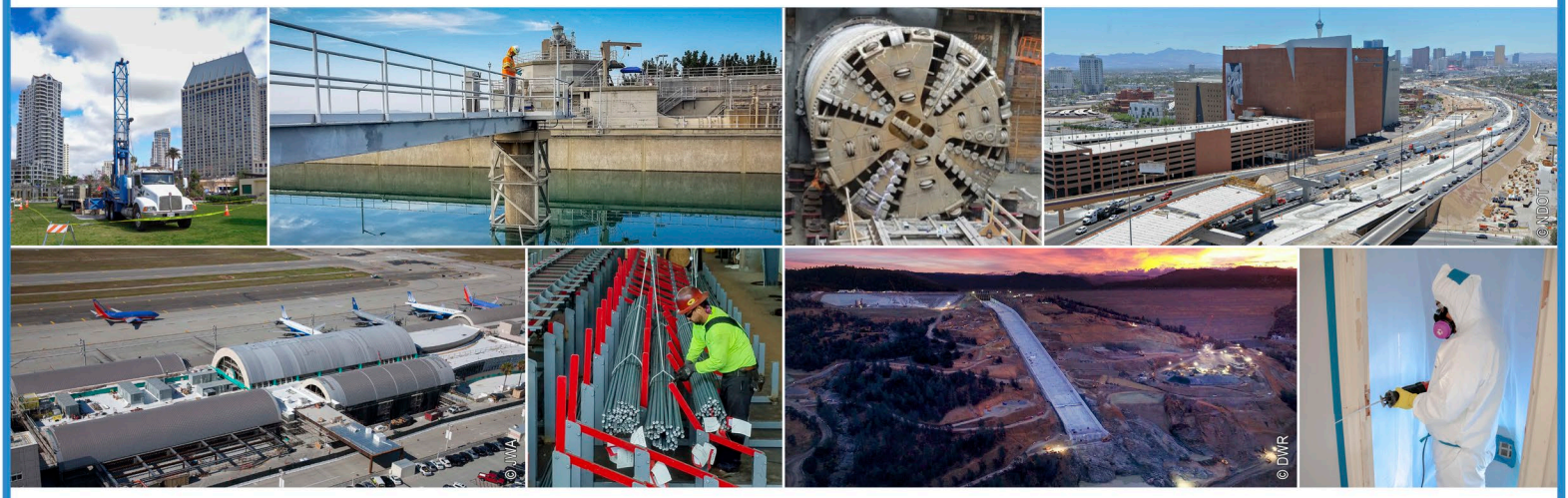
2100 Bay Road

East Palo Alto, California 94303

City of East Palo Alto

1960 Tate Street | East Palo Alto, California 94560

November 21, 2023 | Project No. 401634013



Geotechnical | Environmental | Construction Inspection & Testing | Forensic Engineering & Expert Witness

Geophysics | Engineering Geology | Laboratory Testing | Industrial Hygiene | Occupational Safety | Air Quality | GIS

Ninyo & Moore
Geotechnical & Environmental Sciences Consultants

Ninyo & Moore
Geotechnical & Environmental Sciences Consultants

35+ YEARS

November 21, 2023
Project No. 401634013

Mr. Anwar Mirza, M.S., P.E.
Senior Engineer
City of East Palo Alto
Engineering Division
1960 Tate Street
East Palo Alto, California 94560

Subject: Sea Level Rise Vulnerability Assessment
Cooley Landing Park
2100 Bay Road
East Palo Alto, California 94303

Dear Mr. Mirza:

On behalf of the City of East Palo Alto (City), Ninyo & Moore has prepared this *Sea Level Rise Vulnerability Assessment* (SLRVA) for Cooley Landing Park located at 2100 Bay Road, East Palo Alto, California. The SLRVA was prepared utilizing the best available sea level rise assessment guidance documents and modeling tools to evaluate the potential impacts of sea level and groundwater rise to the subject property.

Should you have any questions or need further information, please contact us at your convenience.

Sincerely,
NINYO & MOORE

Ryan Bast

Ryan D. Bast, PG 9985
Project Geologist

PROFESSIONAL GEOLOGIST
RYAN D. BAST
No. 9985
STATE OF CALIFORNIA

Kris M. Larson, PG 8059
Principal Environmental Geologist

Brian E. Busch
Principal Environmental Scientist

RDB/BBF/BSW/gvr

CONTENTS

ABBREVIATIONS AND ACRONYMS III

1 INTRODUCTION 1

2 SITE DESCRIPTION 1

2.1 Site Setting 1

2.2 Site History 2

2.3 Contaminants of Concern 2

2.3.1 Soil 2

2.3.2 Groundwater 3

2.3.3 Soil Vapor 3

2.4 Remedial Activities and Design 3

2.4.1 Excavation and Backfill 3

2.4.2 Engineered Cap 3

2.4.3 Soil Gas Mitigation System 4

2.4.4 Institutional Controls 4

3 SEA LEVEL RISE VULNERABILITY ASSESSMENT 5

3.1 Sea Level Rise Science, Tools, and Scenarios 5

3.2 Vulnerable Site Infrastructure 6

3.3 Site Baseline Conditions 7

3.3.1 Current Site Vulnerabilities 9

3.4 Sea Level Rise Projections 9

3.4.1 3 Feet of SLR by 2050 10

3.4.1.1 Probability of 3 Feet of SLR 11

3.4.2 6.5 Feet of SLR by 2100 12

3.4.2.1 Probability of 6.5 Feet of SLR 13

3.5 Vulnerabilities Due to Sea Level Rise 14

3.6 Projected Shallow Groundwater Rise 15

3.7 Vulnerabilities Due to Groundwater Rise 16

4 SITE ADAPTATION 16

4.1 Short-Term Site Adaptation 17

4.2 Long-Term Adaptation 18

5 CONCLUSIONS 19
6 LIMITATIONS 21
7 REFERENCES 23

FIGURES

1 – Site Location
2 – Site Plan
3 – Topographic Site Plan

ATTACHMENTS

A – Projected Baseline Storm Surge Scenarios
B – Project 3-Foot Sea Level Rise Scenarios
C – Project 6.5-Foot Sea Level Rise Scenarios

ABBREVIATIONS AND ACRONYMS

amsl	above mean sea level
APNs	Assessor Parcel Numbers
ART	Adapting to Rising Tides Bay Shoreline Flood Explorer
City	City of East Palo Alto
COC	Contaminates of concern
CoSMoS	Coastal Storm Modeling System
DTSC	California Department of Toxic Substances Control
Education Center	Cooley Landing Education Center
ft	feet
ft bgs	feet below ground surface
GWR	Groundwater Rise
LUC	Land Use Covenant
MHHW	Mean Higher High Water
Ninyo & Moore	Ninyo & Moore Geotechnical and Environmental Sciences Consultants
OPC	California Ocean Protection Council
PAHs	Polynuclear Aromatic Hydrocarbons
PCBs	Polychlorinated biphenyls
PCE	Tetrachloroethylene
ROSP	Ravenswood Open Space Preserve
RWQCB	San Francisco Bay Regional Water Quality Control Board
SFBCDC	San Francisco Bay Conservation and Development Commission
SGMS	Soil Gas Mitigation System
Site	Cooley Landing Park, 2100 Bay Road, East Palo Alto, California 94303
SLR	Sea Level Rise
SLRVA	Sea Level Rise Vulnerability Assessment
TCE	Trichloroethene
TPHs	Total Petroleum Hydrocarbons
TWL	Total Water Level
USGS	United States Geological Survey
VOCs	Volatile Organic Compounds

1 INTRODUCTION

This Sea Level Rise Vulnerability Assessment (SLRVA) was prepared for Cooley Landing Park located at 2100 Bay Road in East Palo Alto, California (Site; Figure 1). This SLRVA was prepared by Ninyo & Moore Geotechnical and Environmental Sciences Consultants (Ninyo & Moore) on behalf of the City of East Palo Alto (City). The best available sea level rise (SLR) guidance documents[1,2] and modeling tools[3,4] were utilized during development of this SLRVA. The purpose of the SLRVA is to evaluate the potential effects SLR and groundwater rise (GWR) will have on the Site and its infrastructure, and how the Site's remedial design will cope with SLR and GWR. A Site description including physical setting and history, impacts potential SLR and GWR scenarios may have on the Site, and conclusions are discussed in this SLRVA.

2 SITE DESCRIPTION

2.1 Site Setting

The Site is composed of an approximately 8.5-acre peninsula and an approximately 800-foot long section of Bay Road (known as Cooley Landing Access Road) located along the southwest shore of the San Francisco Bay (Figure 1). The Site is located at the eastern terminus of Bay Road and extends into the San Francisco Bay (Figure 2). The Site is made up of Assessor Parcel Numbers (APNs) 063-580-090, 063-590-030, 063-590-040, 063-590-060, 096-230-130, and 096-230-150. The Site occupies a portion of the Ravenswood Open Space Preserve (ROSP) and is bordered to the north, east, and south by the San Francisco Bay, and to the west by Cooley Landing Access Road, the ROSP, and the Palo Alto Baylands Nature Preserve.

The Site is currently used as a public park and includes bike and walking trails, viewing and interpretive areas, picnic areas, several areas for wildlife viewing, an outdoor classroom, a restroom building, the Cooley Landing Education Center (Education Center), a dumpster

[1] California Ocean Protection Council (OCP), 2018, State of California Sea-Level Rise Guidance, 2018 Update.
[2] Department of Toxic Substances Control (DTSC), 2023, Draft Sea Level Rise Guidance, to DTSC Project Managers for Cleanup Activities, dated February.
[3] San Francisco Bay Conservation and Development Commission (SFBCDC), 2023, Adapting to Rising Tides Bay Shoreline Flood Explorer, https://explorer.adaptingtorisingtides.org/home.
[4] United States Geological Survey (USGS), 2023, Coastal Storm Modeling System (CoSMoS), https://ourcoastourfuture.org/hazard-map.

enclosure, and two parking lots. An asphalt paved road generally traverses the Site from southwest to northeast. Site surface elevations range from zero to approximately 16 feet above mean sea level (amsl; Figure 3).

2.2 Site History

From 1932 to 1957, the Site operated as a San Mateo County landfill where waste was regularly burned. Previous landfill activities are responsible for the majority of the Site's landmass. In the early 1960's, the Site was purchased by a private owner and the Site began operating as a boat repair facility (City, 2010). The Site owner raised the elevation of the Site by placing approximately 2 to 15 feet (ft) of undocumented fill soils and construction debris over the entire landfill. In 2006, the City acquired the Site with plans to redevelop the Site into a public park to increase the total acreage of parkland in the City.

Between 1996 and 2010, multiple Site assessments were conducted to evaluate surface and subsurface environmental conditions as part of Site redevelopment process. Assessments included landfill soil vapor surveys and soil and groundwater investigations. The contaminants of concern (COC) detected during Site assessments are discussed below in Section 2.3. Between the second half 2011 and early 2016, Site redevelopment was completed in various construction phases. The remedial design and activities performed to address Site COC's are discussed below in Section 2.4.

2.3 Contaminants of Concern

2.3.1 Soil

Historical Site assessments indicate elevated COCs are present is shallow soils at the Site and consist of polyaromatic hydrocarbons (PAHs), organochlorine pesticides, polychlorinated biphenyls (PCBs), total petroleum hydrocarbons (TPHs), and metals. The elevated COCs are predominately located in shallow soil samples collected from the surface to approximately 3 ft below ground surface (bgs) in the undocumented fill overlaying the burned landfill waste. Soil samples collected from the burned landfill waste from approximately 6 to 8 ft bgs contained concentrations of TPHs and organochlorine pesticides. Due to the high variability of COC concentrations in the shallow fill soils and absence of information pertaining to the sources of the fill, it was assumed that the lateral extent of contamination extends across the entire Site (Ninyo & Moore, 2010).

2.3.2 Groundwater

No elevated COC concentrations were detected in groundwater samples collected from the Site, suggesting groundwater is likely not impacted from historical Site uses.

2.3.3 Soil Vapor

Two soil vapor samples were collected from within the footprint of the former boat repair building (currently the location of the Education Center and restroom building) located in the northeastern portion of the Site. Elevated concentrations of volatile organic compounds (VOCs), including tetrachloroethene (PCE) and trichloroethene (TCE) were detected in each sample, which were collected from a depth of approximately 2.5 to 3 ft bgs. Methane was also detected in relatively low concentrations in both soil vapor samples.

2.4 Remedial Activities and Design

The selected and approved remedial approach to protect Site occupants and the environment from COC-impacted soil and soil vapor consisted of limited soil excavation in select on-Site areas, constructing an engineered cap with a minimum 2 ft thickness across the Site, installing a passive soil gas mitigation system (SGMS) beneath the Education Center, and implementing institutional controls.

2.4.1 Excavation and Backfill

COC-impacted soil was excavated from the southwest corner of the Site in a lower elevation area to create a wetlands area. The top 12-inches of soil were removed and replaced with 12-inches of clean soil. The clean soil was separated from the existing soil with a geosynthetic liner as a marker bed. Additionally, approximately 18-inches of soil was excavated from the south side of the Site and backfilled with gravel for construction of a boat ramp to be used by the Menlo Park Fire Department. Excavated soil was reused on-Site as backfill for lower elevation areas during rough grading and ultimately covered with the engineered cap (Ninyo & Moore, 2012a).

2.4.2 Engineered Cap

An engineered cap was placed across the entire Site to prevent contact with impacted soil, impede percolation of rainwater and water-influenced leaching and migration of COCs, and minimize exposure to any potential gas emissions from underlying wastes (Ninyo & Moore, 2012a). A majority of the Site is covered with a 2-foot thick engineered cap that consists of 1-foot of low-permeable clayey material overlain by 1-foot of more permeable material suitable

for landscaping. Areas that support vehicular and foot traffic (referenced as hardscape areas), such as the roadway, parking lots, sidewalks and walking trails, and areas where placement of the main engineered cap was not feasible (Site margins and beneath existing trees) consist of varying thicknesses and material. A summary of the engineered cap at these locations is presented below in Table A.

Table A: Summary of Engineered Cap Structure at Hardscape Areas

Hardscape Area	Total Thickness (feet-inches)	Engineered Cap Structure (listed from top to bottom)
Roadway and parking lots	1'-0"	4-inches asphalt pavement 8-inches Class II aggregate base
Sidewalks	1'-0"	4-inches concrete 4-inches Class II aggregate base 4-inches clean import soil
Paved walking trails	1'-2"	2-inches asphalt pavement 6-inches Class II aggregate base 6-inches clean import soil
Unpaved walking trails	1'-2"	2-inches decomposed granite 6-inches Class II aggregate base 6-inches clean import soil
Site Margins	Varies	Import granite boulders overlay existing concrete rubble
Beneath trees	0'-6"	Single layer of imported clean large cobblestones
District Extension Area	1'-6"	1-foot clean import soil 6-inches crushed recycled concrete

2.4.3 Soil Gas Mitigation System

Due to elevated concentrations of VOCs and low-level concentrations of methane detected in previous soil vapor samples, the installation of a passive SGMS was required beneath the Education Center (former boat repair building) to mitigate the potential vapor intrusion of subsurface methane and VOC vapors to the inside atmosphere of the building. The SGMS consists of a gravel layer, a geomembrane, horizontal vent collector piping, vertical ventilation riser pipes, sampling ports, and utility trench dams and conduit seals. Combustible gas sensors were installed indoors as part of the SGMS to monitor combustible gas concentrations in the building atmosphere (Ninyo & Moore, 2015).

2.4.4 Institutional Controls

Institutional controls were established to reduce the potential for exposure to COC-impacted soil and soil vapor beneath the engineered cap and Educational Center. The institutional controls include procedures for communication with the City and Local Enforcement Agency prior to any disturbances to the engineered cap, operation and maintenance monitoring and

reporting, and a Land Use Covenant (LUC). The LUC limits the Site activities to educational and recreational uses only.

3 SEA LEVEL RISE VULNERABILITY ASSESSMENT

A SLRVA was requested by the San Francisco Bay Regional Water Quality Control Board (RWQCB) to evaluate the Site's risk to adverse effects caused by SLR and GWR including risk of increased contaminant leaching, contaminant mobilization, vapor production, and/or damage to the Site's remedial design features. The following sections describe the SLR science, tools, and scenarios used to prepare this SLRVA, vulnerable Site infrastructure, and potential impacts that SLR and GWR scenarios may have on the Site.

3.1 Sea Level Rise Science, Tools, and Scenarios

The best available SLR science and modeling tools for the general vicinity of the Site were utilized to evaluate how different scenarios of SLR and GWR will affect the Site when they occur. The California Ocean Protection Council's (OPC) State of California Sea-Level Rise Guidance document (OC, 2018) and the Department of Toxic Substances Control's (DTSC) Sea Level Rise Guidance (DTSC, 2023) were reviewed and used to guide the preparation of this SLRVA. The OPC Guidance document provides SLR projections for multiple active tidal gauges located along the coast of California. The projections are based on estimated greenhouse gas emissions and include a low emissions projection and a high emissions projection. The nearest active tidal gauge to the Site is located in San Francisco. Due to the history of the Site, the presence of COCs in Site soil and soil vapor, and proximity of the Site to the San Francisco Bay, very conservative projections of 3 ft of SLR by 2050 and 6.5 ft of SLR by 2100 were used to assess the Site's vulnerability to SLR.

The conservative projections chosen for this SLRVA represent a medium to high risk aversion and have a very low probability of occurring (approximately 1-in-200 chance). The rationale for using these SLR projections is that they will provide insight into how extreme SLR conditions may impact the Site. Furthermore, anticipating extreme SLR conditions will assist any necessary Site adaptation planning to be inclusive of less extreme conditions that are more probable to occur. To visualize how 3 ft and 6.5 ft of SLR may impact the Site, these scenarios were modeled using the San Francisco Bay Conservation and Development Commission's (SFBCDC) Adapting to Rising Tides Bay Shoreline Flood Explorer (ART; SFBCDC, 2023) and the United States Geological Survey (USGS) Coastal Storm Modeling System (CoSMoS; USGS, 2023).

3.2 Vulnerable Site Infrastructure

The Site's existing remedial design and infrastructure were inventoried to evaluate what may be negatively impacted by SLR and GWR. The identified vulnerable Site infrastructure are described below.

Bay Road (Cooley Landing Access Road) and Parking Lots

- Bay Road extends from the western extent of the Site to the eastern side of the Site and terminates with a parking lot near the Education Center. The elevation of Bay Road ranges from approximately 15 ft amsl on the eastern extent to approximately 9 ft amsl on the western extent. A second parking lot is located on the western edge of the Cooley Landing landmass and is located at approximately 9 ft amsl. Bay Road and the parking lots are paved with asphalt.

Utilities

- The Site is connected to public water, sanitary sewer, stormwater, and electrical utilities. The utility trenches transverse the Site generally along the same direction and extent as Bay Road. The water and sanitary sewer utilities were trenched to approximately 4 ft bgs on the west side of the Site to approximately 1 ft bgs on the east side of the Site. Stormwater and electrical utilities were trenched to approximately 4 ft bgs across the Site.

Cooley Landing Education Center and SGMS

- The Education Center is located on the east side of the Site at an elevation of approximately 15 ft amsl. The Education Center consists of a SGMS underneath the concrete slab-on-grade foundation to mitigate potential vapor intrusion from the subsurface to indoor air. The SGMS consists of horizontal sub-slab piping installed within a gravel layer to capture sub-slab soil vapor, and emits the vapors to outdoor air above the Education Center through vertical piping. The SGMS is also equipped with vertical vent riser sampling ports and combustible gas detectors.

Restroom Building

- A restroom building is located on the east side of the Site adjacent to the south of the Education Center and is constructed of concrete and bricks on a concrete slab. The restrooms consist of flush-toilets connected to the public sanitary sewer service and drinking fountains connected to the public potable water supply. The restroom building is located at an elevation of approximately 15 ft amsl.

Dumpster Enclosure

- A dumpster enclosure constructed of concrete and bricks on a concrete pad is located on the north side of the Site adjacent to the northwest of the Education Center. The enclosure is located at an elevation of approximately 12 ft amsl.

Non-potable Water Supply Well

- Based on a review of previous Site assessment reports, a non-potable water supply well is located on the Site in the vicinity of the former boat repair building (currently in the vicinity of the Education Center). The well construction consists of a 12-gauge steel 12-inch diameter conductor casing installed between the surface and 80 ft bgs, and a 12-gauge steel 8-inch diameter well casing installed within the conductor casing between the surface and 228 ft bgs. The top of the well screen was installed at 200 ft bgs (Ninyo & Moore, 2010). While the exact location of the well could not be identified, it is assumed the top of the well casing is located approximately 16 ft amsl. Water quality within the well was previously determined to not be acceptable as a potable water source, but may be used for irrigation or fire suppression.

Engineered Cap

- The engineered cap at the Site covers the entire Site and consists of various types of cap materials including imported clean soil, decomposed granite, aggregate base, asphalt, and concrete. The cap is installed at varying thicknesses ranging from 1-foot to 2-feet thick. Refer to Section 2.4.2 for a more detailed description.

3.3 Site Baseline Conditions

Based on previous Site investigations and recent groundwater level data obtained from active environmental sites in the vicinity of the Site, depth to groundwater at the Site likely ranges from approximately 6 to 12 ft bgs and is likely tidally influenced due to the proximity to the San Francisco Bay. A majority of the Site's surface elevation is approximately 15 to 16 ft amsl and gently slopes towards the edges of the landfill mass. The lowest surface elevation is located on the western side of the Site in the vicinity of the parking lot, the District Extension area around the parking lot, and the wetland area.

Current Site baseline conditions were evaluated using ART to assess the vulnerability of the Site and its infrastructure to select storm surge events and extreme tidal events with no contribution from SLR. The purpose was to evaluate the vulnerabilities of the Site, if any, as the Site was constructed prior to considering the additional impact of SLR. A summary of the baseline condition assessment results in presented below in Table B.

Table B: Summary of Site Baseline Condition Assessment with No Sea Level Rise				
Storm Surge Event[1]	**Total Water Level**	**Depth of Flooding (feet)**	**Shoreline Overtopping**	**Potentially Vulnerable Infrastructure**
5-Year Storm Surge	2 feet (24 inches)	0-2	No	• None
50-Year Storm Surge	3 feet (36 inches)	0-4	Yes	• Engineered Cap • Bay Road • Western parking lot • District Extension Area

Notes:
SLR = Sea Level Rise
[1] = Surge conditions obtained from San Francisco Bay Conservation and Development Commission: Adapting to Rising Tides Bay Shoreline Flood Explorer.

The Total Water Level (TWL) is the combination of tides, storm surge, and sea level rise at the shoreline and represents the height of the water level relative to the Mean Higher High Water (MHHW). MHHW is the average high tide elevation used as a base elevation to measure against SLR scenarios. Shoreline overtopping is when the TWL associated with a particular flood scenario exceeds the elevation of the shoreline, allowing water to flow inland (SFBCDC, 2023).

A 5-Year storm surge event will temporarily raise sea levels enough to flood the wetland area in the southwest corner of the Site to a depth of up to approximately 2 ft. Due to the nature of the wetland area, a temporary flood of 2 ft is not likely to negatively impact the wetland area.

A 50-Year storm surge event will likely create a TWL of approximately 3 ft which may lead to flooding on-Site in the vicinity of the wetland area, western parking lot, and Bay Road. The wetland area could be inundated with up to 4 ft of water which would begin to flood the engineered cap areas surrounding the wetland in the southwest corner of the Site. Bay Road from the western property boundary to the western parking area and the parking lot itself would experience flooding up to 2 ft in depth. During a 50-Year storm event, shoreline overtopping will be observed at the boat ramp located on the south side of the Site and at the District Extension Area on the west side of the landfill around the parking lot.

The approximate extent of flooding and locations of shoreline overtopping obtained from ART based on current Site conditions are presented in Attachment A.

3.3.1 Current Site Vulnerabilities

A 3-foot TWL appears to potentially impact the Site due to flooding and shoreline overtopping, which may present issues related to accessibility and erosion on the west side of the Site and along Bay Road.

Accessibility

Flooding of Bay Road during a 3-foot TWL event will make the Site inaccessible to the public. A 50-Year storm surge with the current Site conditions will create a TWL deep enough to inundate Bay Road with up to 1-foot of water. Based on projections in ART, the flooding of Bay Road will likely be caused by shoreline overtopping on the north side of Bay Road near the western extent of Bay Road and near District Extension Area.

Erosion

The wetland area, the asphalt paved parking lot, and asphalt paved Bay Road can likely withstand some temporary flooding caused by a storm surge. The area around the wetland consists of an engineered cap constructed with 2-ft of clean soil and may experience some erosion if prolonged and/or repeated flooding occurs in this area. Shoreline overtopping may present an erosional vulnerability to the rip rap and engineered cap at the Site's border near the boat ramp and the District Extension area. Erosion in these areas has the potential to expose COC-impacted soil.

3.4 Sea Level Rise Projections

Sea level rise projections of 3 ft by the year 2050 and 6.5 ft by the year 2100 were evaluated to determine how they may potentially impact the Site as it is currently constructed.

3.4.1 3 Feet of SLR by 2050

Table C: Summary of 3-Foot Sea Level Rise Scenario by 2050

SLR Scenario[1] (ft + Surge Event)	Total Water Level	Depth of Flooding (feet)	Shoreline Overtopping	Potentially Vulnerable Infrastructure
3 ft	3 feet (36 inches)	0-4	Yes	• Engineered Cap • Bay Road • Western parking lot • District Extension Area
3 ft + King Tide[2]	4 feet (48 inches)	0-6	Yes	• Engineered Cap • Bay Road • Western parking lot • District Extension Area
3 ft + 2-Year Storm Surge	4.3 feet (52 inches)	0-6	Yes	• Engineered Cap • Bay Road • Western parking lot • District Extension Area
3 ft + 25-Year Storm Surge	5.5 feet (66 inches)	0-8	Yes	• Engineered Cap • Bay Road • Western parking lot • District Extension Area • Dumpster Enclosure
3 ft + 100-Year Storm Surge	6.4 feet (77 inches)	0-8	Yes	• Engineered Cap • Bay Road • Western parking lot • District Extension Area • Dumpster Enclosure • Education Center • Non-potable Water Supply Well

Notes:
Ft = feet
SLR = Sea Level Rise
[1] = Scenarios obtained from San Francisco Bay Conservation and Development Commission: Adapting to Rising Tides Bay Shoreline Flood Explorer.
[2] = Predictable, exceptionally high tides, typically occurring during a new or full moon and when the Moon is closest to the Earth.

A SLR of 3 ft by 2050 would create a TWL equivalent to a 50-Year storm surge today. The impacts to the Site would be similar to the impacts described above in Section 3.3, but the difference is that a storm surge will cause temporary flooding and a SLR would result in these areas being permanently submerged. A SLR of 3 ft would make the Site inaccessible via Bay Road and would permanently inundate the wetland and western parking lot with water. The boat ramp and shoreline along the District Extension Area would be permanently under water. As tidal and storm surge events increase with intensity, the projected TWL at the Site will increase and the Site will experience greater areas of temporary flooding and shoreline overtopping. A 3 ft of SLR accompanied with a King Tide (that occurs twice a year) would cause shoreline overtopping along the entirety of Bay Road, at the District Extension area,

along a majority of the southern shoreline, and along the northern shoreline. A 3 ft SLR with a 25-Year storm surge event will cause a majority of the Site's shoreline to be overtopped and portions of the northeast and southeast of the Site to be temporarily inundated with up to 2 ft of water. Projected scenarios of 3 ft SLR with select surge events are presented in Attachment B.

3.4.1.1 Probability of 3 Feet of SLR

Based on a high greenhouse gas emissions scenario outlined in the OPC's Guidance document, the likelihood of sea levels rising by 3 ft near the San Francisco tidal gauge by the year 2050 currently has a less than 0.1% probability of occurring (OPC, 2018). Employing a medium-high risk aversion and a high greenhouse gas emissions scenario, the Site is more likely to experience a SLR of 1.9 ft by the year 2050 (OPC, 2018).

A TWL of 3 ft appears to be the threshold at which the Site begins to experience negative impacts, including flooding outside of the wetland area resulting in potential erosion, shoreline overtopping, and inaccessibility. A SLR of 3 ft by the year 2050 may not be likely, but there are other more probable scenarios that can create a TWL equivalent to a 3 ft SLR by 2050. While these alternate scenarios will create a TWL of 3 ft, they are temporary flooding scenarios, whereas a SLR of 3 ft would represent an indefinite flooding scenario.

Table D: Probability of Alternate Scenarios Equivalent to a Total Water Level of 3 Feet by 2050

SLR Scenario[1] (SLR + Surge Event)	Probability[2] (%)	Earliest Projected Year of Occurrence for SLR Scenario[3]
0.5 ft + 25-Year Storm Surge	>31	Between 2030-2040
1 ft + 5-Year Storm Surge	31	Between 2030-2040
1.5 ft + 2-Year Storm Surge	>0.4	Between 2050-2060
2 ft + King Tide[4]	0.4	Between 2050-2060

Notes:
Ft = feet
SLR = Sea Level Rise
% = percent
> = greater than
[1] = Scenarios obtained from San Francisco Bay Conservation and Development Commission: Adapting to Rising Tides Bay Shoreline Flood Explorer.
[2] = Probability the SLR amount in the SLR Scenario will occur by the year 2050. Obtained from Ocean Protection Council's State of California Sea-Level Rise Guidance, 2018 Update, Appendix 3, Table 14. Represents high emissions scenario and accounts only for magnitude of SLR; does not account for probability of storm surge events.
[3] = Earliest projected year the amount of SLR in the SLR Scenario will occur using a medium-high risk tolerance of 1-in-200 chance (0.5% probability or greater); does not account for probability of storm surge events. Probability obtained from Ocean Protection Council's State of California Sea-Level Rise Guidance, 2018 Update, Appendix 3, Table 14.
[4] = Predictable, exceptionally high tides, typically occurring during a new or full moon and when the Moon is closest to the Earth.

The earliest projected year with a 1-in-200 chance of having SLR coupled with a storm surge event intense enough to impact the Site with 3 ft of TWL is anticipated to be between 2030 and 2040. Due to increased frequency of more intense storms and exponential increase in projected SLR, it is probable the Site will be inaccessible and experience flooding during 5-Year storm events within the next 16 years. Within the next 25 to 35 years, it is possible the Site will be inaccessible and experience flooding at least twice a year during King Tide events.

3.4.2 6.5 Feet of SLR by 2100

Table E: Summary of 6.5-Foot Sea Level Rise Scenario by 2100

SLR Scenario[1] (ft + Surge Event)	Total Water Level	Depth of Flooding (feet)	Shoreline Overtopping	Potentially Vulnerable Infrastructure
6.5 ft	6.5 feet (77 inches)	0-8	Yes	• Engineered Cap • Bay Road • Western parking lot • District Extension Area • Dumpster Enclosure • Education Center • Non-potable Water Supply Well
6.5 ft + 2-Year Storm Surge	8 feet (96 inches)	0-10	Yes	• Engineered Cap • Bay Road • Western parking lot • District Extension Area • Dumpster Enclosure • Education Center • Non-potable Water Supply Well • Restroom Building • Utilities
6.5 ft + 25-Year Storm Surge	9 feet (108 inches)	1-10	Yes	• Engineered Cap • Bay Road • Western parking lot • District Extension Area • Dumpster Enclosure • Education Center • Non-potable Water Supply Well • Restroom Building • Utilities

Notes:
Ft = feet
SLR = Sea Level Rise
[1] = Scenarios obtained from San Francisco Bay Conservation and Development Commission: Adapting to Rising Tides Bay Shoreline Flood Explorer.

A SLR of 6.5 ft by 2100 would create a TWL equivalent to a 3 ft SLR with a 100-Year storm surge. Nearly all of the Site shoreline will experience overtopping and most of the Site will be flooded indefinitely to a depth of at least 1 foot. The Site will not be accessible and most of the Site infrastructure will be vulnerable to damage and erosion. The engineered cap in inundated areas will eventually allow water to infiltrate through the clean soil portion, contact COC-impacted soil, and may cause mobilization and/or leaching of COCs.

A 6.5 ft SLR accompanied with a 2-Year storm surge will result in the entire shoreline of the Site experiencing overtopping and only isolated maximum elevation areas in the northwest portion of the Site will be the above the TWL. All Site infrastructure will experience flooding including the Education Center (and SGMS), restroom building, non-potable water supply well, and underground utility trenches. A 6.5 ft SLR with a 25-Year storm surge will cause flooding across the entire surface of the Site. Projected scenarios of 6.5 ft SLR with select surge events are presented as Attachment C.

3.4.2.1 Probability of 6.5 Feet of SLR

Based on a high greenhouse gas emissions scenario outlined in the OPC's Guidance document, the likelihood of sea levels rising by 6.5 ft near the San Francisco tidal gauge by the year 2100 currently has a 0.5 to 1% probability of occurring (OPC, 2018). Employing a medium-high risk aversion and a high greenhouse gas emissions scenario, the Site is more likely to experience a SLR of 6.9 ft by the year 2100 (OPC, 2018). It is probable that a 6.5 ft rise in sea level at the Site will happen by the year 2100. There are tidal and storm surge scenarios that may temporarily inundate the Site equivalent to a 6.5 ft SLR prior to 2100. Those scenarios are listed below in Table F.

Table F: Probability of Alternate Scenarios Equivalent to a Total Water Level of 6.5 Feet by 2100		
SLR Scenario[1] (SLR + Surge Event)	Probability[2] (%)	Earliest Projected Year of Occurrence for SLR Scenario[3]
3 ft + 100-Year Storm Surge	28	Between 2060-2070
3.5 ft + 50-Year Storm Surge	>8	Between 2060-2070
4 ft + 10-Year Storm Surge	8	Between 2070-2080
4.3 ft + 5-Year Storm Surge	>3	Between 2070-2080
5 ft + King Tide[4]	3	Between 2080-2090

Notes:
Ft = feet
SLR = Sea Level Rise
% = percent
> = greater than
[1] = Scenarios obtained from San Francisco Bay Conservation and Development Commission: Adapting to Rising Tides Bay Shoreline Flood Explorer.
[2] = Probability the SLR amount in the SLR Scenario will occur by the year 2100. Obtained from Ocean Protection Council's State of California Sea-Level Rise Guidance, 2018 Update, Appendix 3, Table 14. Represents high emissions scenario and accounts only for magnitude of SLR; does not account for probability of storm surge events.
[3] = Earliest projected year the amount of SLR in the SLR Scenario will occur using a medium-high risk tolerance of 1-in-200 chance (0.5% probability or greater); does not account for probability of storm surge events. Probability obtained from Ocean Protection Council's State of California Sea-Level Rise Guidance, 2018 Update, Appendix 3, Table 14.
[4] = Predictable, exceptionally high tides, typically occurring during a new or full moon and when the Moon is closest to the Earth.

The earliest projected year with a 1-in-200 chance of having SLR coupled with a storm surge event intense enough to impact the Site with 6.5 ft of TWL causing shoreline overtopping around almost the entire Site and flooding infrastructure is anticipated to be between 2060 and 2070 (within the next 35 to 45 years).

3.5 Vulnerabilities Due to Sea Level Rise

Flooding

The proximity of the Site to the San Francisco Bay and the relatively low Site elevation compared to the MHHW makes the Site very vulnerable to flooding with minimal SLR. A TWL of 2 ft is enough to flood the wetland area. A SLR of 3 ft will cause shoreline overtopping on the west side of the Site and inundate Bay Road. A SLR of approximately 6.5 ft will cause shoreline overtopping over a majority of the Site's shoreline and along the entirety of Bay Road from the western extent of the Site to the west side of the landfill. Bay Road, and most of the northern and southern portions of the Site will be inundated with up to 2 ft of water. Flooding experienced at the Site will be a result of shoreline overtopping.

Accessibility

The Site is only accessible via Bay Road. Bay Road will begin to experience flooding with a SLR of 3 ft due to shoreline overtopping the western and eastern extents on the north side of Bay Road. With the flooding of Bay Road, the Site will become inaccessible.

Erosion

As the sea level rises, the Site will experience greater shoreline overtopping resulting in flooding. A majority of the Site's shoreline is protected with rip rap which will be more resistant to erosion. However, overtopping of the shoreline may begin to erode the engineered cap, specifically where the cap does not consist of hardscape material (concrete and asphalt). Storm surges during SLR will increase the amount of water inundating the Site and will likely result in more intense wave action over the Site, which will erode the engineered cap.

3.6 Projected Shallow Groundwater Rise

Shallow groundwater elevation at the Site is estimated based on previous Site assessments (the most recent conducted in 2010) and groundwater elevations at active environmental sites at least 1,200 ft to the west of the Site. There are no shallow groundwater monitoring wells on-Site to monitor water table elevations or determine if/how groundwater beneath the Site is tidally influenced. Therefore, shallow groundwater at the Site is estimated to be encountered at depths ranging from approximately 6 to 12 ft bgs. To conservatively project how SLR may influence shallow GWR at the Site, it is assumed that depth to groundwater at the Site is 6 ft bgs at the thickest part of the landfill located in the center of the landfill landmass. The USGS CoSMos modeling tool was used to predict how groundwater elevation at the Site will be impacted based on SLR scenarios.

Since it is assumed shallow groundwater is encountered at 6 ft bgs in the highest elevated portion of the Site, it can be assumed shallow groundwater is encountered at 3 ft bgs in the lowest elevated portion of the Site on the west side of the landfill and under Bay Road. Based on the CoSMos models, as sea level rises the depth to groundwater at the Site will also rise and begin to emerge at the surface. Groundwater beneath Bay Road and on the west side of the landfill will emerge at the surface first and contribute to Site flooding. As GWR progresses, it will come into contact with COC-impacted soil that is currently under and protected by the engineered cap. The nature of the COCs and the lack of vapor impacts typically associated with a landfill suggest that rising groundwater may create leaching conditions as it contacts impacted soil.

At a SLR of 3 ft, groundwater along the perimeter of the Site may be at or near the surface and discharging into the San Francisco Bay, essentially leaving an island of groundwater isolated within the landfill mass. As SLR continues to increase the groundwater located in the landfill mass will continue to get shallower and reduce the size of the groundwater "island". At a SLR of approximately 6.5 ft, the only groundwater left will be located in the center of the landfill just below the ground surface. The remaining groundwater will continue to emerge from any non-inundated ground surface and exacerbate Site flooding.

3.7 Vulnerabilities Due to Groundwater Rise

Contaminant Leaching

Rising groundwater beneath the Site will come into contact with COC-impacted soil that has historically been above the saturated zone and will potentially create a leaching issue that will discharge to the San Francisco Bay. Leaching will mobilize the COCs, degrade water quality, and negatively impact sensitive receptors such as waters of the State and aquatic wildlife.

Vapor Intrusion

As groundwater rises the unsaturated zone will be reduced, potentially causing COC-impacted soil vapor to be concentrated and raising soil vapor concentrations above permissible limits. This could have an effect on the SGMS installed beneath the Education Center by creating soil vapor concentrations in excess of the limits the SGMS was designed for and rendering the SGMS ineffective at mitigating vapor intrusion. Furthermore, if groundwater were to rise enough to inundate the SGMS, the SGMS would be ineffective at venting soil vapor and allow potential soil vapor concentrations to build up under the Education Center and intrude into indoor air.

4 SITE ADAPTATION

There are generally three approaches to SLR adaptation: 1) Protect, 2) Accommodate, and 3) Retreat. The protection approach employs methods that protect a site without changes to the site itself. Examples of protection are physical structures (grey infrastructure) such as levees, sea walls, and berms or nature-based measures such as tidal marshes, nearshore reefs, and sand dunes.

The accommodation approach employs methods that modify a site or structure in a way that decreases vulnerability and increases resiliency. Examples of accommodation are elevating structures or retrofitting structures with materials able to withstand more erosion.

The retreat method consists of relocating or removing a site out of vulnerable areas and limiting the construction of new development in vulnerable areas. An example of the retreat method would be to remove/relocate structures that are vulnerable to SLR and limit redevelopment in that area using easement requirements.

It is often best practice to prioritize the use of nature-based approaches and methods before utilizing grey infrastructure methods. In many cases a combination of approaches will be needed to adapt to SLR. Often a phased approach to adaptation using a combination of methods will be implemented over time to ensure the best available SLR data and site-specific information is used during SLR adaptation.

4.1 Short-Term Site Adaptation

Addressing potential current and near-term Site vulnerabilities should be the first step in Site SLR adaptation. The Site's vulnerabilities will begin to be exposed with a TWL of 3 ft. Multiple current and near-term scenarios demonstrate that the Site may be vulnerable today to flooding which will impact Site accessibility and potentially the engineered cap. For the purpose of this SLRVA, near-term refers to a timeframe between current day and the year 2050 (approximately 26 years).

Short-term vulnerabilities at the Site consist of flooding, shoreline overtopping, accessibility, and erosion. The areas of the Site that are projected to be impacted by these vulnerabilities are Bay Road, the District Extension Area, and the wetland area. Site adaptation in these areas will likely require the combination of protection and accommodation approaches. Possible adaptation methods to be considered are:

1. **Elevating and protecting the shoreline along the north side of Bay Road and to the north of the District Extension Area.** This protection and accommodation approach may elevate the shoreline to above a TWL of 3 ft and mitigate potential shoreline overtopping and in turn reducing the vulnerability of flooding and erosion. Keeping flood waters from inundating Bay Road would allow the Site to remain accessible even in near-term SLR and tidal and storm surge projections.

2. **Expanding the wetland area on the south side of the Site.** This accommodation approach would increase the area of the wetland and create a greater area to accept high water levels before flooding over engineered cap locations on the south side of the Site. Additionally, this would be a nature-based approach that would create more natural habitat that is commonly found along the San Francisco Bay.

4.2 Long-Term Adaptation

Long-term Site adaptation to SLR would likely be a phased approach and would require informed decision-making, up-to-date science, and Site-specific data to understand how SLR and GWR are impacting the Site and to make accurate projections. A number of data gaps were identified that, if addressed, would help to better understand current Site-specific baseline conditions such as depth to water, tidal influence on groundwater, and how current-day storm surge events impact the engineered cap. The following recommendations should be considered to close any Site-specific data gaps for long-term SLR adaptation and planning:

1. **Collect and monitor groundwater elevation data.** Install groundwater monitoring wells or piezometers to determine and monitor groundwater elevations at the Site. Groundwater elevation data from off-Site monitoring wells could be used to get a general idea of groundwater levels in the vicinity of the Site. This would allow for rough estimations of the groundwater elevation at the Site, but may not be representative of actual Site conditions. Ideally, the wells would be located on-Site to accurately represent groundwater elevations.

2. **Understanding tidal influence on groundwater beneath the Site.** Using piezometers or groundwater monitoring wells installed at the Site to monitor groundwater fluctuations over time during high and low tides and storm surges.

3. **Routine cap inspections.** Perform routine inspections of the engineered cap to monitor for areas vulnerable to erosion and identify potential cap damages to be repaired before they become an issue by exposing underlying contaminated soil. The SGMS is routinely monitored to ensure it remains protective from potential vapor intrusion. A routine cap inspection can be added to the SGMS monitoring schedule.

4. **Provide regular updates to the SLRVA.** At least every 5 years or as new SLR data and science becomes available, update the SLRVA to keep it current with Site conditions, and track potential impacts from SLR and GWR.

5. **Promote community education and engagement on SLR and Site-specific impacts.** Utilize current Site uses to educate visitors on SLR science, how SLR is projected to impact the Site, ways data is being collected to understand SLR, and potential approaches for Site adaptation. Allow visitors to provide feedback and recommendations during long-term adaptation planning to garnish support and provide awareness of potential community-wide impacts from SLR.

5 CONCLUSIONS

The purpose of this SLRVA is to evaluate the potential effects SLR and GWR will have on the Site and its infrastructure, how the Site's remedial design will cope with SLR and GWR, and specify potential Site adaptation approaches to protect the Site from SLR. The SLRVA used up-to-date SLR science and modeling tools to assess current Site conditions and evaluate how it may be vulnerable to storm surges today. Current Site conditions were also evaluated against two SLR scenarios (a rise of 3 ft by 2050 and 6.5 ft by 2100) and potential GWR to identify Site vulnerabilities. Results of the SLRVA conclude that:

- The Site is most vulnerable to elevated water levels created by storm surges and SLR on the west side of the Site.
- A TWL of 3 ft (equivalent to a SLR of 3 ft) is enough to flood low-lying areas on the west side of the Site, including the District Extension Area, the wetland area, and Bay Road.
    - A 50-Year storm surge would create a TWL high enough to impact the Site similar to a SLR of 3 ft.
- A SLR of 6.5 ft is likely to occur by the year 2100 and would cause flooding across a majority of the Site.
- Flooding at the Site caused by SLR will be predominantly due to shoreline overtopping.
- The Site's vulnerabilities to SLR consist of flooding, access, and erosion. Bay Road will be one of the first areas to flood, making the Site inaccessible. Flooding will lead to erosion of the engineered cap and potentially expose underlying contaminated soil to sensitive receptors.
- GWR impacts at the Site may lead to contaminant leaching and vapor intrusion issues to Site infrastructure. As SLR rises, so does the groundwater elevation. Upward migration of the groundwater will result in groundwater coming into contact with contaminated soil.
- Site adaptations will be necessary to mitigate potential SLR scenarios and protect Site infrastructure and the engineered cap.
- Short-term adaptations should address vulnerabilities due to a TWL of 3 ft (50-Year storm surge). These adaptations will help to prevent shoreline overtopping resulting in flooding, Site inaccessibility, and erosion.
- Eventually, long-term adaptations will be needed at the Site to address future SLR. A better understanding of Site conditions such as depth to groundwater and tidal influences on groundwater is needed to adequately plan for Site adaptation.

The Site's location and history make it uniquely vulnerable to SLR and historic storm surges. As a next step, it is suggested that short-term adaptation planning should be discussed to address vulnerabilities that can negatively impact the Site today. Additionally, long-term adaptation planning should include developing a monitoring plan to close data gaps identified at the Site, monitor engineered cap durability and effectiveness, and stay up-to-date on the most accurate SLR science and data to facilitate informed decision making.

6 LIMITATIONS

The environmental services described in this report have been conducted in general accordance with current regulatory guidelines and the standard-of-care exercised by environmental consultants performing similar work in the project area. No warranty, expressed or implied, is made regarding the professional opinions presented in this report. Variations in site conditions may exist and conditions not observed or described in this report may be encountered during subsequent activities.

Ninyo & Moore's opinions and recommendations regarding environmental conditions, as presented in this report, are based on limited subsurface assessment and chemical analysis. Further assessment of potential adverse environmental impacts from past on-site and/or nearby use of hazardous materials may be accomplished by a more comprehensive assessment. The samples collected and used for testing, and the observations made, are believed to be representative of the area(s) evaluated; however, conditions can vary significantly between sampling locations. Variations in soil and/or groundwater conditions will exist beyond the points explored in this evaluation.

The environmental interpretations and opinions contained in this report are based on the results of laboratory tests and analyses intended to detect the presence and concentration of specific chemical or physical constituents in samples collected from the subject site. The testing and analyses have been conducted by an independent laboratory which is certified by the State of California to conduct such tests. Ninyo & Moore has no involvement in, or control over, such testing and analysis. Ninyo & Moore, therefore, disclaims responsibility for any inaccuracy in such laboratory results.

Our conclusions, recommendations, and opinions are based on an analysis of the observed site conditions. It should be understood that the conditions of a site could change with time as a result of natural processes or the activities of man at the subject site or nearby sites. In addition, changes to the applicable laws, regulations, codes, and standards of practice may occur due to government action or the broadening of knowledge. The findings of this report may, therefore, be invalidated over time, in part or in whole, by changes over which Ninyo & Moore has no control.

This document is intended to be used only in its entirety. No portion of the document, by itself, is designed to completely represent any aspect of the project described herein. Ninyo & Moore should be contacted if the reader requires any additional information, or has questions regarding content, interpretations presented, or completeness of this document.

This report is intended exclusively for use by the client. Any use or reuse of the findings, conclusions, and/or recommendations of this report by parties other than the client is undertaken at said parties' sole risk.

7 REFERENCES

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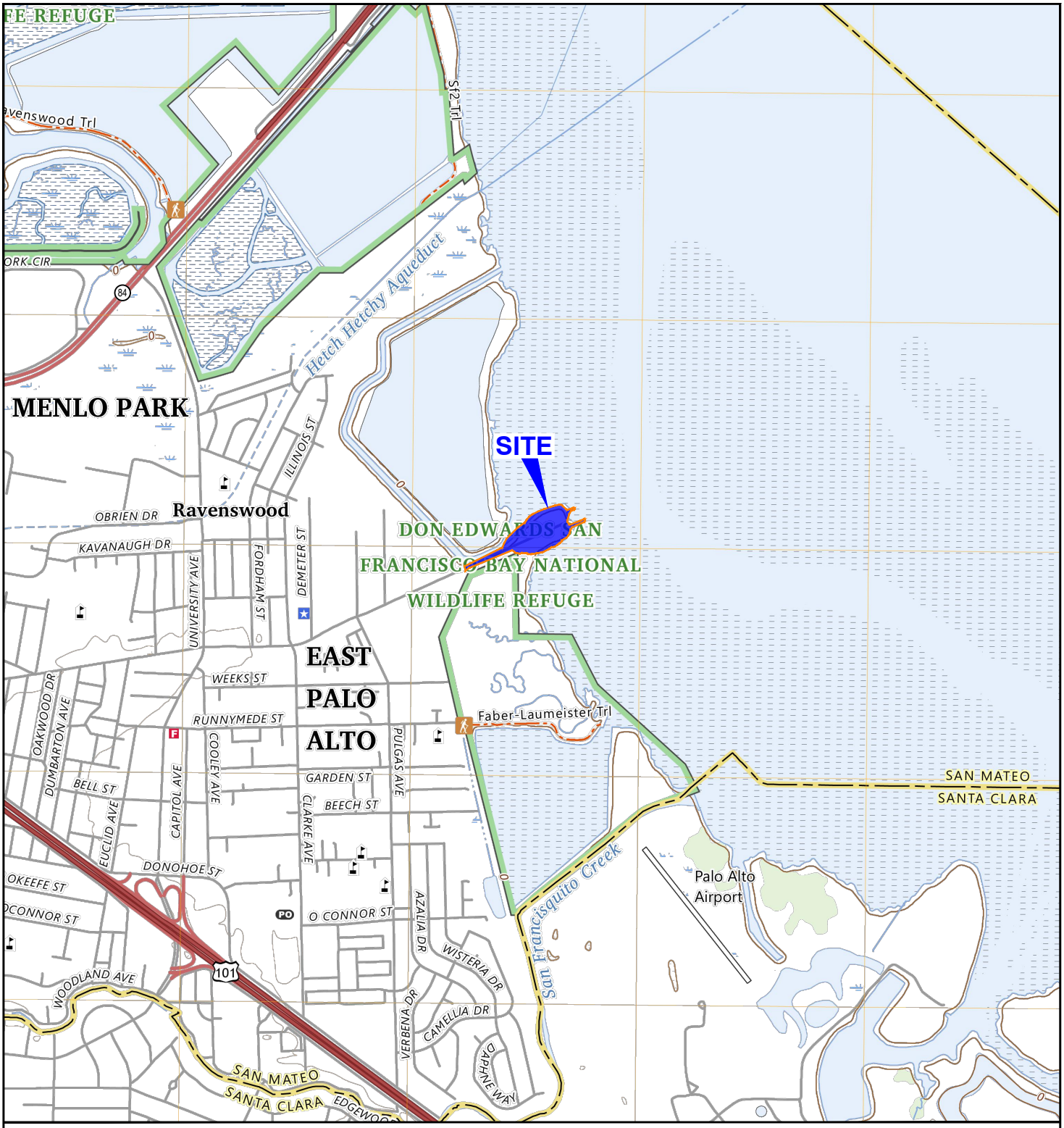
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FIGURES



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NOTE: DIMENSIONS, DIRECTIONS, AND LOCATIONS ARE APPROXIMATE I REFERENCE: USGS, 2023

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SCALE (FEET)

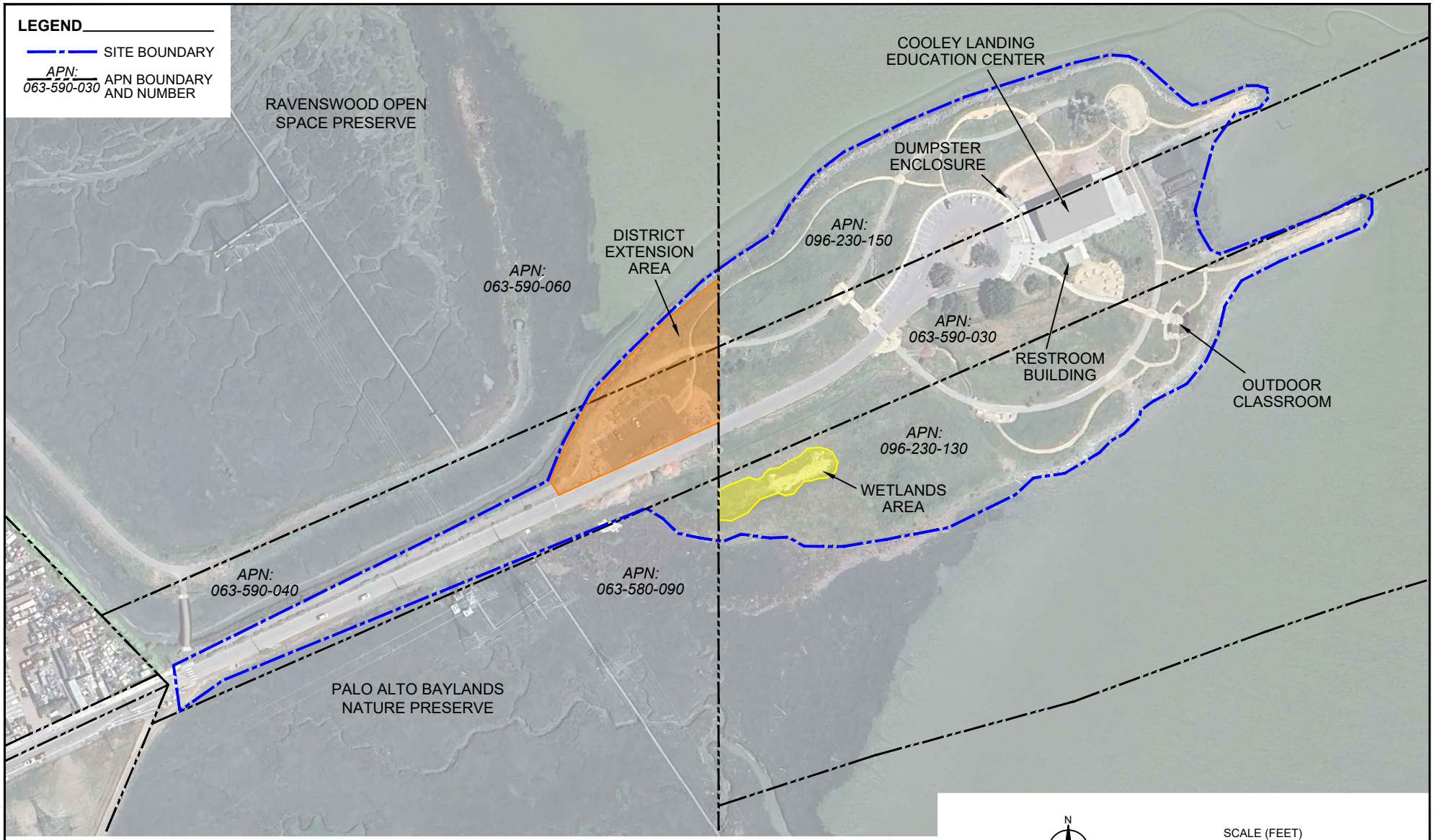
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FIGURE 1

SITE LOCATION

SEA LEVEL RISE VULNERABILITY ASSESSMENT
COOLEY LANDING
2100 BAY ROAD, EAST PALO ALTO, CALIFORNIA
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Ninyo & Moore
Geotechnical & Environmental Sciences Consultants



NOTE: DIMENSIONS, DIRECTIONS, AND LOCATIONS ARE APPROXIMATE I REFERENCES: SAN MATEO COUNTY, 2023; GOOGLE EARTH, 2023

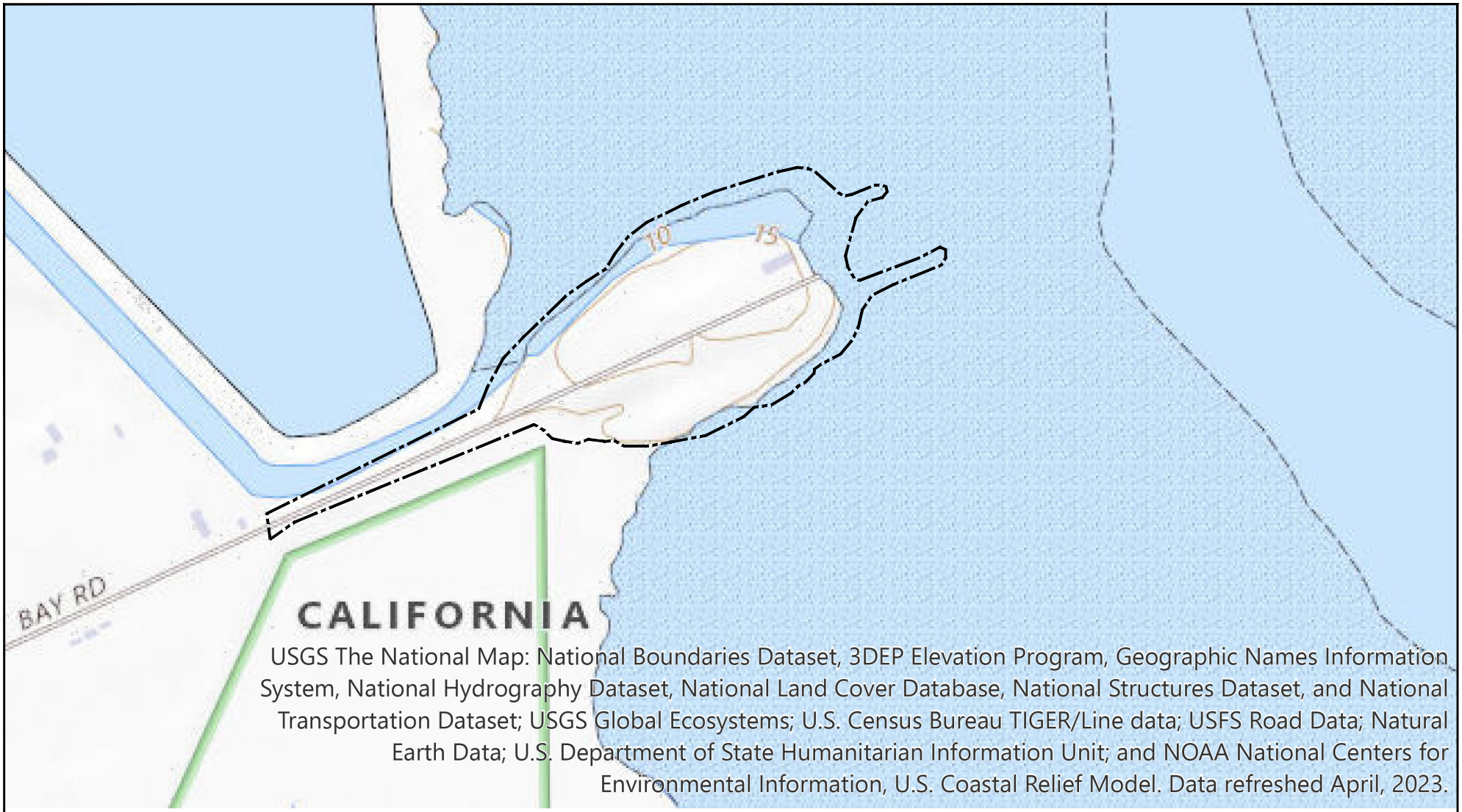
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FIGURE 2

SITE PLAN

SEA LEVEL RISE VULNERABILITY ASSESSMENT
COOLEY LANDING
2100 BAY ROAD, EAST PALO ALTO, CALIFORNIA
401634013 I 11/23

Ninyo & Moore
Geotechnical & Environmental Sciences Consultants



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed April, 2023.

LEGEND

SITE BOUNDARY

NOTE: DIMENSIONS, DIRECTIONS, AND LOCATIONS ARE APPROXIMATE I REFERENCE: USGS, 2023

N

SCALE (FEET)

0 360 720

401634013.dwg 11/17/2023 AEK

FIGURE 3

Ninyo & Moore

Geotechnical & Environmental Sciences Consultants

TOPOGRAPHIC SITE PLAN

SEA LEVEL RISE VULNERABILITY ASSESSMENT
COOLEY LANDING
2100 BAY ROAD, EAST PALO ALTO, CALIFORNIA
401634013 I 11/23

ATTACHMENT A

Projected Baseline Storm Surge Scenarios



TOTAL WATER LEVEL: 0-inches

Printed from:
explorer.adaptingtorisingtides.org

Depth of Flooding

- 0 - 2 feet
- 2 - 4 feet
- 4 - 6 feet
- 6 - 8 feet
- 8 - 10 feet
- 10 - 12 feet
- 12+ feet

Shoreline Overtopping

- Overtopping
- No Overtopping

Legal Delta

- Legal Delta

Icons by Icons8. Map tiles by ESRI.



TOTAL WATER LEVEL: 24-inches

Printed from:
explorer.adaptingtorisingtides.org

Sea Level Rise	+	Storm Surge
0"		5-year
6"		2-year
12"		King Tide
24"		No Storm Surge

Depth of Flooding

- 0 - 2 feet
- 2 - 4 feet
- 4 - 6 feet
- 6 - 8 feet
- 8 - 10 feet
- 10 - 12 feet
- 12+ feet

Shoreline Overtopping

- Overtopping
- No Overtopping

Legal Delta

- Legal Delta

At the regional scale, these scenarios present average water levels that are representative of what could occur along the entire Bay shoreline. The mapped scenarios are based on binning the water levels with a tolerance of ±3 inches.

Icons by Icons8. Map tiles by ESRI.



TOTAL WATER LEVEL: 36-inches

Printed from:
explorer.adaptingtorisingtides.org

Sea Level Rise	+	Storm Surge
0"		50-year
6"		25-year
12"		5-year
18"		2-year
24"		King Tide
36"		No Storm Surge

Depth of Flooding

- 0 - 2 feet
- 2 - 4 feet
- 4 - 6 feet
- 6 - 8 feet
- 8 - 10 feet
- 10 - 12 feet
- 12+ feet

Shoreline Overtopping

- Overtopping
- No Overtopping

Legal Delta

- Legal Delta

At the regional scale, these scenarios present average water levels that are representative of what could occur along the entire Bay shoreline. The mapped scenarios are based on binning the water levels with a tolerance of ±3 inches.

Icons by Icons8. Map tiles by ESRI.

ATTACHMENT B

Projected 3-Foot Sea Level Rise Scenarios



TOTAL WATER LEVEL: 36-inches

Printed from:
explorer.adaptingtorisingtides.org

Sea Level Rise	+	Storm Surge
0"		50-year
6"		25-year
12"		5-year
18"		2-year
24"		King Tide
36"		No Storm Surge

Depth of Flooding

- 0 - 2 feet
- 2 - 4 feet
- 4 - 6 feet
- 6 - 8 feet
- 8 - 10 feet
- 10 - 12 feet
- 12+ feet

Shoreline Overtopping

- Overtopping
- No Overtopping

Legal Delta

- Legal Delta

At the regional scale, these scenarios present average water levels that are representative of what could occur along the entire Bay shoreline. The mapped scenarios are based on binning the water levels with a tolerance of ±3 inches.

Icons by Icons8. Map tiles by ESRI.



TOTAL WATER LEVEL: 48-inches

Printed from:
explorer.adaptingtorisingtides.org

Sea Level Rise	+	Storm Surge
6"		100-year
12"		50-year
18"		25-year
24"		5-year
30"		2-year
36"		King Tide
48"		No Storm Surge

Depth of Flooding

- 0 - 2 feet
- 2 - 4 feet
- 4 - 6 feet
- 6 - 8 feet
- 8 - 10 feet
- 10 - 12 feet
- 12+ feet

Shoreline Overtopping

- Overtopping
- No Overtopping

Legal Delta

- Legal Delta

At the regional scale, these scenarios present average water levels that are representative of what could occur along the entire Bay shoreline. The mapped scenarios are based on binning the water levels with a tolerance of ±3 inches.

Icons by Icons8. Map tiles by ESRI.



TOTAL WATER LEVEL: 52-inches

Printed from:
explorer.adaptingtorisingtides.org

Sea Level Rise	+	Storm Surge
12"		100-year
18"		50-year
24"		10-year
30"		5-year
36"		2-year
52"		No Storm Surge

Depth of Flooding

- 0 - 2 feet
- 2 - 4 feet
- 4 - 6 feet
- 6 - 8 feet
- 8 - 10 feet
- 10 - 12 feet
- 12+ feet

Shoreline Overtopping

- Overtopping
- No Overtopping

Legal Delta

- Legal Delta

At the regional scale, these scenarios present average water levels that are representative of what could occur along the entire Bay shoreline. The mapped scenarios are based on binning the water levels with a tolerance of ±3 inches.

Icons by Icons8. Map tiles by ESRI.



TOTAL WATER LEVEL: 66-inches

Printed from:
explorer.adaptingtorisingtides.org

Sea Level Rise	+	Storm Surge
24"		100-year
30"		50-year
36"		25-year
42"		5-year
48"		2-year
52"		King Tide
66"		No Storm Surge

Depth of Flooding

- 0 - 2 feet
- 2 - 4 feet
- 4 - 6 feet
- 6 - 8 feet
- 8 - 10 feet
- 10 - 12 feet
- 12+ feet

Shoreline Overtopping

- Overtopping
- No Overtopping

Legal Delta

- Legal Delta

At the regional scale, these scenarios present average water levels that are representative of what could occur along the entire Bay shoreline. The mapped scenarios are based on binning the water levels with a tolerance of ±3 inches.

Icons by Icons8. Map tiles by ESRI.



TOTAL WATER LEVEL: 77-inches

Printed from:
explorer.adaptingtorisingtides.org

Sea Level Rise	+	Storm Surge
36"		100-year
42"		50-year
48"		25-year
52"		10-year
54"		5-year
60"		2-year
66"		King Tide
77"		No Storm Surge

Depth of Flooding

- 0 - 2 feet
- 2 - 4 feet
- 4 - 6 feet
- 6 - 8 feet
- 8 - 10 feet
- 10 - 12 feet
- 12+ feet

Shoreline Overtopping

- Overtopping
- No Overtopping

Legal Delta

- Legal Delta

At the regional scale, these scenarios present average water levels that are representative of what could occur along the entire Bay shoreline. The mapped scenarios are based on binning the water levels with a tolerance of ±3 inches.

Icons by Icons8. Map tiles by ESRI.

ATTACHMENT C

Projected 6.5-Foot Sea Level Rise Scenarios



TOTAL WATER LEVEL: 77-inches

Printed from:
explorer.adaptingtorisingtides.org

Sea Level Rise	+	Storm Surge
36"		100-year
42"		50-year
48"		25-year
52"		10-year
54"		5-year
60"		2-year
66"		King Tide
77"		No Storm Surge

Depth of Flooding

- 0 - 2 feet
- 2 - 4 feet
- 4 - 6 feet
- 6 - 8 feet
- 8 - 10 feet
- 10 - 12 feet
- 12+ feet

Shoreline Overtopping

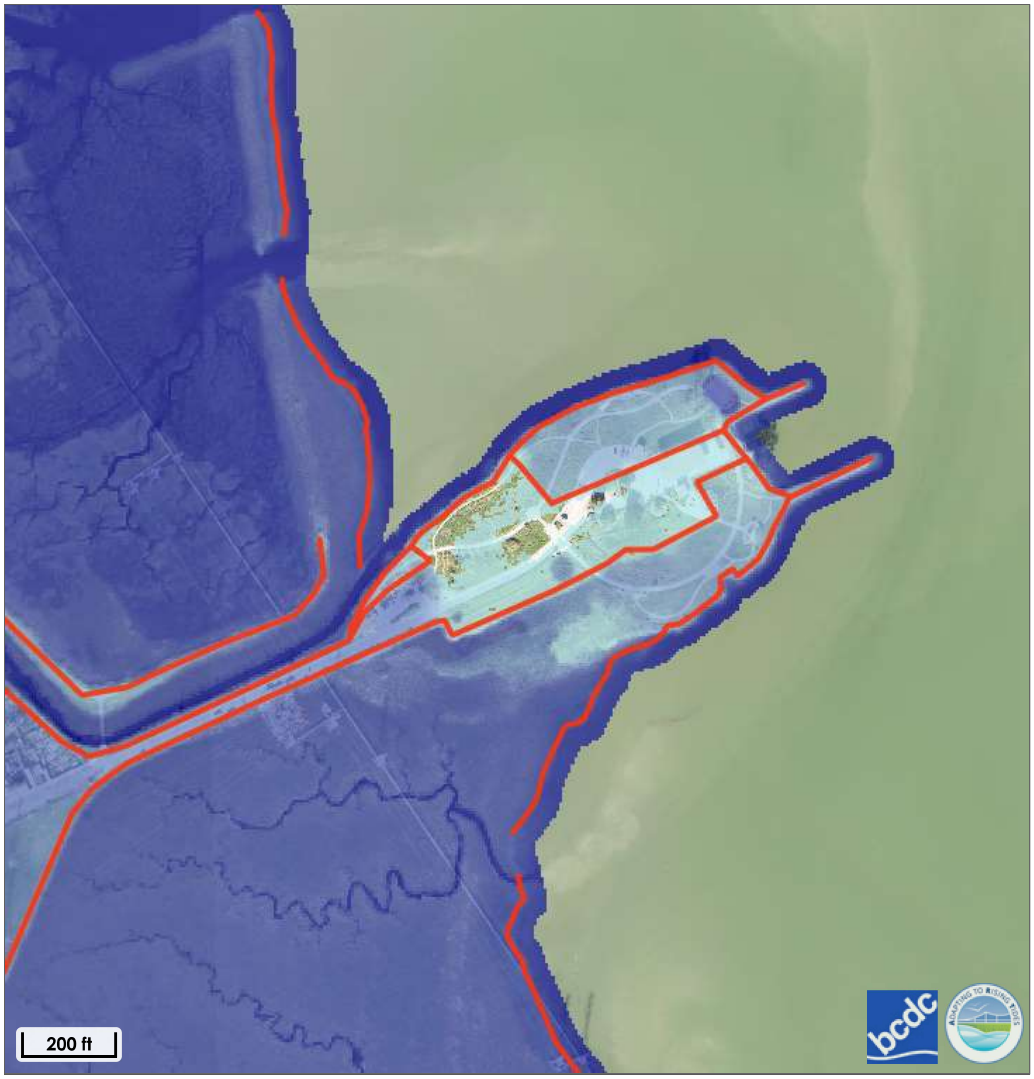
- Overtopping
- No Overtopping

Legal Delta

- Legal Delta

At the regional scale, these scenarios present average water levels that are representative of what could occur along the entire Bay shoreline. The mapped scenarios are based on binning the water levels with a tolerance of ±3 inches.

Icons by Icons8. Map tiles by ESRI.



TOTAL WATER LEVEL: 96-inches

Printed from:
explorer.adaptingtorisingtides.org

Sea Level Rise	+	Storm Surge
52"		100-year
60"		50-year
66"		25-year
72"		5-year
77"		2-year
84"		King Tide
96"		No Storm Surge

Depth of Flooding

- 0 - 2 feet
- 2 - 4 feet
- 4 - 6 feet
- 6 - 8 feet
- 8 - 10 feet
- 10 - 12 feet
- 12+ feet

Shoreline Overtopping

- Overtopping
- No Overtopping

Legal Delta

- Legal Delta

At the regional scale, these scenarios present average water levels that are representative of what could occur along the entire Bay shoreline. The mapped scenarios are based on binning the water levels with a tolerance of ±3 inches.

Icons by Icons8. Map tiles by ESRI.



TOTAL WATER LEVEL: 108-inches

Printed from:
explorer.adaptingtorisingtides.org

Sea Level Rise	+	Storm Surge
66"		100-year
72"		50-year
77"		25-year
84"		5-year
90"		2-year
96"		King Tide
108"		No Storm Surge

Depth of Flooding

- 0 - 2 feet
- 2 - 4 feet
- 4 - 6 feet
- 6 - 8 feet
- 8 - 10 feet
- 10 - 12 feet
- 12+ feet

Shoreline Overtopping

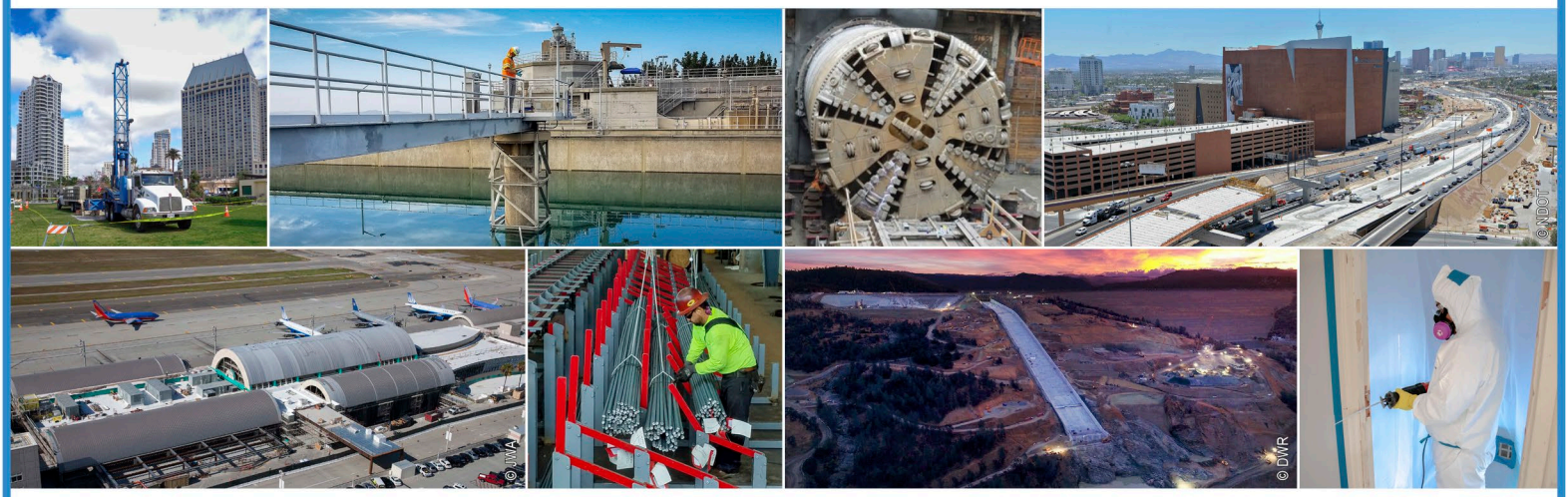
- Overtopping
- No Overtopping

Legal Delta

- Legal Delta

At the regional scale, these scenarios present average water levels that are representative of what could occur along the entire Bay shoreline. The mapped scenarios are based on binning the water levels with a tolerance of ±3 inches.

Icons by Icons8. Map tiles by ESRI.



1301 Marina Village Parkway, Suite 110 | Alameda, California 94501 | p. 510.343.3000

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ninyoandmoore.com

Ninyo & Moore
Geotechnical & Environmental Sciences Consultants

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Maurice Baker, Community Services Manager

SUBJECT: 2024 Community Services Proposed Calendar Report

Recommendation

By motion, approve the proposed dates for activities to take place during the 2024 calendar year, subject to City Council modifications.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Enhance Community Services and Parks

Background

As we approach 2024, the Community Services & Recreation division is traditionally responsible for hosting several events through the year, as well as helping facilitate co-sponsored events like Juneteenth and Cinco de Mayo. To better prepare and ensure that the public receives the most communication, staff is preparing a preliminary calendar for 2024 that Council can accept or amend based on their wishes. Due to the amazing work of several non-profits in the City, there are other privately held large events that should be brought to the attention of our residents like the East Palo Alto Community Music Festival. While it is difficult to know of all the offerings that take place over a year, staff has compiled a list of events that have taken place in 2022 and 2023 to inform of possibilities.

Proactive planning and communication also allow for collaboration on events like Children's (Youth) Day where several hundred backpacks plus school supplies are handed out and families can connect with resources leading into the new school year. In previous years, organizations like Live In Peace have received City funding to host this event. More recently, other community-based entities such as the Ravenswood City School District and Woodland Park Communities have hosted events that benefit our residents. These are examples of great opportunities to collaborate and increase success.

Analysis

To promote these events to a wide range of potential participants, staff is requesting that the Council review the list of proposed events below that are separated into specific categories such as City Official Events, City Sponsored Events, and Privately Run Events along with a description of each for clarity. This is not an exhaustive list and there are other sources for more content like the East Palo Alto Community Calendar (www.eastpaloaltocommunitycalendar.com) that have the resources to perform a more broad search for events in our City and surrounding communities.

City Official Events

Special Activities that the City runs and is responsible for managing from start to finish utilizing the budget of Community Services and any outside grant funding include:

- City Anniversary/Heritage Celebration (July 6, 2024)
- Olympic Day (July 27, 2024)
- Senior's Prom (September 14, 2024)
- Veterans Day Breakfast (November 11, 2024)
- Holiday Tree Lighting Ceremony (December 7, 2024)

City-Sponsored Events

Experiences that bring large groups of individuals together and are approved for $5,000 in City support by Council mandate at the beginning of the year include

- Cinco de Mayo (May 5, 2024)
- Juneteenth (June 22, 2024)
- Children's (Youth) Day (August 10, 2024)
- Holiday Skating Rink (Winter TBD)

Private Events

Events of a large scale that require special permitting and are open to the public free of charge but take place within City boundaries, include:

- Free At Last 30th Anniversary Celebration (January 19, 2024)
- Easter Eggstravaganza Children's Event (March 30, 2024)
- South Pacific Food Fest (April 2024)
- Ignite Peace EPA (August 5, 2024)
- East Palo Alto Community Music Festival (September 21, 2024)
- Music in the Parks Series (October TBD)

Fiscal Impact

Any events that are not already covered in the approved 2023-24 FY budget will be brought to Council for the next fiscal. There are no requests from the General Fund at this time.

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.

Attachments

1. Proposed Calendar

City of East Palo Alto
Community Services & Recreation
2024 - Calendar of Events

January

10th - YMCA Winter Youth Basketball

19th - Free at Last 30th Anniversary Celebration

Chinese new year

February



BLACK HISTORY MONTH

March

30th -Easter Eggstravaganza Children's Event

April

TBD - South Pacific Food Fest

May

5th - Cinco de Mayo Celebration

ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH

June

11th - Summer Park Activation Begins

22nd - Juneteenth Celebration

TBD - Night Market Shop Place

July

4th - Independence Day

6th - City Anniversary/Heritage Celebration

27th - Olympic Day

August

5th - Ignite Peace EPA

10th - Children's (Youth) Day 2024



September

14th - Senior's Prom

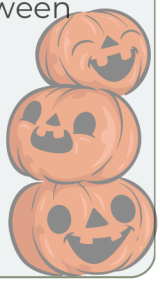
16th- Mexican Independence Day

21st - EPA Community Music Festival

MEXICAN/LATIN HERITAGE

October

31st - Halloween



November

11th - Veteran's Day Breakfast

21th - Thanksgiving Day



NATIVE AMERICAN HERITAGE

December

7th- Holiday Tree Lighting Ceremony

25th- Christmas Day

31st- New Years Eve



EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

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 October 2023

Recommendation

Accept and file the Cash Treasury Report for the month of October 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

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 October 31, 2023, are as follows:

Account	Beginning Balance	Receipts	Disbursements	Quarterly Interest Allocation	Inter-Account Transfers	Ending Balance
Wells Fargo Bank	8,638,586.46	8,202,777.48	(13,888,447.37)	-	3,300,000.00	6,252,916.57
LAIF	70,476,440.76	-	-	609,222.98	3,000,000.00	74,085,663.74
San Mateo County Pool	50,822,926.77	350,648.71	-	497,858.46	(6,300,000.00)	45,371,433.94
Total	129,937,953.99	8,553,426.19	(13,888,447.37)	1,107,081.44	-	125,710,014.25

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 $4.2M compared to the balance as of September 30, 2023.

October receipts, a total of approximately $8.2M, primarily consist of Various impact fees received ($2.7M), Tax distributions ($0.6M), Veolia payment (0.2M), Housing AHSC grant received ($0.2M), and other various receipts.

October disbursements total $13.9M, primarily consist of Housing Colibri Commons Loan ($7.2M), Payroll costs ($1.1M), Payment to AECOM ($0.2M), Payment to Granite Rock ($0.1M), and other recurring operating expenditures.

City staff made a strategic decision to transfer a portion of the investment fund from San Mateo County Pool to LAIF to achieve greater investment diversification and potentially higher returns while maintaining a prudent level of risk.

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

	Oct-23	Sep-23	Oct-22
6-month Treasury Bill	5.33	5.32	4.45
2-year Treasury Note	5.07	5.03	4.51
5-Year Treasury Note	4.82	4.60	4.27

Local Agency Investment Fund (LAIF) average monthly effective yields were 3.670% in October which increased by 0.14% from September 2023. San Mateo County monthly gross earnings for October were 3.378% compared to 3.226% in September 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.

[1] Daily US Treasury Yield Curve. Treasury.gov

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

Summary October 31, 2023				
		Deposit Value		Market Value
General Fund (Inc. Petty cash of $10,800)	$	26,573,696	$	26,573,696
General Sub-Funds (Commited/Reserved)	$	24,295,079	$	24,295,079
City Funds Restricted and Committed	$	75,570,285	$	75,570,285
Successor Agency Trust	$	477,463	$	477,463
Unrealized Gain on Investment Pools	$	-	$	(2,064,193)
	$	126,916,522	$	124,852,331

The book market value totals $124,852,331 including an unrealized loss[2] 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 ($26,573,696) 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.

[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: December 14th, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Humza Javed, Public Works Director
Marco Ahumada, Interim Management Analyst

SUBJECT: Payment to Casey Construction, Inc. for improvements on East Bayshore Road

Recommendation

Adopt a resolution:

1) Authorizing the City Manager to approve a payment in the amount of $8,223.87 to Casey Construction, Inc. for streetscape improvements on East Bayshore Road at Clarke Avenue.

2) Find that the paymentis authorized under section 2.84.060(of the East Palo Alto Municipal Code, as an emergency purchase.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority No. 3: Promote Health & Public Safety

Background

During construction of the Light Tree Apartments project earlier this April 2023, City staff was informed of a concrete median island on East Bayshore Road that was interfering with a new fire access driveway to Light Tree Apartments, constituting an immediate risk to health, safety or welfare of the public. To provide a clear unobstructed path to the fire access driveway, staff

proceeded on an emergency basis by contacting the City's hired on-call contractor, Casey Construction, Inc. to remove the concrete median island expeditiously.

Analysis

Upon removal of the median island by the City's contractor, Casey Construction, Inc., City staff informed Light Tree Apartments they would be responsible for the costs of the removal of the concrete median island as it was a necessary improvement for their development project. Light Tree Apartments agreed and has reimbursed the City for this work.

Because the City hired its contractor to do the work, the City needs to pay Casey Construction directly and the cost will be reimbursed to the City. The cost of the work is $8,223.87.

Fiscal Impact

The cost of this work is $8,223.87. However, there is no budget impact to the City as the entire cost will be reimbursed from Light Tree Apartments via an Encroachment permit.

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 Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare

Attachments

1. Resolution
2. Casey Construction Invoice

RESOLUTION NO. XX – 2023

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

AUTHORIZING THE CITY MANAGER TO APPROVE A PAYMENT IN THE AMOUNT OF $8,223.87 TO CASEY CONSTRUCTION, INC. FOR STREETSCAPE IMPROVEMENTS ON EAST BAYSHORE ROAD AT CLARKE AVENUE

WHEREAS, during the construction of the Light Tree Apartments project in April 2023, city staff was informed of a concrete median island on East Bayshore Road that was interfering with a fire access driveway, constituting an immediate to health, safety or welfare of the public; and

WHEREAS, to provide a clear unobstructed path to the fire access driveway, staff proceeded on an emergency basis by contacting the CIty's hired ~~its~~ on-call contractor, Casey Construction, Inc. to remove the concrete median island expeditiously; and

WHEREAS, the cost of the work is $8,223.87 and needs to be paid to Casey Construction, Inc.; and

WHEREAS, the cost of the work will be fully reimbursed by Light Tree Apartments.

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

Adopts a resolution:

1. Finds the foregoing recitals are true and correct, and are incorporated by this reference into this action;

2. Find that the payment is authorized under section 2.84.060 of the East Palo Alto Municipal Code, as an emergency purchase.

3. Authorizing the City Manager to approve a payment in the amount of $8,223.87 to Casey Construction, Inc. for streetscape improvements on East Bayshore Road at Clarke Avenue; and

4. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269, in that it constitutes an emergency repair to a publicly or privately owned service facility necessary to maintain service essential to the public health, safety, or welfare.

PASSED AND ADOPTED this 14th day of December 2023**,** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Gauthier, Mayor

ATTEST:

James Colin, City Clerk

APPROVED AS TO FORM:

John D. Lê, City Attorney

CASEY CONSTRUCTION INC.
619 Sylvan Way
Emerald Hills, CA 94062
(650)369-1876, FAX (650)366-8578
caseyconstr@sbcglobal.net

Invoice

Date	Invoice #
4/5/2023	2023040012

Bill To	Ship To
CITY OF EAST PALO ALTO 2415 UNIVERSITY AVE E. PALO ALTO, CA. 94303	On-CALL Kevin Lewis

P.O. No.	Project	Terms
On-CALL	Emergency Call	Net 20

Quantity	Description	Price Each	Amount
	On-CALL		
1	T&M 4/5/2023: Cost on T&M as directed to remove concrete island on E. Bayshore and lower existing manhole to grade as directed.	8,223.87	8,223.87
	Total		$8,223.87

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

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

SUBJECT: Slope Repair at San Francisquito Creek

Recommendation

Adopt a resolution:

1. Authorizing the City Manager award to, and to negotiate and execute a construction contract, in a form approved by the City Attorney, with RX Lodge Inc., in the amount of $80,557.00; establish a 10% construction contingency in the amount of $8,055.70, for a total construction budget of $88,612.70, and execute future change orders in an amount not-to-exceed the appropriated construction contingency;

2. Appropriating $88,612.70 from the general fund; and

3. Finding that this Project is categorically exempt under California Environmental Quality Act (CEQA) Sections 15301 (Existing Facilities), and 15303 (New Construction or Conversion of Small Structures).

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

CONSENT ITEM 3.6

Promote Health & Public Safety

Background

During last year's winter storms, San Francisquito Creek (SF creek) experienced significant elevated water levels. The major precipitation events during the storms resulted in localized flooding, and instability of the northern bank at SF creek. City staff also observed slope instability and separation of soil from the flood wall at the top of the slope at Woodland Avenue west of University Avenue. Due to this reason, City staff blocked off the eastbound lane along Woodland Avenue during the winter season for precautionary reasons.

In response to the concerns of slope instability, the City brought on its on-call geotechnical engineer, ENGEO, to evaluate the situation and provide recommendations for repair. Attachment 2 includes a letter prepared by ENGEO that provides an evaluation and recommendations for temporary repair.

In summary, the proposed work includes removing debris and loose surficial soil from the upper half of the slope where instability was observed. Additionally, installation of a turf reinforcement mat to improve the surficial stability of the slope and help prevent further erosion is recommended.

Analysis

City Staff prepared bid documents based on ENGEO's letter. The project was advertised on October 9, 2023, for solicitation of construction bids. The first bid opening was scheduled for October 24, 2023; however, no bids were received. The second bid opening was scheduled for November 9, 2023, but no bids were received. Since the project was bid out twice and no bids were received, staff reached out to contractors for proposals. Three (3) proposals were received as follows:

Brannon Corporation $126,010.00
Gradetech Inc. $132,600.00
RX Lodge Inc. $80,557.00

RX Lodge Inc. submitted the lowest proposal in the amount of $80,557.00. Please see Attachment 3. City staff performed a proposal review, verified qualifications, and checked licenses as well as references for the lowest bidder.

Contingent upon completing all insurance and bonding requirements of the Contract Specifications, staff recommends that the City Council authorize the City Manager to execute a construction contract with RX Lodge Inc., the lowest proposer, in an amount of $80,557.00 and appropriating an additional $8,055.70 (10%) for construction contingency. The total not-to-exceed amount of the agreement would be $88,612.70.

Fiscal Impact

Staff recommends appropriating $88,612.70, from the general fund to construct this emergency project.

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

This Project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and as 15303 (New Construction or Conversion of Small Structures).

The project is proposed to rehabilitate a portion of the northern bank of the creek in order to prevent further erosion. No changes to existing structures, facilities, or mechanical equipment are proposed, with the exception of the temporary installation of a turf mat to prevent erosion. The green turf mat is made out of woven polypropylene geotextile and will be approximately 3,600 sq ft (about 60 feet by 60 feet). The flat turf mat will be placed on a dirt area that slopes down towards the creek away from any trees and will not be visible from the sidewalk or publicly accessible areas. It will be a temporary repair that will be anchored in place for about 3 years until the permanent repair takes place.

Attachments

1.Resolution
2.ENGEO letter
3.Project Proposal

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 CONSTRUCTION CONTRACT WITH RX LODGE INC IN THE AMOUNT OF $80,557.00 FOR THE SLOPE REPAIR AT SAN FRANCISQUITO CREEK PROJECT, ESTABLISH A 10% CONSTRUCTION CONTINGENCY IN THE AMOUNT OF $8,055.70 FOR A TOTAL CONSTRUCTION BUDGET OF $88,612.70, EXECUTE FUTURE CHANGE ORDERS IN AN AMOUNT NOT-TO-EXCEED THE APPROPRIATED CONTINGENCY; FINDING THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA

WHEREAS, during last year's winter storms, a slope segment of San Francisquito Creek ("Creek") was compromised and slope instability occurred; and

WHEREAS, the City's on-call Geotechnical Engineer, ENGEO was brought on to perform an evaluation of the slope near Woodland Avenue and University Avenue; and

WHEREAS, ENGEO recommended temporary repairs until the long-term stability of the creek bank is addressed, including repair of the northern bank of the Creek that resulted from a winter storm in January 2023. No changes to existing structures, facilities, or mechanical equipment are proposed, with the exception of a turf mat; and

WHEREAS, City staff prepared bid documents and the project was advertised for construction bids on October 9, 2023; and

WHEREAS, on October 24, 2023 and November 9, 2023 the City of East Palo Alto ("City") held bid openings, but no bids were received; and

WHEREAS, since the project was bid out twice and no bids were received, staff reached out to contractors for proposals; and

WHEREAS, there were a total of three (3) contractors who submitted proposals for the project with RX Lodge Inc. being the lowest responsible bidder with a bid amount of $80,557.00; and

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

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

1. Finds the foregoing recitals are true and correct and are incorporated by reference into this action;

2. Authorizes the City Manager to award to, and to negotiate and execute a construction contract, in a form approved by the City Attorney, with RX Lodge Inc, in the amount of $80,557.00; establish a 10% construction contingency in the amount of $8,055.70, for a total construction budget of $88,612.70, and execute future change orders in an amount not-to-exceed the appropriated construction contingency;

3. Appropriating $88,612.70 from the general fund; and

4. Finding that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Sections 15301 and 15303 of the CEQA Guidelines.

PASSED AND ADOPTED this 14th day of December 2023**,** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Gauthier, Mayor

ATTEST:

James Colin, City Clerk

APPROVED AS TO FORM:

John D. Lê, City Attorney

Project No.
22057.000.001

July 7, 2023

Mr. Humza Javed
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

Subject: San Francisquito Creek
Woodland Avenue and Manhattan Avenue
East Palo Alto, California,

SLOPE STABILITY EVALUATION AND TEMPORARY RECOMMENDATIONS LETTER

Dear Mr. Javed:

We are pleased to present this letter with slope stability evaluation for the San Francisquito Creek near Woodland Avenue and Manhattan Avenue in East Palo Alto, California, as shown in Exhibit 1. The purpose of our services is to provide recommendations to temporarily stabilize and reduce the erosion of the northern bank of the San Francisquito Creek and provide recommendations for future monitoring and maintenance.

PROJECT DESCRIPTION

The study area is focused on San Francisquito Creek's northern bank located close to the intersection of the Woodland and University Avenue in East Palo Alto, California. We understand that the study area of San Francisquito Creek experienced elevated water levels on December 31, 2022, during a major precipitation event that resulted in flooding of the nearby streets, apartments, and houses, as well as areas of slope instability on the northern creek bank.

During our site visit with you on January 23, 2023, we observed cracks on the bank along Woodland Avenue. Additionally, debris and tree branches accumulated in several areas of the creek bank. We observed slope instability of the creek bank and separation of the soil from the temporary flood wall at the top of the slope approximately 200 feet west of the intersection of University and Woodland Avenues. We understand that one lane of traffic along Woodland Avenue adjacent to this area has been temporarily closed to traffic.

EXHIBIT 1: Approximate Location of the Site



DOCUMENT REVIEW

Geologic Mapping

The study area is located approximately 150 feet west of the intersection of Woodland Avenue and University Avenue in East Palo Alto, California. The aerial images indicate that the study area has not gone under significant change since 1948. Additionally, according to a published geologic map of the site (Dibblee, 2007) the study area vicinity is underlain by Holocene-age alluvium deposits (Qa) consisting of sand, gravel, and clay of stream channel, fan, and terrace deposits undivided by age or genesis in upland areas, and including many fringing colluvial deposits.

Provided Documents

We were provided with the following documents.

- Geotechnical Report for San Francisquito Creek Upstream Retaining Wall Systems, Prepared by Kleinfelder, Dated September 15, 2021.
- Hydraulic Evaluation and Rock Slope Protection Sizing and Design, Prepared by HDR, Dated January 5, 2021.
- Newell Road Bridge Replacement, Type Selection Report, Prepared by NV5, Dated December 2021.

- Newell Road Bridge Replacement 65% Plans, Prepared by NV5, Dated December 2022.
- Newell Road Bridge Replacement 35% Preliminary Plans, Prepared by NV5, Dated December 16, 2021.
- Map and Construction Plans for San Francisquito Creek, Prepared by Valley Water, Dated February 25, 2022.
- Pope-Chaucer Street Bridge (Bridge No. 36C0759) Replacement at San Francisquito Report, Prepared by NV5, Dated February 12, 2013.
- San Francisquito Creek Flood Reduction and Ecosystem Report, Prepared by ESA, Dated February 2022.
- San Francisquito Creek, Landscape Plans, Prepared by Valley Water, Dated September 3, 2020.

We reviewed the provided existing plans and geotechnical data and used the site's nearby cross-sections, boring logs, and laboratory test results prepared by Valley Water and Fugro and presented in Kleinfelder's report (Reference 4).

SITE RECONNAISSANCE

We conducted a site reconnaissance on May 17, 2023. During our reconnaissance, we observed the previously occurred slope instability on the northern bank of the San Francisquito Creek between Manhattan Avenue and University Avenue which appeared relatively unchanged since our original site visit on January 23, 2023. Cracks on the current slope along Woodland Avenue and approximately 3 to 4 inches of a gap were visible between the temporary flood wall and the top of the bank. Broken tree branches, roots, and debris have accumulated and interlocked with existing vegetation on parts of the northern bank along the creek.

SLOPE STABILITY ANALYSIS

Method of Analysis

Thorough geotechnical evaluation of slope stability requires careful assessment of all the input parameters along with the selected method of analysis. While there are many different methods of stability analysis and numerous available computer programs, we selected the program Rocscience Slide 2. Slide 2 uses a search routine to locate the minimum factor of safety and critical slip surface. We performed our analysis using the Spencer (1967) method.

We selected our representative cross-section where the observed slope instability occurred. We evaluated the slope stability for static conditions under four different groundwater conditions. Our model includes full creek (groundwater elevation at approximately 36 feet, NAVD88), quarter-full (groundwater elevation at 21 feet, NAVD88), and dry creek (groundwater elevation below the bottom of the creek). Additionally, we performed rapid drawdown analysis considering that the groundwater level changes from full to quarter-full over a short period of time. This condition simulates a flood event that may occur at the site. We did not evaluate the stability of the slope for the seismic condition as the purpose of our study was to evaluate the temporary condition of the slope.

Acceptable Factors of Safety

Considering the purpose of our study is to evaluate the temporary condition of the creek bank, we recommend that a static factor of safety of 1.2 be considered adequate for the creek's bank stability for steady-state conditions and 1.1 for the rapid drawdown condition. We considered the various levels of conservatism involved in determining the engineering properties of the soil (density, shear strength, unit weight, permeability, etc…), the assumptions made in the method of analysis, and potential variations in field conditions.

Geometry and Idealized Soil Profiles

No topographic data was available for the study area for our analyses. Therefore, we estimated the slope geometry for our selected cross-section based on field measurements using a hand level and tape measure and compared with an existing cross-section (RW3R-STA 10+00) provided in Kleinfelder's report (Reference 4). We based our model geometry on the noted existing cross-section and modified the northern bank with our field measurements.

We modeled the soil profile using the existing geotechnical boring data provided in Appendix B of Kleinfelder's report (Reference 4). We used Boring SF-9 and the associated laboratory testing to model the soil profile and estimate soil properties in our model.

Results of Analyses

We performed slope stability analyses for static conditions under steady-state seepage and rapid drawdown conditions, as previously discussed. The location of our selected cross-section is shown in Exhibit 1.

The static factors of safety of the northern bank under existing conditions are shown in Table 1.

TABLE 1: Result of Analyses

CONDITION	FACTOR OF SAFETY
Full Creek, Steady-State Seepage	1.5
Quarter Full Creek, Steady-State Seepage	1.1
Dry Creek, Steady-State Seepage	1.2
Rapid Drawdown	1.2

TEMPORARY RECOMMENDATIONS

We understand that San Francisquito Joint Power Authority has a long-term plan to construct a flood wall and address long-term stability for the creek bank. Our recommendations should only be considered as temporary measures and the long-term stability of the creek bank should be addressed in future planned studies. Based on our findings from our site reconnaissance, our review of the provided information, and the results of our slope stability analysis for the study area, our recommendations for temporary measures to address the observed slope instability in the study area are summarized as follows.

- We recommend removing debris and loose surficial soil from the upper half of the slope where instability was observed. The slope's existing vegetation should be kept intact to the maximum extent possible to help with erosion protection.
- Following removal of debris and loose surficial soil, we recommend installing a turf reinforcement mat, such as ArmorMax, over the face of the slope where instability was observed to improve surficial stability of the slope and help prevent further erosion. The fabric should be installed in accordance with the manufacturer's recommendations and should extend a minimum of 5 feet beyond the area of observed slope instability.
- We recommend bi-annual monitoring of the creek bank adjacent to the road to check for indications of progressive creek bank instability such as new or worsening tension cracks at the top of slope or in the adjacent roadway, surficial failures, and scour at the base of the creek bank. We also recommend additional monitoring during and after major precipitation events and when the water level within the creek rises above an elevation of 21 feet (NAVD88). We recommend that consideration be given to the closure of the adjacent lane of Woodland Avenue if indications of progressive creek bank instability are observed.

We make no representations as to the accuracy of dimensions, measurements, calculations, or any portion of the slope design. If you have any questions or comments regarding this letter, we will be glad to discuss them with you.

If you have any questions or comments regarding this letter, please contact us and we will be glad to discuss them with you.

Sincerely,

ENGEO Incorporated

Aryan Noroozi

Robert H. Boeche, CEG

CERTIFIED ENGINEERING GEOLOGIST
ROBERT BOECHE
No. 2318
STATE OF CALIFORNIA

Nick Serra, PE

REGISTERED PROFESSIONAL ENGINEER
NICK A. SERRA
No. 87629
CIVIL
STATE OF CALIFORNIA

an/ns/rhb/cjn

Attachments: Select References
Slope Stability Analysis

SELECTED REFERENCES

1. Dibblee, T.W. and Minch, J.A., 2007, Geologic map of the Palo Alto and Mountain View quadrangles, Alameda, San Mateo, and Santa Clara Counties, California, Dibblee Geological Foundation, Dibblee Foundation Map DF-350.

2. ESA. 2022. San Francisquito Creek Flood Reduction and Ecosystem Restoration – Reach 2 (Urban Reach) Project, Habitat basis of Design. February 2022. Project No. D202000175.

3. HDR. 2021. Hydraulic Evaluation and Rock Slope Protection Sizing and Design, San Francisquito Creek Transition Floodwall Project. January 5, 2021.

4. Kleinfelder. 2021. Geotechnical Report for San Francisquito Creek Upstream Retaining Wall Systems, Newell Road to Euclid Avenue, Palo Alto, California. September 15, 2021. Project No. 20201694.010A.

5. NV5. 2020. Pope-Chaucer Street Bridge (Bridge No. 36C0759) Replacement at San Francisquito, Prepared for Santa Clara Valley Water District. February 12, 2013. Project No. SJB037100.

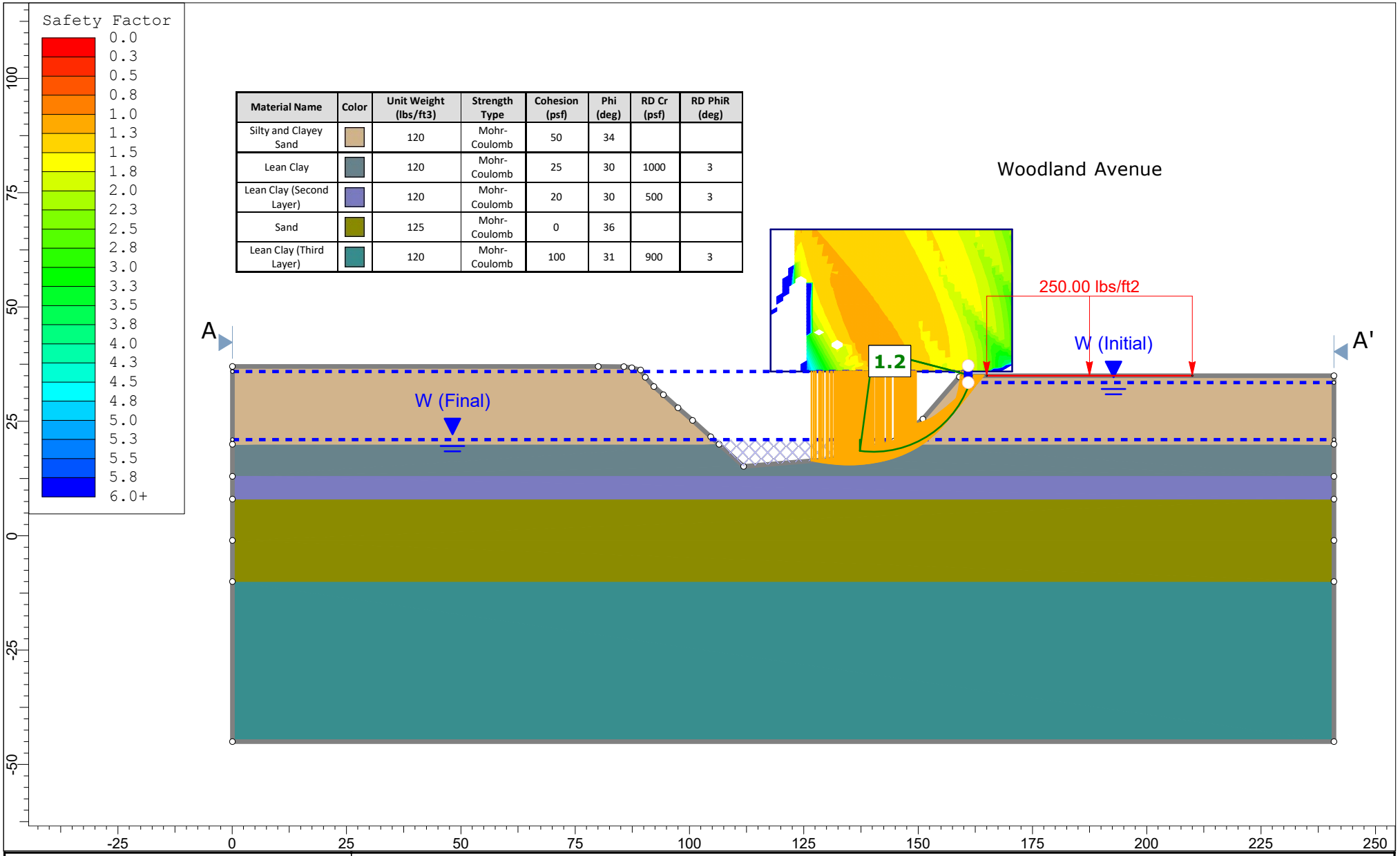
6. NV5. 2021. Newell Road Bridge Replacement, Type Selection Report, City of East Palo Alto, California. December 2021. Project Number: 226321-0000034.00.

7. NV5. Newell Road Bridge Replacement 65% Plans. December 2022. Project No. C12142825.

8. NV5. Newell Road Bridge Replacement 35% Preliminary Plans. December 16, 2021. Project No. C12142825.

9. Valley Water. Map and Construction Plans for San Francisquito Creek, West Bayshore Road Newell Road to Euclid Avenue, Channel Widening Project. February 25, 2022. Project No. 26284002.

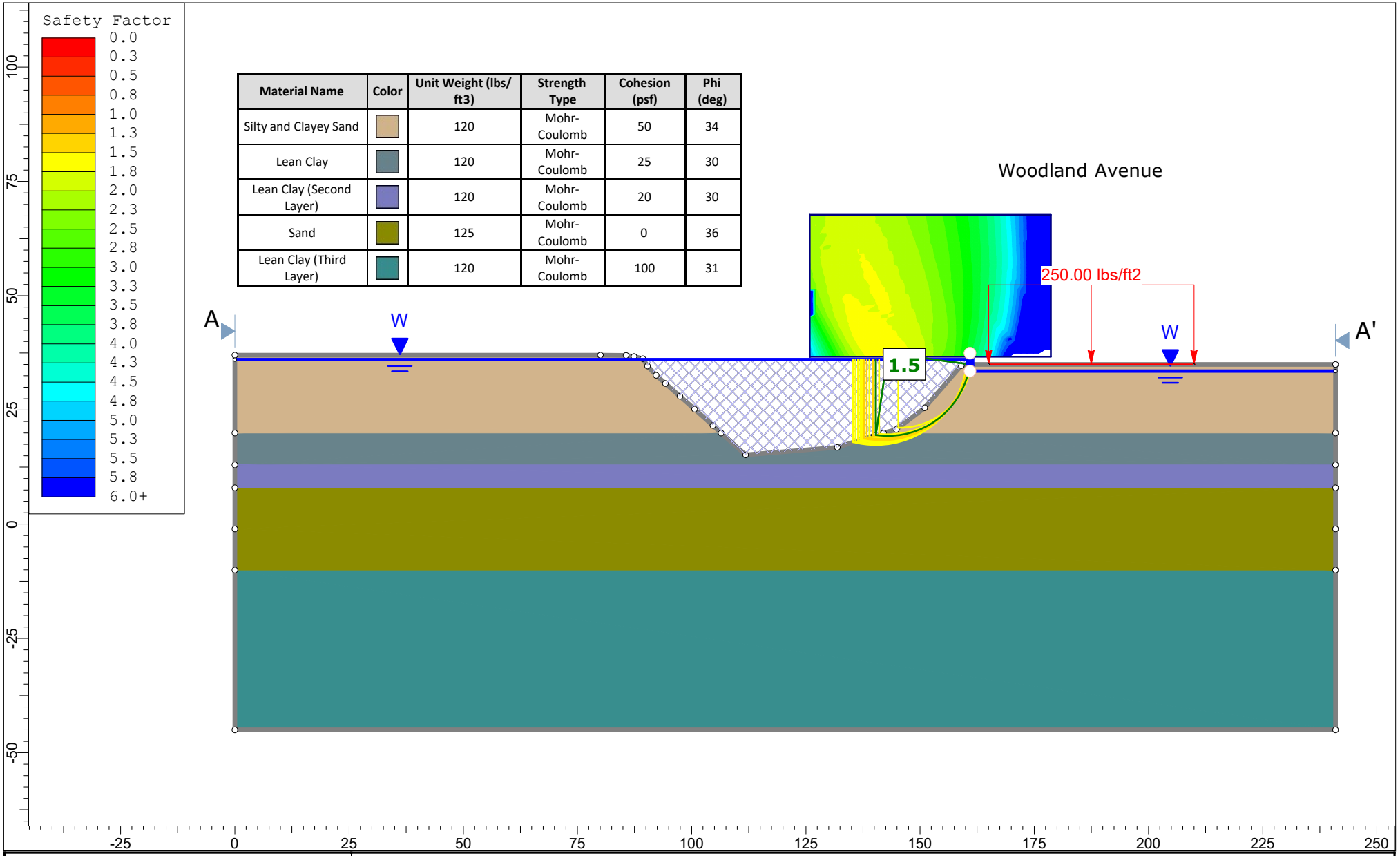
10. Valley Water. San Francisquito Creek, West Bayshore Road Newell Road to Euclid Avenue, Landscape Plan. September 3, 2020. Project No. 26284001.



Material Name	Color	Unit Weight (lbs/ft3)	Strength Type	Cohesion (psf)	Phi (deg)	RD Cr (psf)	RD PhiR (deg)
Silty and Clayey Sand		120	Mohr-Coulomb	50	34		
Lean Clay		120	Mohr-Coulomb	25	30	1000	3
Lean Clay (Second Layer)		120	Mohr-Coulomb	20	30	500	3
Sand		125	Mohr-Coulomb	0	36		
Lean Clay (Third Layer)		120	Mohr-Coulomb	100	31	900	3

ENGEO
Expect Excellence

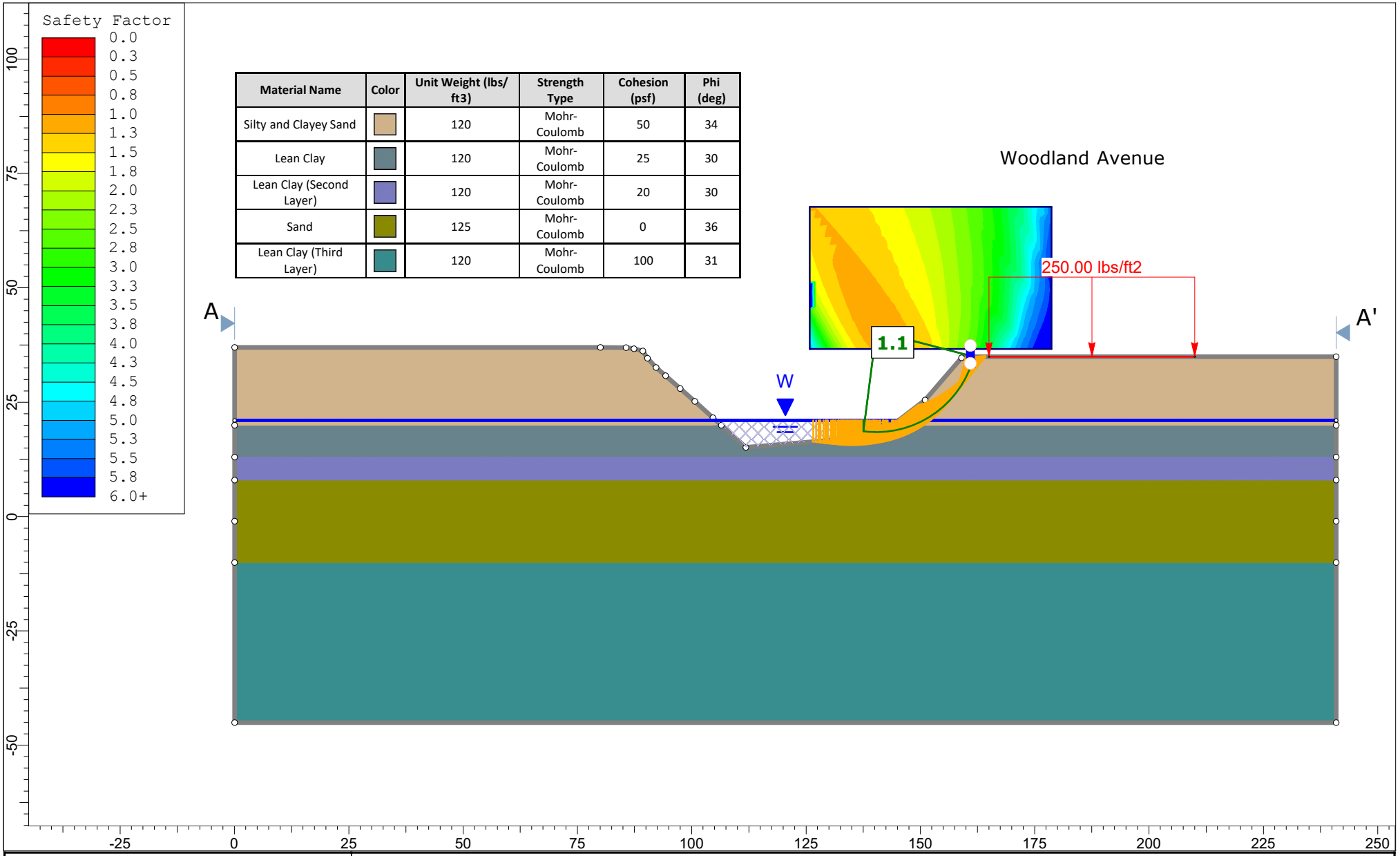
Project	San Francisquito Creek Bank		
Group		Scenario	Scenario 1 - Static - Rapid Drawdown
Drawn By	AN	Company	ENGEO Inc.
Date	6/26/2023	File Name	Slide Model 2 - Update 2 - Final.slmd



Material Name	Color	Unit Weight (lbs/ ft3)	Strength Type	Cohesion (psf)	Phi (deg)
Silty and Clayey Sand		120	Mohr-Coulomb	50	34
Lean Clay		120	Mohr-Coulomb	25	30
Lean Clay (Second Layer)		120	Mohr-Coulomb	20	30
Sand		125	Mohr-Coulomb	0	36
Lean Clay (Third Layer)		120	Mohr-Coulomb	100	31

ENGEO
Expect Excellence

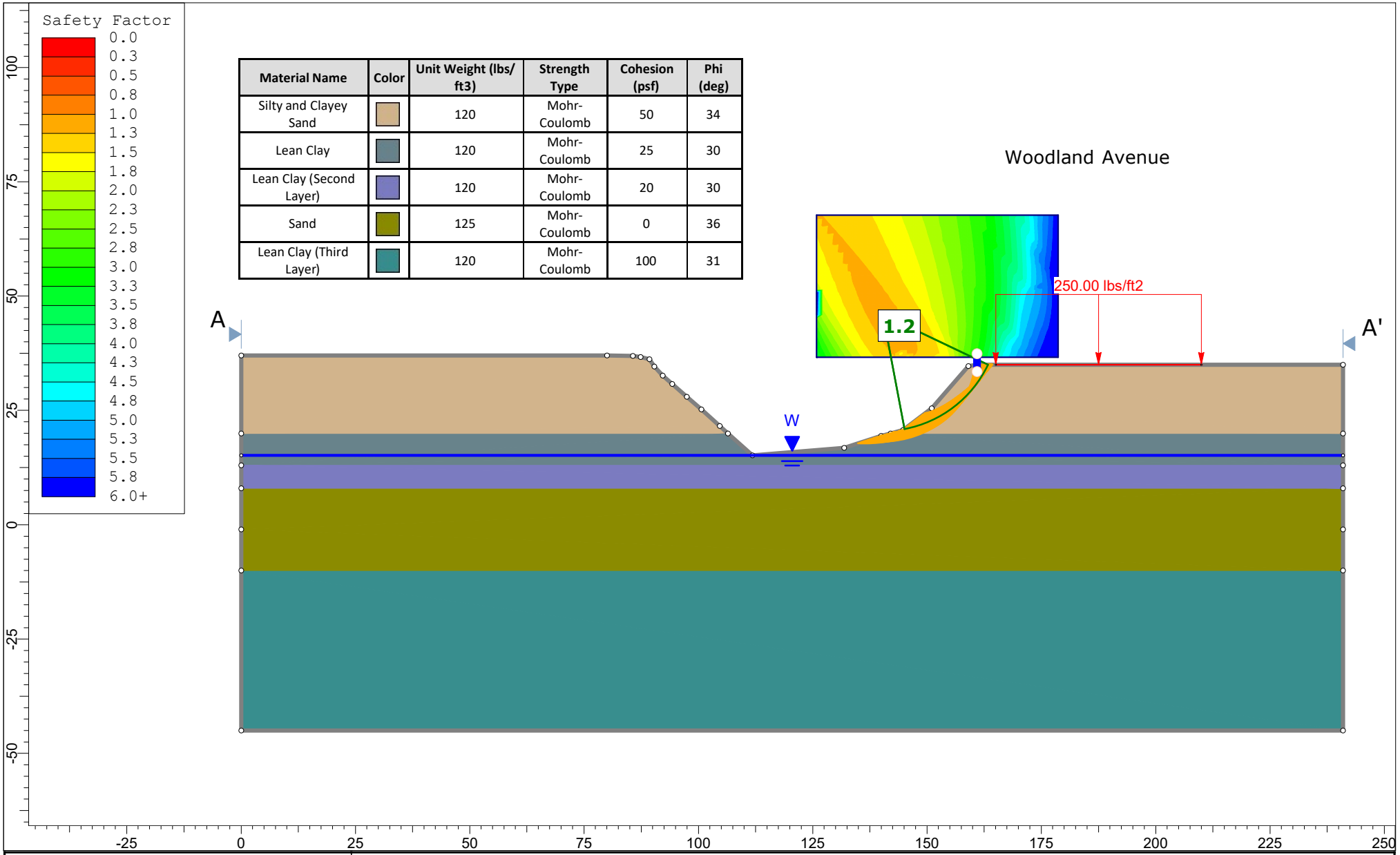
Project	San Francisquito Creek Bank		
Group		Scenario	Scenario 1 - Static - Full
Drawn By	AN	Company	ENGEO Inc.
Date	6/26/2023	File Name	Slide Model 2 - Update 2 - Final.slmd



Material Name	Color	Unit Weight (lbs/ ft3)	Strength Type	Cohesion (psf)	Phi (deg)
Silty and Clayey Sand		120	Mohr-Coulomb	50	34
Lean Clay		120	Mohr-Coulomb	25	30
Lean Clay (Second Layer)		120	Mohr-Coulomb	20	30
Sand		125	Mohr-Coulomb	0	36
Lean Clay (Third Layer)		120	Mohr-Coulomb	100	31

ENGEO
Expect Excellence

Project	San Francisquito Creek Bank		
Group		*Scenario*	Scenario 2 - Static - Quarter Full
Drawn By	AN	*Company*	ENGEO Inc.
Date	6/26/2023	*File Name*	Slide Model 2 - Update 2 - Final.slmd



Material Name	Color	Unit Weight (lbs/ ft3)	Strength Type	Cohesion (psf)	Phi (deg)
Silty and Clayey Sand		120	Mohr-Coulomb	50	34
Lean Clay		120	Mohr-Coulomb	25	30
Lean Clay (Second Layer)		120	Mohr-Coulomb	20	30
Sand		125	Mohr-Coulomb	0	36
Lean Clay (Third Layer)		120	Mohr-Coulomb	100	31

ENGEO
Expect Excellence

Project	San Francisquito Creek Bank		
Group		Scenario	Scenario 3 - Static - Dry
Drawn By	AN	Company	ENGEO Inc.
Date	6/26/2023	File Name	Slide Model 2 - Update 2 - Final.slmd

3930A Pacheco Blvd., Martinez, CA 94553
O: 925-303-4100 - F: 925-446-6303

November 30, 2023

Batool Zaro
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

Subject: San Francisquito Creek Project

Dear Ms. Zaro,

We are pleased to submit the following scope of work and cost proposal for the San Francisquito Slope Repair Project. The work would consist of the following.

- Mobilize crew, equipment, and material to the job site.
- Perform site preparation which would consist of clearing the site of vegetation and loose debris, smoothing, and leveling the existing subgrade to allow the turf mat to lay flat, digging anchor trench for mat installation.
- Install 4500 sf of Pyramat 75 HPTRM (see attached sheet) to be anchored by 18" steel anchor pins and secured at top of slope by anchor trench.
- Clean up and demobilize crew, equipment, and materials.

This project would be performed from the top of slope and would require the adjacent traffic lane to be closed for the entirety of the project. Lane closure and any necessary traffic control are excluded from this proposal. The anticipated work duration would be 15 working days.

Estimated Total labor and materials $80,557.00

Please feel free to reach out if you have any questions.

Thank you,

Stephen Lawler
RX Lodge, Inc.

3930A Pacheco Blvd., Martinez, CA 94553
O: 925-303-4100 - F: 925-446-6303

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Maurice Baker, Community Services Manager

SUBJECT: Security Services for Senior Center

Recommendation

Adopt a resolution authorizing the City Manager to award to, and negotiate and execute an agreement, in a form approved by the City Attorney, with Genesis Private Security, to provide unarmed security services for the East Palo Alto Senior Center and other City-owned and operated facilities on an as-needed basis in the amount not to exceed $49,100 for the remainder of FY 2023-24 with the option for two six-month extensions at the discretion of the City Manager.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Enhance Community Services and Parks

Background

For the past 17 years, the City has maintained a facility lease agreement with East Palo Alto Senior Center Inc. a registered 501c3 non-profit, for operations of the City-owned facility. The relationship is managed by a concurrent lease and operating agreement. In accordance with said operating agreement in Section 16, the City is required to provide security services for the safety of center patrons and staff alike. The portion of the agreement reads as follows:

"Security Services - Landlord shall provide security services for the Premises, either through Landlord staff or via contracted security services. Landlord shall be responsible for all costs associated with providing the security services for the Premises."

Due to the pandemic and nationwide shelter-in-place orders, security services were placed on hold. In June 2022, as the restrictions for shelter-in-place were relaxed somewhat, the City and Senior Center Inc. were re-opened and began having conversations about how to better partner for the benefit of our residents. These conversations led to the discovery that security services were a major concern of SCI staff and operations. In September 2023, staff initiated the process of issuing an Request for Proposals (RFP) for security services. At the close of the RFP process in October 2023, staff received three proposals from operators.

Analysis

On October 31, the City closed the bidding period for security services to the East Palo Alto Senior Center with three proposals received. The City received three bids at the time of closing. The minimum responding bid did not meet the criteria set forth in the RFP and was not selected to move forward in the process. To provide effective and responsive services, staff performed an exhaustive review of the proposals received and interviewed the proposed bidders. Following these reviews, it was determined that Genesis Private Security be recommended to receive the contract for providing security services to the East Palo Alto Senior Center and other city-owned facilities on an as-needed basis.

Qualifications were evaluated on the following factors:

- Information contained in the proposal
- References of the Proposer
- Demonstrated financial stability
- Proposed business plan
- Competitive pricing
- The quality of services offered (if applicable)
- The capacity of the Proposer to perform the contract or provide the service without delay or interference

The cost for contracted services provided at the Senior Center for the remainder of the FY 2023-24 was calculated as follows in Table 1 below.

Table 1

Description	Cost
Regular Hourly Rate	$41.25
Overtime & Holiday Hourly Rate	$61.88
Hours per Week	28
Annual Commitment (FY 23-24)	26 weeks

Mobile Patrol (FY 23-24)	$5,550
Subtotal	$33,270
Other City events	$5,000
TOTAL	**$39,270**

Genesis Private Security, the lowest bidder who met minimum qualifications per the RFP received a virtual interview on November 27, 2023. Staff recommends City Council authorize the City Manager to negotiate and execute an agreement with Genesis Private Security to provide unarmed security services at the Senior Center and other city-owned facilities on an as-needed basis. A drafted scop

Fiscal Impact

There is already a budgeted amount of $49,100 for Security Services for the FY 2023-24 and no additional funds need to be appropriated at this time. Staff will return to Council in the next budget cycle with a request for the 2024-25 FY.

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.

Attachments

1. Resolution
2. Draft Scope of Services
3. Senior Center Operating Agreement

RESOLUTION NO. XX – 2023

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

AUTHORIZING THE CITY MANAGER TO AWARD TO, AND NEGOTIATE AND EXECUTE AN AGREEMENT, IN A FORM APPROVED BY THE CITY ATTORNEY, WITH GENESIS SECURITY SERVICES TO PROVIDE UNARMED SECURITY SERVICES FOR THE EAST PALO ALTO SENIOR CENTER AND OTHER CITY-OWNED AND OPERATED FACILITIES ON AN AS-NEEDED BASIS IN AN AMOUNT NOT TO EXCEED $49,100 WITH THE OPTION FOR TWO SIX-MONTH EXTENSIONS AT CITY MANAGER DISCRETION

WHEREAS, in November 2006, the City of East Palo Alto entered in to an operating and lease agreement with East Palo Alto Senior Center Incorporated (SCI) to lead Operations and Services at the East Palo Alto Senior Center located at the 560 Bell St (the "SCI Agreement"); and

WHEREAS, the SCI Agreement states that security services shall be provided by the Landlord either through Landlord staff or via contracted services; and

WHEREAS, of March 2021, when the nation remained under a Shelter-In-Place order and in-person activities were paused, staff discontinued security services with the intention to restart as restrictions relaxed; and

WHEREAS, on June 17, 2022, SCI and the City partnered for a re-opening of the Senior Center with limited services, it was brought to the attention of City staff that Security was a major concern of the SCI; and

WHEREAS, in March 2023, staff began the process of formulating an Request for Proposals that would provide Security Services for the Senior Center. In October, the process was completed and following review, staff provided their recommendation to award a contract to Genesis Security Services for the remainder of FY 2023-24 with the option for two six-month extensions at City Manager discretion.

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

1. Finds the foregoing recitals are true and correct, and are incorporated by this reference into this action;

2. Authorizes the City Manager to award to, and negotiate and execute an agreement, in a form approved by the City Attorney, with Genesis Security Services to provide unarmed security services for the East Palo Alto Senior Center and other city-owned and operated facilities on an as-needed basis for an amount not to exceed $49,100, with the option for two six-month extensions at City Manager discretion; and

3. Find that 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 ADOPTED this 14th day of December 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Gauthier, Mayor

ATTEST:

James Colin, City Clerk

APPROVED AS TO FORM:

John D. Lê, City Attorney

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Ana Maria Torres-Mondragon, Human Resource Manager

SUBJECT: Annual Compensation Schedule for FY 2023-24 (amended)

Recommendation

Adopt a resolution approving the FY 2023-24 Compensation Schedule.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Increase Organizational Effectiveness and Efficiency
Improve Communication and Enhance Community Engagement

Background

Compensation consisting of salary and benefits paid to employees of the City of East Palo Alto is governed by the City's municipal code, personnel policies, negotiated and authorized memoranda of understanding with the three employee bargaining units (MEA, SEIU, POA), authorized compensation for unrepresented employees, and authorized contractual agreements with the City Manager and City Attorney. As a member of the California Public Employees' Retirement System (CalPERS), the City also is subject to applicable provisions of the Public Employee Retirement Law (PERL) referenced in the California Government Code and the California Code of Regulations.

In accordance with East Palo Alto Municipal Code §2.80.110, and as further codified in the City's Personnel Policies and Procedures approved by the City Council on August 28, 1985 (Resolution #00210) Rule 3.9.01 states that "annually, the City Council shall establish the pay range and steps assigned to each classification in the City service." The City maintains a

Compensation Schedule inclusive of all authorized employee classifications. This includes the salary ranges that depict salary steps associated with such authorized classifications.

The City is presenting for adoption of the amended Fiscal Year 2023-24 City of East Palo Alto Compensation Schedule (Exhibit A to attached Resolution) reflecting various changes, including cost of living adjustments, the approval by Council of five new positions (and the accompanying payrates), and previously approved side letter negotiations with MEA and SEIU changes to employee classifications and to reflect previously authorized and budgeted compensation of approved classifications (Exhibit B to attached Resolution).

Analysis

In addition to local policy requirements, Title 2 of the California Code of Regulations (CCR) §570.5 requires the City adopt a publicly available pay schedule for purposes of determining the amount of "compensation earnable" defined pursuant to California Government Code §20630, §20636, and §20636.1. Generally, compensation earnable is calculated using employee payrate and special compensation earned while working for the contracting agency (the City). It is paramount to have a properly adopted and administered pay schedule to assure both citizen transparency and the accuracy of employee retirement benefits.

The City's Compensation Schedule is required to meet eight criteria contained in CCR §570.5. The governing body (City Council) must approve and adopt the pay schedule as a standalone document detailing the pay rates for each employee position. The schedule must be publicly accessible, and available for auditing purposes for at least 5 years. The schedule also is required to include the following: position title; payrate for each position (ranges or steps); the time base for how pay is calculated (i.e., hourly, bi-weekly, etc.); payrate effective date and any applicable revision dates; and, the schedule may not reference another document in lieu of disclosing the payrate.

FY 2023-24

1. On September 19, 2023, Council approved the compensation schedule for FY 2023-24 capturing the following*:*
    a. *(revision 1)* Effective July 1, 2023, Council approved a Cost-of-Living Adjustment (COLA) increase of 5% for FY 2023-24 as part of the Tentative Agreement for Police Officer Association (POA).

    b. *(revision 2)* Effective July 25, 2023, Council approved 5 positions and compensation schedules noted below:
        a. Position 1: Implementation of Accountant Senior;
        b. Position 2: Implementation of Human Resources Technician I/II;
        c. Position 3: Implementation of Neighborhood Preservation Officer I//II;
        d. Position 4: Implementation of Building Inspector/ Neighborhood Preservation Officer I//II;
        e. Position 5: Implementation of Management Analyst I//II (1 Year LTD).

2. On November 7, 2023, Council approved MEA's side letter negotiation and authorized the City Manager to execute a side letter negotiation with SEIU if the majority voted in favor.

    a. *(revision 3)* Effective July 7, 2024, Council approved a 2.5% COLA.

To remain in compliance with City compensation ordinance, personnel policies, and CCR §570.5, staff is presenting the amended FY 2023-24 annual Compensation schedule for City Council consideration and adoption.

Fiscal Impact

No fiscal impact associated with approval of the schedules.

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.

Attachments

1. Resolution
    a. Exhibit A: FY 2023-24 Amended Compensation Schedule
    b. Exhibit B: SEIU's Side Letter Negotiation

RESOLUTION NO. XX – 2023

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

ADOPT A RESOLUTION APPROVING THE AMENDED FY 2023-24 COMPENSATION SCHEDULE

WHEREAS, City Personnel Policies and Procedures Section 3.9.01 states that "annually, the City Council shall establish the pay range and steps assigned to each classification in the City service"; and

WHEREAS, Title 2 of the California Code of Regulations (CCR) §570.5 requires the City adopt a publicly available pay schedule for purposes of determining the amount of compensation earnable pursuant to California Government Code §20630, §20636, and §20636.1; and

WHEREAS, since the Council last-approved compensation schedule, various changes have occurred, including cost of living adjustments, the approval by Council of five new positions (and the accompanying payrates), and previously approved side letter negotiations with MEA and SEIU, thereby requiring adoption of a revised compensation schedule; and

WHEREAS, the City Council finds and determines the amended FY 2023-2024 Compensation Schedule including the position title, payrate for each position (ranges or steps), the time base for how pay is calculated, payrate effective date and any applicable revision dates in accordance with local and state requirements.

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 the amended FY 2023-2024 Compensation Schedule, as set forth in Exhibit A, attached hereto and incorporated herein by this reference; and

3. Approves the SEIU Side Letter Negotiation, as set forth in Exhibit B, attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED this 14th day of December 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Gauthier, Mayor

ATTEST:

James Colin, City Clerk

APPROVED AS TO FORM:

John D. Lê, City Attorney

CITY OF EAST PALO ALTO
COMPENSATION SCHEDULE FISCAL YEAR 2023-24
Amended Effective - 01/07/2024

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

Accountant II (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**39.6229**	41.6041	43.6843	45.8685	48.1619
Bi-Weekly	3,169.83	3,328.32	3,494.74	3,669.48	3,852.95
Monthly	6,867.97	7,211.37	7,571.94	7,950.54	8,348.06
Annual	82,415.67	86,536.45	90,863.27	95,406.43	100,176.76

Accountant Senior (MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**46.0839**	48.3881	50.8075	53.3479	56.0153
Bi-Weekly	3,686.71	3,871.05	4,064.60	4,267.83	4,481.22
Monthly	7,987.88	8,387.28	8,806.64	9,246.97	9,709.32
Annual	95,854.57	100,647.30	105,679.67	110,963.65	116,511.83

Account Technician I (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**29.9654**	31.4637	33.0368	34.6887	36.4231
Bi-Weekly	2,397.23	2,517.09	2,642.95	2,775.10	2,913.85
Monthly	5,194.00	5,453.70	5,726.39	6,012.71	6,313.34
Annual	62,328.02	65,444.42	68,716.64	72,152.47	75,760.10

Account Technician II (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**32.2128**	33.8234	35.5146	37.2903	39.1549
Bi-Weekly	2,577.02	2,705.88	2,841.17	2,983.23	3,132.39
Monthly	5,583.55	5,862.73	6,155.87	6,463.66	6,786.84
Annual	67,002.62	70,352.75	73,870.39	77,563.91	81,442.11

Administrative Assistant (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**35.9439**	37.7411	39.6281	41.6095	43.69
Bi-Weekly	2,875.51	3,019.29	3,170.25	3,328.76	3,495.20
Monthly	6,230.27	6,541.79	6,868.88	7,212.32	7,572.94
Annual	74,763.27	78,501.44	82,426.51	86,547.83	90,875.22

Administration Services Director (Executive)

	Step A	Step B	Step C	Step D	Step E
Hourly	**74.0426**	77.7448	81.632	85.7136	89.9993
Bi-Weekly	5,923.41	6,219.58	6,530.56	6,857.09	7,199.94
Monthly	12,834.06	13,475.76	14,149.55	14,857.02	15,599.87
Annual	154,008.67	161,709.10	169,794.56	178,284.28	187,198.50

Assistant City Manager (Executive)

	Step A	Step B	Step C	Step D	Step E
Hourly	**93.2648**	97.9281	102.8245	107.9657	113.364
Bi-Weekly	7,461.19	7,834.25	8,225.96	8,637.26	9,069.12
Monthly	16,165.91	16,974.20	17,822.91	18,714.06	19,649.76
Annual	193,990.88	203,690.42	213,874.94	224,568.69	235,797.12

Assistant Engineer (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**43.0427**	45.1948	47.4546	49.8273	52.3187
Bi-Weekly	3,443.42	3,615.59	3,796.37	3,986.18	4,185.49
Monthly	7,460.74	7,833.77	8,225.46	8,636.73	9,068.57
Annual	89,528.83	94,005.27	98,705.53	103,640.81	108,822.85

Assistant Planner (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**42.2959**	44.4107	46.6312	48.9628	51.4109
Bi-Weekly	3,383.67	3,552.85	3,730.50	3,917.02	4,112.87
Monthly	7,331.29	7,697.85	8,082.74	8,486.88	8,911.22
Annual	87,975.43	92,374.20	96,992.91	101,842.56	106,934.69

Associate Engineer (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**49.8274**	52.3187	54.9347	57.6814	60.5655
Bi-Weekly	3,986.19	4,185.50	4,394.77	4,614.51	4,845.24
Monthly	8,636.74	9,068.58	9,522.01	9,998.11	10,498.02
Annual	103,640.94	108,822.99	114,264.14	119,977.34	125,976.21

Associate Planner (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**46.2444**	48.5566	50.9845	53.5337	56.2104
Bi-Weekly	3,699.55	3,884.53	4,078.76	4,282.70	4,496.83
Monthly	8,015.70	8,416.48	8,837.31	9,279.17	9,743.13
Annual	96,188.38	100,997.80	106,047.69	111,350.07	116,917.57

Building Inspector I (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**41.5311**	43.6076	45.788	48.0774	50.4813
Bi-Weekly	3,322.49	3,488.61	3,663.04	3,846.19	4,038.50
Monthly	7,198.72	7,558.66	7,936.59	8,333.42	8,750.09
Annual	86,384.64	90,703.87	95,239.06	100,001.02	105,001.07

Building Inspector II (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**46.5089**	48.8344	51.2761	53.8399	56.5319
Bi-Weekly	3,720.71	3,906.75	4,102.09	4,307.19	4,522.55
Monthly	8,061.55	8,464.62	8,887.85	9,332.25	9,798.86
Annual	96,738.54	101,575.47	106,654.24	111,986.95	117,586.30

Building Inspector/ Neighborhood Preservation Officer I (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**47.7607**	50.1487	52.6562	55.289	58.0534
Bi-Weekly	3,820.86	4,011.90	4,212.49	4,423.12	4,644.28
Monthly	8,278.52	8,692.45	9,127.07	9,583.43	10,062.60
Annual	99,342.28	104,309.39	109,524.86	115,001.10	120,751.16

Building Inspector/ Neighborhood Preservation Officer II (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**53.4852**	56.1595	58.9674	61.9158	65.0116
Bi-Weekly	4,278.82	4,492.76	4,717.39	4,953.26	5,200.93
Monthly	9,270.77	9,734.30	10,221.02	10,732.07	11,268.67
Annual	111,249.20	116,811.66	122,652.24	128,784.85	135,224.10

Building Permit Technician (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**31.1367**	32.6935	34.3282	36.0446	37.8469
Bi-Weekly	2,490.94	2,615.48	2,746.26	2,883.57	3,027.75
Monthly	5,397.03	5,666.88	5,950.22	6,247.74	6,560.12
Annual	64,764.34	68,002.56	71,402.69	74,972.82	78,721.46

Chief Building Official (MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**64.7421**	67.9792	71.3782	74.9471	78.6944
Bi-Weekly	5,179.37	5,438.34	5,710.25	5,995.77	6,295.55
Monthly	11,221.96	11,783.06	12,372.22	12,990.83	13,640.37
Annual	134,663.57	141,396.75	148,466.58	155,889.91	163,684.41

City Attorney (Contractual)

Hourly					**109.36**
Bi-Weekly					8,748.80
Monthly					18,955.74
Annual					227,468.84

City Clerk- Public Information Officer (Non Bargaining - MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**55.1583**	57.9162	60.812	63.8526	67.0452
Bi-Weekly	4,412.66	4,633.30	4,864.96	5,108.21	5,363.62

Monthly	9,560.77	10,038.81	10,540.75	11,067.79	11,621.17
Annual	114,729.23	120,465.69	126,488.98	132,813.43	139,454.10

City Engineer (MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**74.8001**	78.5401	82.4671	86.5905	90.92
Bi-Weekly	5,984.01	6,283.21	6,597.37	6,927.24	7,273.60
Monthly	12,965.35	13,613.62	14,294.30	15,009.01	15,759.46
Annual	155,584.19	163,363.40	171,531.57	180,108.15	189,113.56

City Manager (Contractual)

	Step A	Step B	Step C	Step D	Step E
Hourly					**110.5769**
Bi-Weekly					8,846.15
Monthly					19,166.67
Annual					230,000.00

Community & Economic Development Director (Executive)

	Step A	Step B	Step C	Step D	Step E
Hourly	**84.1985**	88.4084	92.8288	97.4703	102.3438
Bi-Weekly	6,735.88	7,072.67	7,426.31	7,797.62	8,187.50
Monthly	14,594.40	15,324.12	16,090.33	16,894.85	17,739.59
Annual	175,132.84	183,889.49	193,083.96	202,738.16	212,875.07

Community Services Manager (MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**54.7191**	57.4551	60.3278	63.3442	66.5114
Bi-Weekly	4,377.53	4,596.41	4,826.23	5,067.54	5,320.91
Monthly	9,484.65	9,958.88	10,456.82	10,979.67	11,528.65
Annual	113,815.77	119,506.56	125,481.89	131,755.98	138,343.78

Community Services Officer (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**30.7434**	32.2806	33.8946	35.5893	37.3688
Bi-Weekly	2,459.47	2,582.45	2,711.57	2,847.15	2,989.51
Monthly	5,328.86	5,595.30	5,875.07	6,168.82	6,477.26
Annual	63,946.31	67,143.62	70,500.80	74,025.84	77,727.13

Community Services Officer (PT) (Non Bargaining - SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**30.7434**	32.2806	33.8946	35.5893	37.3688
Bi-Weekly	1,106.76	1,162.10	1,220.21	1,281.22	1,345.28
Monthly	2,397.99	2,517.89	2,643.78	2,775.97	2,914.77
Annual	28,775.84	30,214.63	31,725.36	33,311.63	34,977.21

Deputy City Attorney I (Non Bargaining - MEA)

	Step A	Step B	Step C	Step D	Step E

Hourly	**53.9308**	56.6273	59.4587	62.4316	65.5532
Bi-Weekly	4,314.46	4,530.18	4,756.69	4,994.53	5,244.25
Monthly	9,348.00	9,815.40	10,306.17	10,821.48	11,362.55
Annual	112,175.96	117,784.76	123,674.00	129,857.70	136,350.59

Deputy City Attorney II (Non Bargaining - MEA)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**67.1521**	70.5097	74.0352	77.7369	81.6238
Bi-Weekly	5,372.17	5,640.77	5,922.81	6,218.95	6,529.90
Monthly	11,639.69	12,221.68	12,832.76	13,474.40	14,148.12
Annual	139,676.32	146,660.13	153,993.14	161,692.79	169,777.43

Deputy City Clerk (MEA)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**38.2969**	40.2117	42.2223	44.3334	46.5501
Bi-Weekly	3,063.75	3,216.94	3,377.78	3,546.67	3,724.01
Monthly	6,638.12	6,970.03	7,318.53	7,684.46	8,068.68
Annual	79,657.48	83,640.35	87,822.37	92,213.48	96,824.16

Director of Finance (Executive)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**86.1675**	90.4759	94.9997	99.7497	104.7372
Bi-Weekly	6,893.40	7,238.07	7,599.98	7,979.97	8,378.97
Monthly	14,935.70	15,682.49	16,466.61	17,289.94	18,154.44
Annual	179,228.45	188,189.87	197,599.37	207,479.34	217,853.30

Electrician - Apprentice (SEIU)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**41.4744**	43.5481	45.7255	48.0118	50.4124
Bi-Weekly	3,317.95	3,483.85	3,658.04	3,840.94	4,032.99
Monthly	7,188.89	7,548.34	7,925.75	8,322.04	8,738.14
Annual	86,266.70	90,580.04	95,109.04	99,864.49	104,857.72

Electrician - Journeyman (SEIU)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**43.826**	46.0173	48.3182	50.7341	53.2708
Bi-Weekly	3,506.08	3,681.39	3,865.45	4,058.73	4,261.66
Monthly	7,596.51	7,976.34	8,375.15	8,793.91	9,233.60
Annual	91,158.11	95,716.02	100,501.82	105,526.91	110,803.26

Electrician - Lead (SEIU)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**46.9125**	49.2582	51.7211	54.3071	57.0225
Bi-Weekly	3,753.00	3,940.65	4,137.69	4,344.57	4,561.80
Monthly	8,131.51	8,538.08	8,964.99	9,413.24	9,883.90
Annual	97,578.09	102,457.00	107,579.85	112,958.84	118,606.78

Engineering Technician (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**30.4184**	31.9394	33.5363	35.2132	36.9738
Bi-Weekly	2,433.48	2,555.15	2,682.91	2,817.05	2,957.91
Monthly	5,272.53	5,536.16	5,812.97	6,103.61	6,408.79
Annual	63,270.37	66,433.89	69,755.58	73,243.36	76,905.53

Environmental Services Aide FT (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**25.8142**	27.105	28.4602	29.8832	31.3774
Bi-Weekly	2,065.14	2,168.40	2,276.82	2,390.66	2,510.19
Monthly	4,474.47	4,698.19	4,933.10	5,179.76	5,438.75
Annual	53,693.63	56,378.31	59,197.23	62,157.09	65,264.94

Environmental Services Aide PT (0.45 FTE, 936 Hrs) (Non Bargaining - SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**25.8142**	27.105	28.4602	29.8832	31.3774
Bi-Weekly	929.31	975.78	1,024.57	1,075.80	1,129.59
Monthly	2,013.51	2,114.19	2,219.90	2,330.89	2,447.44
Annual	24,162.13	25,370.24	26,638.75	27,970.69	29,369.22

Executive Assistant to the City Manager (Non Bargaining - SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**41.0245**	43.0757	45.2295	47.491	49.8655
Bi-Weekly	3,281.96	3,446.06	3,618.36	3,799.28	3,989.24
Monthly	7,110.91	7,466.46	7,839.78	8,231.77	8,643.36
Annual	85,330.94	89,597.49	94,077.36	98,781.23	103,720.29

Financial Service Manager (MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**62.1752**	65.284	68.5482	71.9756	75.5744
Bi-Weekly	4,974.02	5,222.72	5,483.85	5,758.05	6,045.95
Monthly	10,777.04	11,315.89	11,881.68	12,475.77	13,099.55
Annual	129,324.44	135,790.66	142,580.19	149,709.20	157,194.66

Fiscal Analyst (MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**52.335**	54.9517	57.6993	60.5843	63.6135
Bi-Weekly	4,186.80	4,396.14	4,615.95	4,846.74	5,089.08
Monthly	9,071.40	9,524.97	10,001.21	10,501.28	11,026.34
Annual	108,856.75	114,299.59	120,014.57	126,015.30	132,316.07

Grants Coordinator (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**39.2447**	41.2069	43.2672	45.4306	47.7021
Bi-Weekly	3,139.57	3,296.55	3,461.38	3,634.45	3,816.17
Monthly	6,802.41	7,142.53	7,499.65	7,874.64	8,268.37

Annual	81,628.89	85,710.33	89,995.85	94,495.64	99,220.42

Housing & Economic Development Manager (MEA)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**64.7421**	67.9792	71.3782	74.9471	78.6945
Bi-Weekly	5,179.37	5,438.34	5,710.26	5,995.77	6,295.56
Monthly	11,221.97	11,783.07	12,372.22	12,990.83	13,640.38
Annual	134,663.65	141,396.83	148,466.67	155,890.00	163,684.50

Housing Project Manager (MEA)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**52.8853**	55.5295	58.306	61.2213	64.2824
Bi-Weekly	4,230.82	4,442.36	4,664.48	4,897.71	5,142.59
Monthly	9,166.78	9,625.12	10,106.38	10,611.70	11,142.28
Annual	110,001.38	115,501.45	121,276.53	127,340.35	133,707.37

Housing Specialist I (SEIU)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**34.5629**	36.2911	38.1056	40.0109	42.0115
Bi-Weekly	2,765.03	2,903.29	3,048.45	3,200.87	3,360.92
Monthly	5,990.91	6,290.45	6,604.98	6,935.22	7,281.99
Annual	71,890.89	75,485.43	79,259.70	83,222.69	87,383.82

Housing Specialist II (SEIU)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**43.178**	45.3369	47.6037	49.9839	52.4831
Bi-Weekly	3,454.24	3,626.95	3,808.30	3,998.71	4,198.65
Monthly	7,484.18	7,858.39	8,251.31	8,663.88	9,097.07
Annual	89,810.19	94,300.69	99,015.73	103,966.52	109,164.84

Human Resource Manager (Non Bargaining - MEA)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**64.1032**	67.3084	70.6738	74.2075	77.9179
Bi-Weekly	5,128.26	5,384.67	5,653.90	5,936.60	6,233.43
Monthly	11,111.22	11,666.78	12,250.12	12,862.63	13,505.76
Annual	133,334.68	140,001.41	147,001.48	154,351.56	162,069.14

Human Resources Technician I (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 (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

Kitchen Aide - (0.5 FTE, 1040 Hrs) (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**17.7775**	18.6664	19.5997	20.5797	21.6086
Bi-Weekly	711.1	746.65	783.99	823.19	864.35
Monthly	1,540.72	1,617.75	1,698.64	1,783.57	1,872.75
Annual	18,488.59	19,413.02	20,383.67	21,402.85	22,472.99

Legal Assistant (Non Bargaining - SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**37.4883**	39.3628	41.3309	43.3974	45.5673
Bi-Weekly	2,999.07	3,149.02	3,306.47	3,471.80	3,645.39
Monthly	6,497.98	6,822.88	7,164.02	7,522.22	7,898.34
Annual	77,975.76	81,874.55	85,968.28	90,266.69	94,780.02

Maintenance Manager (MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**62.9753**	66.124	69.4302	72.9018	76.5468
Bi-Weekly	5,038.02	5,289.92	5,554.42	5,832.14	6,123.75
Monthly	10,915.71	11,461.50	12,034.58	12,636.30	13,268.12
Annual	130,988.57	137,538.00	144,414.90	151,635.65	159,217.43

Maintenance Worker I (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**28.2262**	29.6375	31.1194	32.6754	34.3091
Bi-Weekly	2,258.10	2,371.00	2,489.55	2,614.03	2,744.73
Monthly	4,892.54	5,137.17	5,394.03	5,663.73	5,946.91
Annual	58,710.49	61,646.02	64,728.32	67,964.73	71,362.97

Maintenance Worker II (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**31.3728**	32.9414	34.5885	36.3179	38.1338
Bi-Weekly	2,509.82	2,635.32	2,767.08	2,905.44	3,050.71
Monthly	5,437.95	5,709.85	5,995.34	6,295.11	6,609.87
Annual	65,255.43	68,518.20	71,944.11	75,541.32	79,318.38

Maintenance Worker III (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**34.9473**	36.6947	38.5294	40.4559	42.4786
Bi-Weekly	2,795.78	2,935.57	3,082.35	3,236.47	3,398.29
Monthly	6,057.53	6,360.41	6,678.43	7,012.35	7,362.97
Annual	72,690.36	76,324.88	80,141.12	84,148.18	88,355.59

Management Analyst I (MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**43.5778**	45.7567	48.0445	50.4468	52.9691
Bi-Weekly	3,486.22	3,660.54	3,843.56	4,035.74	4,237.53
Monthly	7,553.49	7,931.16	8,327.72	8,744.11	9,181.31
Annual	90,641.84	95,173.93	99,932.63	104,929.26	110,175.73

Management Analyst II (MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**52.3349**	54.9517	57.6993	60.5842	63.6134
Bi-Weekly	4,186.80	4,396.13	4,615.94	4,846.74	5,089.08
Monthly	9,071.39	9,524.96	10,001.21	10,501.27	11,026.33
Annual	108,856.68	114,299.51	120,014.49	126,015.21	132,315.97

Neighborhood Preservation Officer I (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**34.9519**	36.6995	38.5345	40.4612	42.4843
Bi-Weekly	2,796.15	2,935.96	3,082.76	3,236.90	3,398.74
Monthly	6,058.33	6,361.25	6,679.31	7,013.28	7,363.94
Annual	72,700.00	76,335.00	80,151.75	84,159.34	88,367.30

Neighborhood Preservation Officer II (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**40.0512**	42.0538	44.1564	46.3643	48.6825
Bi-Weekly	3,204.10	3,364.30	3,532.52	3,709.14	3,894.60
Monthly	6,942.21	7,289.32	7,653.78	8,036.47	8,438.30
Annual	83,306.49	87,471.81	91,845.40	96,437.67	101,259.56

Nutrition Site Supervisor (0.75 FTE, 1560 Hrs) (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**21.7064**	22.7917	23.9313	25.1279	26.3843
Bi-Weekly	1,302.38	1,367.50	1,435.88	1,507.67	1,583.06
Monthly	2,821.83	2,962.92	3,111.07	3,266.62	3,429.95
Annual	33,861.98	35,555.08	37,332.83	39,199.48	41,159.45

Office Assistant (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**27.0846**	28.4388	29.8607	31.3538	32.9214
Bi-Weekly	2,166.76	2,275.10	2,388.86	2,508.30	2,633.72
Monthly	4,694.66	4,929.39	5,175.86	5,434.65	5,706.38
Annual	56,335.87	59,152.66	62,110.30	65,215.81	68,476.60

Planning Manager (MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**66.0644**	69.3677	72.836	76.4779	80.3017
Bi-Weekly	5,285.16	5,549.41	5,826.88	6,118.23	6,424.14
Monthly	11,451.17	12,023.73	12,624.92	13,256.16	13,918.97
Annual	137,414.04	144,284.75	151,498.98	159,073.93	167,027.63

Planning Permit Technician (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**31.1367**	32.6935	34.3282	36.0446	37.8469
Bi-Weekly	2,490.94	2,615.48	2,746.26	2,883.57	3,027.75
Monthly	5,397.03	5,666.88	5,950.22	6,247.74	6,560.12
Annual	64,764.34	68,002.56	71,402.69	74,972.82	78,721.46

Police Chief (Executive)

	Step A	Step B	Step C	Step D	Step E
Hourly	**94.1305**	98.837	103.7789	108.9678	114.4162
Bi-Weekly	7,530.44	7,906.96	8,302.31	8,717.43	9,153.30
Monthly	16,315.95	17,131.75	17,988.34	18,887.75	19,832.14
Annual	195,791.43	205,581.00	215,860.05	226,653.05	237,985.70

Police Commander (Non Bargaining - MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**74.0461**	77.7484	81.6358	85.7176	90.0035
Bi-Weekly	5,923.69	6,219.87	6,530.86	6,857.41	7,200.28
Monthly	12,834.65	13,476.39	14,150.20	14,857.71	15,600.60
Annual	154,015.83	161,716.62	169,802.45	178,292.58	187,207.21

Police Officer (POA)

	Step A	Step B	Step C	Step D	Step E	Step F	Step E
Hourly	**46.7844**	49.1236	51.5798	54.1588	56.8667	59.7100	61.7999
Bi-Weekly	3,929.89	4,126.38	4,332.70	4,549.34	4,776.80	5,015.64	5,191.19
Monthly	8,514.76	8,940.50	9,387.52	9,856.90	10,349.74	10,867.23	11,247.58
Annual	102,177.10	107,285.95	112,650.25	118,282.76	124,196.90	130,406.75	134,970.98

Police Records Clerk I (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**28.7889**	30.2283	31.7397	33.3267	34.9931
Bi-Weekly	2,303.11	2,418.27	2,539.18	2,666.14	2,799.44
Monthly	4,990.07	5,239.57	5,501.55	5,776.63	6,065.46
Annual	59,880.85	62,874.90	66,018.64	69,319.57	72,785.55

Police Records Clerk II (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**31.9754**	33.5742	35.2529	37.0155	38.8663
Bi-Weekly	2,558.03	2,685.93	2,820.23	2,961.24	3,109.30
Monthly	5,542.40	5,819.52	6,110.50	6,416.02	6,736.82
Annual	66,508.82	69,834.26	73,325.98	76,992.28	80,841.89

Police Records Supervisor (MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**40.1248**	42.131	44.2376	46.4495	48.7719
Bi-Weekly	3,209.98	3,370.48	3,539.01	3,715.96	3,901.76

Monthly	6,954.97	7,302.71	7,667.85	8,051.24	8,453.80
Annual	83,459.59	87,632.57	92,014.20	96,614.91	101,445.65

Police Sergeant (POA)							
	Step A	**Step B**	**Step C**	**Step D**	**Step E**	**Step F**	**Step E**
Hourly	**56.1792**	58.9882	61.9376	65.0345	68.2862	71.7005	74.2100
Bi-Weekly	4,719.06	4,955.01	5,202.76	5,462.90	5,736.04	6,022.84	6,233.64
Monthly	10,224.62	10,735.85	11,272.65	11,836.28	12,428.09	13,049.50	13,506.23
Annual	122,695.46	128,830.24	135,271.75	142,035.34	149,137.10	156,593.96	162,074.75

Property and Evidence Technician (SEIU)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**35.2379**	36.9998	38.8497	40.7922	42.8318
Bi-Weekly	2,819.03	2,959.98	3,107.98	3,263.38	3,426.55
Monthly	6,107.90	6,413.29	6,733.96	7,070.65	7,424.19
Annual	73,294.75	76,959.49	80,807.46	84,847.84	89,090.23

Public Works Director (Executive)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**87.905**	92.3003	96.9153	101.7611	106.8491
Bi-Weekly	7,032.40	7,384.02	7,753.22	8,140.89	8,547.93
Monthly	15,236.87	15,998.72	16,798.65	17,638.59	18,520.51
Annual	182,842.48	191,984.60	201,583.83	211,663.02	222,246.17

Public Works Supervisor (MEA)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**50.7264**	53.2627	55.9258	58.7221	61.6582
Bi-Weekly	4,058.11	4,261.01	4,474.06	4,697.77	4,932.66
Monthly	8,792.57	9,232.20	9,693.81	10,178.50	10,687.42
Annual	105,510.81	110,786.36	116,325.67	122,141.96	128,249.05

Recreation Leader I (0.45 FTE, 936 Hrs) (Non Bargaining - SEIU)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**16.9125**	17.7581	18.6461	19.5784	20.5573
Bi-Weekly	608.85	639.29	671.26	704.82	740.06
Monthly	1,319.18	1,385.14	1,454.39	1,527.11	1,603.47
Annual	15,830.12	16,621.62	17,452.70	18,325.34	19,241.61

Recreation Leader II (0.45 FTE, 936 Hrs) (Non Bargaining - SEIU)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**18.0779**	18.9818	19.9309	20.9274	21.9738
Bi-Weekly	650.8	683.34	717.51	753.39	791.06
Monthly	1,410.08	1,480.58	1,554.61	1,632.34	1,713.96
Annual	16,920.92	17,766.96	18,655.31	19,588.08	20,567.48

Recreation Program Coordinator (SEIU)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**

Hourly	**34.8969**	36.6418	38.4739	40.3976	42.4175
Bi-Weekly	2,791.76	2,931.34	3,077.91	3,231.81	3,393.40
Monthly	6,048.80	6,351.24	6,668.81	7,002.25	7,352.36
Annual	72,585.64	76,214.92	80,025.67	84,026.95	88,228.30

Rent Stabilization Administrator (MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**63.9762**	67.175	70.5337	74.0604	77.7634
Bi-Weekly	5,118.09	5,374.00	5,642.70	5,924.83	6,221.07
Monthly	11,089.20	11,643.66	12,225.84	12,837.14	13,478.99
Annual	133,070.42	139,723.94	146,710.14	154,045.64	161,747.92

Rent Stabilization Program Coordinator I (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**35.9439**	37.741	39.6281	41.6095	43.69
Bi-Weekly	2,875.51	3,019.28	3,170.25	3,328.76	3,495.20
Monthly	6,230.27	6,541.78	6,868.87	7,212.31	7,572.93
Annual	74,763.21	78,501.37	82,426.44	86,547.76	90,875.15

Rent Stabilization Program Coordinator II (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**43.1779**	45.3368	47.6037	49.9838	52.483
Bi-Weekly	3,454.23	3,626.95	3,808.29	3,998.71	4,198.64
Monthly	7,484.17	7,858.38	8,251.30	8,663.87	9,097.06
Annual	89,810.07	94,300.58	99,015.61	103,966.39	109,164.71

Reserve Officer (PT) (Unrepresented)

	Step A	Step B	Step C	Step D	Step E
Hourly	**43.5946**	45.7743	48.063	50.4662	52.9895
Bi-Weekly	1,569.40	1,647.88	1,730.27	1,816.78	1,907.62
Monthly	3,400.38	3,570.40	3,748.92	3,936.36	4,133.18
Annual	40,804.53	42,844.76	44,986.99	47,236.34	49,598.16

Secretary I (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**27.5863**	28.9656	30.4139	31.9346	33.5313
Bi-Weekly	2,206.90	2,317.25	2,433.11	2,554.77	2,682.51
Monthly	4,781.62	5,020.71	5,271.74	5,535.33	5,812.09
Annual	57,379.50	60,248.47	63,260.90	66,423.94	69,745.14

Secretary II (SEIU)

	Step A	Step B	Step C	Step D	Step E
Hourly	**30.7306**	32.2671	33.8805	35.5745	37.3532
Bi-Weekly	2,458.45	2,581.37	2,710.44	2,845.96	2,988.26
Monthly	5,326.63	5,592.96	5,872.61	6,166.24	6,474.56
Annual	63,919.60	67,115.58	70,471.35	73,994.92	77,694.67

Senior Engineer w/ PE License (MEA)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**62.9752**	66.124	69.4302	72.9017	76.5468
Bi-Weekly	5,038.02	5,289.92	5,554.42	5,832.14	6,123.74
Monthly	10,915.71	11,461.49	12,034.57	12,636.29	13,268.11
Annual	130,988.48	137,537.90	144,414.80	151,635.54	159,217.31

Senior Management Analyst (MEA)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**57.5684**	60.4469	63.4692	66.6427	69.9748
Bi-Weekly	4,605.47	4,835.75	5,077.54	5,331.41	5,597.98
Monthly	9,978.53	10,477.46	11,001.33	11,551.39	12,128.96
Annual	119,742.34	125,729.46	132,015.93	138,616.73	145,547.57

Senior Planner (MEA)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**52.4448**	55.067	57.8203	60.7114	63.7469
Bi-Weekly	4,195.58	4,405.36	4,625.63	4,856.91	5,099.75
Monthly	9,090.42	9,544.95	10,022.19	10,523.30	11,049.47
Annual	109,085.10	114,539.35	120,266.32	126,279.64	132,593.62

Support Services Manager (MEA)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**57.1924**	60.0521	63.0547	66.2074	69.5178
Bi-Weekly	4,575.39	4,804.16	5,044.37	5,296.59	5,561.42
Monthly	9,913.35	10,409.02	10,929.47	11,475.95	12,049.74
Annual	118,960.26	124,908.27	131,153.69	137,711.37	144,596.94

Van Driver (0.5 FTE, 1040 Hrs) (SEIU)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**23.6025**	24.7826	26.0218	27.3229	28.689
Bi-Weekly	944.1	991.31	1,040.87	1,092.91	1,147.56
Monthly	2,045.55	2,147.83	2,255.22	2,367.98	2,486.38
Annual	24,546.61	25,773.94	27,062.64	28,415.77	29,836.56

Temporary and Limited Duration Classifications

Assistant to the City Manager LTD (Temporary- Non Bargaining)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly	**63.1631**	66.3212	69.6373	73.1191	76.7751
Bi-Weekly	5,053.04	5,305.70	5,570.98	5,849.53	6,142.01
Monthly	10,948.26	11,495.68	12,070.46	12,673.98	13,307.68
Annual	131,379.17	137,948.12	144,845.53	152,087.81	159,692.20

Deputy City Manager (Limited Duration)					
	Step A	**Step B**	**Step C**	**Step D**	**Step E**
Hourly				92.4575	97.0804

Bi-Weekly				7,396.60	7,766.43
Monthly				16,025.97	16,827.27
Annual				192,311.60	201,927.18

Management Analyst I (1 Year LTD) (Non Bargaining - MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**43.5778**	45.7567	48.0445	50.4468	52.9691
Bi-Weekly	3,486.22	3,660.54	3,843.56	4,035.74	4,237.53
Monthly	7,553.49	7,931.16	8,327.72	8,744.11	9,181.31
Annual	90,641.84	95,173.93	99,932.63	104,929.26	110,175.73

Management Analyst II (1 Year LTD) (Non Bargaining - MEA)

	Step A	Step B	Step C	Step D	Step E
Hourly	**52.3349**	54.9517	57.6993	60.5842	63.6134
Bi-Weekly	4,186.80	4,396.13	4,615.94	4,846.74	5,089.08
Monthly	9,071.39	9,524.96	10,001.21	10,501.27	11,026.33
Annual	108,856.68	114,299.51	120,014.49	126,015.21	132,315.97

Non Sworn Investigators (Not to exceed 960 hours) (Temporary- Non Bargaining)

	Step A	Step B	Step C	Step D	Step E
Hourly	**36.3204**	38.1364	40.0432	42.0454	44.1477
Bi-Weekly	1,341.06	1,408.11	1,478.52	1,552.45	1,630.07
Monthly	2,905.63	3,050.91	3,203.46	3,363.63	3,531.81
Annual	34,867.58	36,610.96	38,441.51	40,363.59	42,381.77

Police Officer PT- Cold Case Investigator (0.45 FTE, 936 Hrs) (Temporary- Non Bargaining)

	Step A	Step B	Step C	Step D	Step E
Hourly	**42.2756**	44.3894	46.6089	48.9393	51.3863
Bi-Weekly	1,521.92	1,598.02	1,677.92	1,761.82	1,849.91
Monthly	3,297.50	3,462.37	3,635.49	3,817.27	4,008.13
Annual	39,569.98	41,548.48	43,625.90	45,807.20	48,097.56

Police Officer Trainee (0.5 FTE, 1040 Hrs) (Temporary- Non Bargaining)

Hourly					30
Bi-Weekly					1,200.00
Monthly					2,600.00
Annual					31,200.00

Racial and Identity Profiling Act (RIPA) Management Analyst I PT (Temporary- Non Bargaining)

	Step A	Step B	Step C	Step D	Step E
Hourly	**39.3111**	41.2766	43.3405	45.5075	47.7829
Bi-Weekly	1,572.44	1,651.07	1,733.62	1,820.30	1,911.31
Monthly	3,406.96	3,577.31	3,756.17	3,943.98	4,141.18
Annual	40,883.53	42,927.70	45,074.09	47,327.79	49,694.18

Special Projects - Manager (Limited Duration) (Unrepresented Exec)

				Step A	Step B
Hourly				65.1	69.33
Bi-Weekly					
Monthly					
Annual					

Temporary Classification (Formerly referencing Reso No. 4576)					
	Step A	Step B	Step C	Step D	Step E
Hourly	**16.5000**				**100.0000**
Bi-Weekly	1,320.00				8,000.00
Monthly	2,860.00				17,333.33
Annual	34,320.00				208,000.00

Van Driver - On Call (Not to exceed 960 hours) (Non Bargaining - SEIU)					
	Step A	Step B	Step C	Step D	Step E
Hourly	**23.6025**	24.7826	26.0218	27.3229	28.689
Bi-Weekly	871.48	915.05	960.8	1,008.84	1,059.29
Monthly	1,888.20	1,982.61	2,081.74	2,185.83	2,295.12
Annual	22,658.41	23,791.33	24,980.90	26,229.94	27,541.44

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City of East Palo Alto and SEIU – Side Letter Negotiations
Tentative Agreement

ARTICLE 32: Contract Term

The term of the Side Letter shall be from Jan 1, 2024 to June 30, 2024 equivalent to six months.

ARTICLE 9: Wages

A. Employees in this unit will receive a salary increase of 2.5% (two and a half percent) effective the first full pay period of January 2024 (anticipated to be effective January 7, 2024).

ARTICLE 20: Benefits

The City shall make a one-time contribution of $500 in January 2024 toward an HSA for employees that enroll in Kaiser Permanente HSA high deductible plan. Starting February 2024, the City will then make a semi-monthly contribution of $68.18 toward an HSA for employees that enroll in Kaiser Permanente HSA high deductible plan. Equivalent to approximately $2,000 annually.

The City and SEIU have reached a Tentative Agreement as stated above on _____.

ACCEPTED BY:

For the Service Employee's International Union, Local 521's Union:	**For the City of East Palo Alto:**
DocuSigned by: Guadalupe Rosas 11/7/2023 88645E5EDDB34C8...	DocuSigned by: Melvin E Gaines 11/15/2023 4A864DB7402E4BE...
Guadalupe Rosas, SEIU Internal Organizer	Melvin E. Gaines, City Manager
DocuSigned by: Janet Nunez-Aguilar 11/7/2023 91E36AEAA9BC400...	DocuSigned by: Ana M Torres-Mondragon 11/8/2023 14EC557803E547D...
Janet Nunez, SEIU Member	Ana M Torres-Mondragon, Human Resources Manager
DocuSigned by: Salani Wendt 11/7/2023 A4363D37E66944A...	DocuSigned by: Brenna Rowe 11/8/2023 CC82C5ADD43C4EC...
Salani Wendt, SEIU Member	Brenna Rower, Chief Spokesperson Sloan Sakai Yeung & Wong LLP
DocuSigned by: Agripina Villegas 11/8/2023 B4936723B6BA475...	
Agripina Villegas, SEIU Member	
DocuSigned by: Lenin Melgar 11/7/2023 8E5602DC792E4E6...	
Lenin Melgar, SEIU Member	

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Ana M Torres-Mondragon, Human Resource Manager

SUBJECT: Job Classification Specification Update

Recommendation

a. Adopt a resolution approving an amended job classification specification for Reserve Officer

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Increase Organizational Effectiveness and Efficiency
Improve Communication and Enhance Community Engagement

Background

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 also is subject to applicable provisions of the Public Employee Retirement Law (PERL) referenced in the California Government Code and the California Code of Regulations.

Analysis

The Reserve Officer job classification specification was last updated July 2022. As stated in our City's Personnel Policies and Procedures, updating the language is imperative to articulate our expectations clearly. This clarity will streamline the recruitment process but also ensure

that we identify and select the best-suited candidates. A precise and up-to-date job specification serves as a foundation for attracting individuals who align with our organizational goals and values.

The City is presenting for adoption of the amended Reserve Officer job classification specification to uphold the highest standards in talent acquisition, which will ultimately contribute to the success and effectiveness of our organization.

Fiscal Impact

No fiscal impact associated with approval of the schedules.

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.

Attachments

1. Resolution
    a. Exhibit A: Reserve Officer job classification specification

RESOLUTION NO. xx– 2023

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

AUTHORIZING THE CITY MANAGER TO APPROVE AN AMENDED JOB CLASSIFICATION SPECIFICATION FOR THE RESERVE OFFICER.

WHEREAS, 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."; and

WHEREAS, the Reserve Officer job classification specification was last updated July 2022. As stated in our City's Personnel Policies and Procedures, updating the language is imperative to articulate our expectations clearly. This clarity will streamline the recruitment process but also ensure that we identify and select the best-suited candidates; and

WHEREAS, the City is presenting for adoption of the amended Reserve Officer job classification specification to uphold the highest standards in talent acquisition, which will ultimately contribute to the success and effectiveness of our organization.

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 an amended job classification specification for the Reserve Officer, as noted in Exhibit A; and

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 ADOPTED this 14th day of December 2023**,** by the following vote:

AYES:

NOES:
ABSENT:
ABSTAIN:

Lisa Gauthier, Mayor

ATTEST:

James Colin, City Clerk

APPROVED AS TO FORM:

John D. Lê, City Attorney

December 2023
FLSA: Non-Exempt

RESERVE OFFICER

DEFINITION

Under general supervision of a Police Sergeant, performs a wide variety of patrol and related duties involving the prevention of crime, the protection of life and property and the enforcement of laws and ordinances; conducts investigations, assists in the preparation of cases and testifies in court; serves in specialized departmental roles as assigned; provides information and assistance to the public; and performs related work as required.

DISTINGUISHING CHARACTERISTICS

This sworn law enforcement class performs all non-supervisory assignments found in a municipal police department. While incumbents are normally assigned to a specific geographic area for patrol or traffic enforcement, all functional areas of the law enforcement field are included due to the size and organization of the department. Successful performance of the work requires a team- oriented individual who takes pride in serving the community, is flexible and a problem-solver, and is highly motivated and able to motivate others. This class is distinguished from Police Sergeant in that the latter is the first supervisory level in this sworn class series.

EXAMPLES OF TYPICAL JOB FUNCTIONS (Illustrative Only)

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

- Patrols in an assigned area in a radio dispatched automobile or on foot to secure life and property, observe situations and deter crime by providing high visibility.
- Responds to emergency calls for service, alarms, disturbances, thefts, burglaries, vehicle accidents, domestic disputes, suspicious activities and other incidents to protect public safety and property, resolve problems, diffuse situations and enforce laws and ordinances.
- Provides information, directions and assistance to the public in a variety of situations; takes reports and assists the public with complaints or unusual situations, such as lockouts or marking abandoned vehicles.
- Observes, monitors and controls routine and unusual traffic situations; stops and warns drivers or issues citations as appropriate; provides direction and traffic control in accident or incident situations, special events or other congested situations.
- Secures crime scenes and evidence; interviews suspects, victims and witnesses; collects and preserves evidence; performs follow-up investigations and/or cooperates with other law enforcement agencies providing investigating and case development support.
- Prepares reports; prepares and maintains logs, records and accurate files.
- Provides mutual aide to other law enforcement agencies as dispatched and in accordance with departmental policy.
- When on patrol, surveys for maintenance or safety problems and reports this need to City staff.

JOB-RELATED QUALIFICATIONS

Knowledge of:

- Law enforcement principles, practices and techniques related to patrol, traffic enforcement, crime scene control and investigation, protection of life and property, pursuit, apprehension and transport of suspects.
- Investigation and identification techniques and equipment.
- Rules of evidence regarding search and seizure and the preservation of evidence.
- Courtroom procedures and techniques for testifying.
- Applicable laws, codes, ordinances and court decisions.
- Safety practices and equipment related to the work, including the safe use and proper care of firearms.
- Computer applications related to the work.
- Techniques of first aid and CPR.
- Techniques for dealing with and solving the problems presented by a variety of individuals from various socio-economic, cultural and ethnic backgrounds, in person and over the telephone, often when relations may be confrontational or stressed.

Ability to:

- Observing accurately recalling faces, names, descriptive characteristics, facts of incidents and places.
- Interpreting, applying and explaining complex laws, codes, regulations and ordinances.
- Preparing clear, accurate and grammatically correct reports, records and other written materials.
- Making sound, independent decisions in emergency situations.
- Operating the equipment and vehicles of the department in a safe and responsible manner.
- Coordinating and carrying out special assignments.
- Understanding and carrying out oral and written directions.
- Entering information into a computer with sufficient speed and accuracy to perform the work.
- Establishing and maintaining effective working relationships with those contacted in the course of the work.

Education and Experience:
Equivalent to graduation from high school and completion of an accredited police academy. Two years of college level course work in criminal justice and/or a related field and/or volunteer law enforcement experience is desirable.

Licenses and Certifications:

- Must possess a valid California class C driver's license and have a satisfactory driving record. Must possess a valid accredited police academy certificate issued by a California State Commission on Peace Officer Standards and Training (P.O.S.T.) certified academy and the ability to pass and maintain firearms qualification.

PHYSICAL DEMANDS

Must meet and maintain P.O.S.T. physical and psychological and medical standards, including mobility and physical strength and stamina to respond to emergency situations and apprehend suspects, lift and move individuals or objects weighing up to 150 pounds; ability to work in a standard office setting and to operate a motor vehicle; vision to maintain firearms qualification, to read printed materials and a computer screen, discern colors and work in a night setting; and hearing and speech to communicate in person and before groups in person and over the telephone and radio.

ENVIRONMENTAL CONDITIONS

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no

direct exposure to hazardous physical substances. However, they will also work in various environments throughout the City that may expose them to high noise levels, severe weather conditions, and direct exposure to hazardous conditions and hazardous physical substances. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

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: Annual Development Impact Fee Report (AB 1600 Report)

Recommendation

Adopt a Resolution accepting the Annual Development Impact Fee Report (AB 1600 Report) for Fiscal Year 2022-23.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Ensure Our Financial and Organizational Health

Background

State law authorizes the City of East Palo Alto to collect development impact fees from new development. The City administers a limited number of development impact fee programs that fund the capital infrastructure project costs attributable development impacts. These development impact fees are typically paid at the time of building permit issuance.

California Government Code Section 66006(b) ("AB 1600") defines the specific reporting requirements for local agencies that impose AB 1600 impact fees on new development. Annually, for each separate fund established for the collection and expenditure of impact fees, the City is required to make certain required information available to the public within 180 days of the end of each fiscal year. The required reporting is commonly referred as the AB 1600 Report. The City's AB 1600 Report for the fiscal year ended June 30, 2023 (Attachment 1) provides the information required by Section 66006(b). Broadly, this report provides insight into how specific restricted development impact funds are collected and used.

Analysis

Previously, the City primarily collected fees pursuant to redevelopment agency agreements or statutory development agreements or collected certain in-lieu fees considered zoning-related use restrictions; such fees and collections are not subject to AB 1600 reporting requirements. Since 2014, the City has adopted Affordable Housing Residential fees, Affordable Housing Commercial Linkage fees, Water Capacity fees, and fees related to storm drainage, transportation, parks, and public facilities. It is notable the City imposed a two-year water connection moratorium effectively halting development from July 2016 to August 2018, accounting for the low volume of fees collected and required to be reported in accordance with AB 1600.

The attached AB 1600 Report provides detailed and comprehensive analysis of the status of each of the fees required to be reported during the fiscal year ended June 30, 2023.

It is also noted that AB1600 requires the City to make specified findings in the event any funds are not expended within five years of collection and every five years after that. The City currently does not hold funds required to be reported under AB 1600 that have been collected and unexpended beyond the five-year period; therefore, no such findings are required or reportable in the current period.

The AB 1600 Report also is required to be available to the public a minimum of 15 days prior to Council review and acceptance of the report. The City posted the AB 1600 Report on November 29, 2023 on the City's website, as required.

Fiscal Impact

There is no fiscal impact from accepting the report.

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.

The AB1600 Report has been available to the public on the City's website as of November 29, 2023.

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.

Attachments

CONSENT ITEM 3.10

1. FY2022/23 AB 1600 Report
2. Resolution

RESOLUTION NO.– 2023

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

ACCEPTING THE ANNUAL DEVELOPMENT IMPACT FEE REPORT FOR THE FISCAL YEAR 2022-23.

WHEREAS, the City of East Palo Alto ("City") levies development impact fees to finance the design, construction and acquisition for public infrastructure improvements, including facilities and equipment necessary to accommodate future growth and development within the City pursuant to Government Code section 66000 et. seq.; and

WHEREAS, said fees are collected and deposited into a special and separate fund for each type of development fee; and

WHEREAS, the City is required to make certain findings within 180 days following the last day of the fiscal year, each year, with respect to the unexpended fund balance of development impact fee funds pursuant to California Government Code Section 66001; and

WHEREAS, the documents reflecting the balance in each development impact fee fund, the earnings collected from development impact fees, accrued interest in said fund, and the amount of expenditure from said fund have been made available to the public through the "AB 1600 Report."

WHEREAS, the AB 1600 Report was made available to the public for review on November 29, 2023, fifteen (15) days prior to the date that the City Council considered the AB 1600 Report.

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. Accept the Annual Development Impact Fee Report for Fiscal Year 2022-23; and

3. Find 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.
4.

PASSED AND ADOPTED this 14th day of December 2023**,** by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lisa Gauthier, Mayor

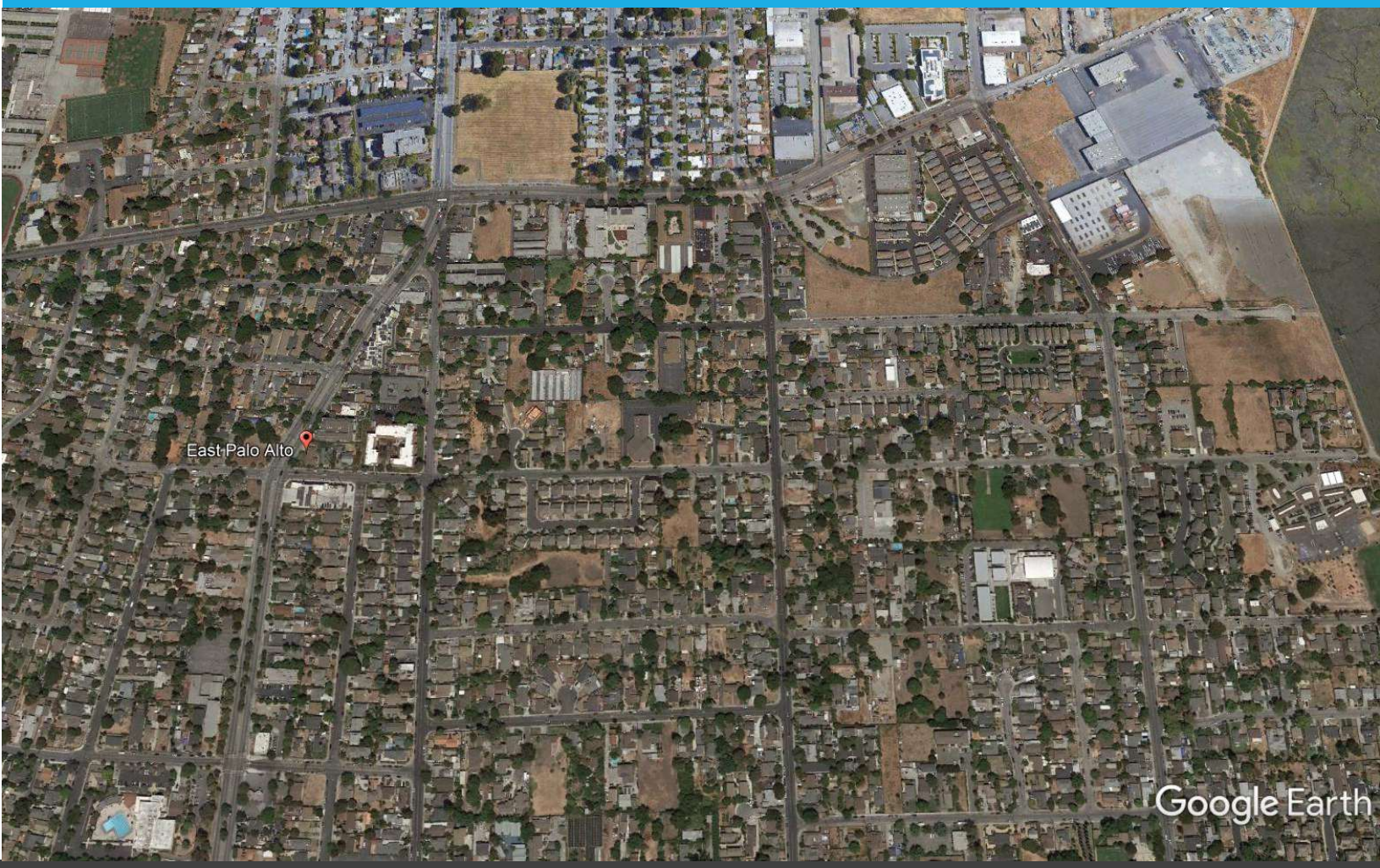
ATTEST:

James Colin, City Clerk

APPROVED AS TO FORM:

John D. Lê, City Attorney

City of East Palo Alto, CA



Development Impact Fee Report

Fiscal Year Ended June 30, 2023

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Development Impact Fee Report

Table of Contents

Transmittal Letter 1
Legal Requirements for Development Impact Fee Reporting 2
Description of Development Impact Fees 4
FY 2022-23 Fee Schedule 6
Fund Balances 8
Collection and Use 9
- Parks and Trails Fees 9
- Public Facilities Fees 10
- Transportation Infrastructure Fees 11
- Storm Drainage Inside RBD Fees 12
- Storm Drainage Outside RBD Fees 13
- Water Capacity Fee – Buy In Component 14
- Water Capacity Fee – Supply Component 15
- Affordable Housing Impact Fees 16

Transmittal Letter

November 29, 2023

Honorable Members of the City Council
Citizens of East Palo Alto, California

State law requires any local agency that imposes development impact fees to prepare an annual report providing specific information about those fees. As such, in accordance with the provisions of the California Government Code Section 66006 (b) and 66001 (d), as amended by Assembly Bill (AB) 518 and Senate Bill (SB) 1693, we submit the Development Impact Fee (DIF) Report for the City of East Palo Alto, California for the fiscal year (FY) ended June 30, 2023.

DIFs are charged by local governmental agencies in connection with the approval of development projects. The purpose of these fees is to defray all or a portion of the cost of public facilities related to the development project. The legal requirements for enactment of a DIF program are set forth in Government Code Sections §66000 - 66025 (the "Mitigation Fee Act"). The Mitigation Fee Act is commonly referred as “AB 1600”.

Previously, the City primarily collected fees pursuant to redevelopment agency agreements or statutory development agreements or collected certain in-lieu fees considered zoning-related use restrictions; such fees and collections are not subject to AB 1600 reporting requirements. Since 2014, the City has adopted Affordable Housing Commercial Linkage fees, Water Capacity fees, and fees related to storm drainage, transportation, parks, and public facilities. It is notable the City imposed a two-year water connection moratorium effectively halting development from July 2016 to August 2018.

State law requires the City prepare and make available to the public the DIF Report within 180 days after the last day of each fiscal year. The City Council must consider the acceptance of the annual report at a regularly scheduled public meeting. The information must be made available to the public no fewer than fifteen days prior to the meeting. This report was filed with the City Clerk’s office and available for public review on November 29, 2023.

Respectfully submitted,



Tomohito Oku
Finance Director

Legal Requirements for Development Impact Fee Reporting

California Government Code Section 66006(b)

California Government Code Section 66006 (b) defines the specific reporting requirements for local agencies that impose AB 1600 impact fees on new development. Annually, for each separate fund established for the collection and expenditure of impact fees, the local agency shall, within 180 days after the last day of each fiscal year, make available to the public the information shown below for the most recent fiscal year. The applicable page numbers for the location where each item can be found in the report are provided for reference.

- A brief description of the type of fee in the account or fund. (Page 4)
- The amount of the fee. (Page 6)
- The beginning and ending balance of the account or fund. (Page 8)
- The amount collected and interest earned. (Page 8)
- An identification of each public improvement on which fees were expended and the amount of expenditures on each improvement. (Page 9)
- An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines adequate funds have been collected to complete financing on an incomplete public improvement.
    - Not applicable during FY 2022-23
- A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
    - Not applicable during FY 2022-23
- The amount of refunds made due to adequate funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of funds made due to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.
    - Not applicable during FY 2022-23

California Government Code Section 66001(d)

For all funds established for the collection and expenditure of DIFs, California Government Code Section 66001 (d) has additional requirements. For the fifth fiscal year following the first deposit into the fund and every five years thereafter, the local agency shall make the following findings with respect to that portion of the fund remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the fee is to be put.
- Demonstrate a reasonable relationship between the fee and purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.

As of June 30, 2023, the City has no DIF funds held past the fifth year of the first deposit, therefore no further reporting required.

Capital Improvement Program (CIP)

The State of California Government Code Section 66002 states that local agencies that have developed a fee program may adopt a CIP indicating the approximate location, size, and timing of projects, plus an estimate for the cost of all facilities or improvements to be financed by fees. A formal CIP is recommended, at a minimum, as a five-year plan. The City produces a five-year CIP which helps to maintain and support the City's General Plan as well as identify infrastructure needed to accommodate the planned development.

Establishment of Reasonable Relationship - Nexus Requirement

Since FY 2014-15, the City has adopted the following DIF:

Affordable Housing Commercial Linkage (Update 2020)
Park and Trails, Transportation Infrastructure, Public Facilities, Storm Drainage (2019)
Water Capacity (2019)

All fees were adopted following a Nexus Study demonstrating that the fees conform to AB 1600 requirements. Specifically, that there is a reasonable relationship between the infrastructure burdens of development growth and the amount of fee. For information regarding impact fees and related studies please refer to the City's website at: https://www.cityofepa.org/publicworks/page/city-wide-development-impact-fee-program.

Adjustments to the fees shall be made annually in accordance with the Engineering News Record Construction Cost Index. The Fee Nexus studies set forth the relationships between contemplated future

development, facilities needed to serve future development and the estimated costs of those improvements based on the current General Plan for build-out. Comprehensive updates to the program are completed on an as-needed basis to ensure the program continues to reflect the appropriate fees in relation to updated costs.

Description of Development Impact Fees

- **Affordable Housing Fee – Commercial Development**
  To enhance the public welfare by imposing a nonresidential development project Housing Impact Fee whereby developers of nonresidential development projects will mitigate the impacts of their projects on the need for affordable housing by contributing to the supply of housing for households with very low, low, and moderate incomes. Further, to implement the Housing Element by creating a mechanism to provide benefits to the community from new development in the form of affordable housing, thereby helping to meet the needs of all socioeconomic elements of the community as provided in the Housing Element.

- **Parks and Trails Fee**
  To provide adequate quality open space – through parks and trails – for the broader public health and quality of life of its citizens and workforce. In addition to providing opportunities for physical activity and interaction with the natural environment, additionally, this fee is to be used to conserve the natural open space resources in the city. The City aims to preserve and protect natural resources such as the Baylands, the shoreline, San Francisquito Creek, and significant tree stands through parks and trails projects.

- **Public Facilities Fee**
  To provide a variety of public facilities, including public safety institutions such as police departments, educational amenities, and quality of life services such as libraries and community centers, and governance buildings such as City Hall.

- **Transportation Infrastructure Fee**
  To provide public roads and multi-modal streetscape facilities. East Palo Alto aims to provide adequate roads for its citizens and workforce for general transportation and safety. In addition, constructing sidewalks with street trees, street lighting, benches, and street furniture improves safety, sidewalk space, pedestrian aesthetics, and active transportation.

- **Storm Drainage Fee**
  To provide critical infrastructure to prevent flooding of streets during rain events. East Palo Alto aims to improve citywide storm drainage and provide adequate storm drainage for the City and for new development in the Ravenswood Business District (RBD), as stated in the policy directives of the RSP (Goal UTIL-3 and subsequent policies). Due to the specific storm drainage costs associated with the RBD, a specific fee is applied depending upon whether properties are located within the RBD or outside the RBD.

- **Water Capacity Fee**
  To recover the costs of water system infrastructure and water supply to ensure that future development does not place a burden on existing customers. To provide new or increased water system infrastructure capacity needs due to new or intensified development. There are two primary components of this fee, the cost of system buy in and the cost of additional water supply assurance from the San Francisco Public Utilities Commission specifically for purpose of serving new development. The two components of the fee are accounted for and reported separately. The buy-in portion of the fee represents the cost of existing and future infrastructure related directly to new development. The supply portion of the fee represents the cost of water right assurances secured exclusively for serving new development.

FY 2022-23 Fee Schedule

TABLE 1. AFFORDABLE HOUSING FEE

Non-Residential[1]
Commercial
$12.81

1. Fee Per Square Foot

TABLE 2. OTHER FEES

Fee Category	Residential[1]			Non-Residential[2]		
	Detached Accessory Dwelling Unit	Single-Family/ Townhouse	Multi-family Housing	Office / Research & Development	Industrial	Retail
Parks and Trails	$1,886	$4,715	$3,248	$1.32	$0.52	$0.87
Public Facilitates	$3,307	$8,268	$5,696	$2.29	$0.93	$1.52
Transportation Infrastructure	$1,076	$2,690	$2,025	$8.36	$5.45	$8.36

1. Fee Per Dwelling Unit
2. Fee Per Square Foot

TABLE 3. STORM DRAINAGE FEE

Fee Category	Single-Family[1]		Multi-Family and Non-Residential[2]			
	Detached Accessory Dwelling Unit	Single-Family / Townhouse	Multi-family Housing	Office / Research & Development	Industrial	Retail
Storm Drainage (within RBD)	$2,208	$5,521	$138,028			
Storm Drainage (outside RBD)	$1,278	$3,194	$79,851			

1. Fee Per Dwelling Unit
2. Fee Per Impervious Acre

TABLE 4. WATER CAPACITY FEE

Residential[1]		Non-Residential				
Single-Family / Townhouse	Multi-family Housing	3/4 Inch Meter	1 inch Meter	1.5 Inch Meter	2 Inch Meter	Larger[2]
$9,293	$5,720	$13,583	$22,638	$45,276	$72,442	$35.74

1. Fee Per Dwelling Unit

2. Fee Per Anticipated Gallon Per Day

Fund Balances

Description	Parks and Trails	Public Facilities	Transportation	Storm Drainage Inside RBD
Revenue				
Fees	$ 4,528	$ 7,940	$ 2,583	$ 1,880
Interest	949	1,818	4,284	111
Total Revenue	**$ 5,476**	**$ 9,758**	**$ 6,867**	**$ 1,991**
Expenditures	**$ -**	**$ -**	**$ -**	**$ -**
Revenue Over (Under) Expenditures	$ 5,476	$ 9,758	$ 6,867	$ 1,991
Fund Balance Beginning of Year	41,612	80,357	202,642	3,537
Fund Balance End of Year	**$ 47,089**	**$ 90,116**	**$ 209,509**	**$ 5,529**

Description	Storm Drainage Outside RBD	Water - Buy In	Water - Supply
Revenue			
Fees	$ 6,085	$ 13,590	$ 8,040
Interest	6,236	9,024	-
Total Revenue	**$ 12,321**	**$ 22,614**	**$ 8,040**
Expenditures	**$ -**	$ 450,000	**$ -**
Revenue Over (Under) Expenditures	$ 12,321	$ (427,386)	$ 8,040
Fund Balance Beginning of Year	293,991	409,509	(4,969,085)
Fund Balance End of Year	**$ 306,312**	**$ (17,877)**	**$ (4,961,046)**

Collection and Use

Parks and Trails Fees

Statement of Revenues, Expenditures and Changes in Fund Balance

Last Five Fiscal Years

Description	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Revenue					
Fees	$ -	$ 11,266	$ 20,924	$ 8,779	$ 4,528
Interest	-	124	189	331	949
Total Revenue	**$ -**	**$ 11,389**	**$ 21,113**	**$ 9,110**	**$ 5,476**
Expenditures	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Revenue Over (Under) Expenditures	$ -	$ 11,389	$ 21,113	$ 9,110	$ 5,476
Fund Balance Beginning of Year	-	-	11,389	32,502	41,612
Fund Balance End of Year	**$ -**	**$ 11,389**	**$ 32,502**	**$ 41,612**	**$ 47,089**

Five-Year Revenue Test Using First In First Out Method

Revenue Available After Expenses:	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Current Fiscal Year	$ -	$ 11,389	$ 21,113	$ 9,110	$ 5,476
Prior Fiscal Year (2-yr Old Funds)	-	-	11,389	21,113	9,110
Prior Fiscal Year (3-yr Old Funds)	-	-	-	11,389	21,113
Prior Fiscal Year (4-yr Old Funds)	-	-	-	-	11,389
Prior Fiscal Year (5-yr Old Funds)	-	-	-	-	-
In Excess of Five Prior Fiscal Years	-	-	-	-	-
Total Revenue Available	**$ -**	**$ 11,389**	**$ 32,502**	**$ 41,612**	**$ 47,089**

Public Facilities Fees

Statement of Revenues, Expenditures and Changes in Fund Balance

Last Five Fiscal Years

Description	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Revenue					
Fees	$ -	$ 19,757	$ 43,943	$ 15,396	$ 7,940
Interest	-	217	393	653	1,818
Total Revenue	**$ -**	**$ 19,973**	**$ 44,336**	**$ 16,048**	**$ 9,758**
Expenditures	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Revenue Over (Under) Expenditures	$ -	$ 19,973	$ 44,336	$ 16,048	$ 9,758
Fund Balance Beginning of Year	-	-	19,973	64,309	80,357
Fund Balance End of Year	**$ -**	**$ 19,973**	**$ 64,309**	**$ 80,357**	**$ 90,116**

Five-Year Revenue Test Using First In First Out Method

Revenue Available After Expenses:	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Current Fiscal Year	$ -	$ 19,973	$ 44,336	$ 16,048	$ 9,758
Prior Fiscal Year (2-yr Old Funds)	-	-	19,973	44,336	16,048
Prior Fiscal Year (3-yr Old Funds)	-	-	-	19,973	44,336
Prior Fiscal Year (4-yr Old Funds)	-	-	-	-	19,973
Prior Fiscal Year (5-yr Old Funds)	-	-	-	-	-
In Excess of Five Prior Fiscal Years	-	-	-	-	-
Total Revenue Available	**$ -**	**$ 19,973**	**$ 64,309**	**$ 80,357**	**$ 90,116**

Transportation Infrastructure Fees

Statement of Revenues, Expenditures and Changes in Fund Balance

Last Five Fiscal Years

Description	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Revenue					
Fees	$ -	$ 6,427	$ 188,061	$ 5,103	$ 2,583
Interest	-	71	1,278	1,702	4,284
Total Revenue	**$ -**	**$ 6,498**	**$ 189,339**	**$ 6,806**	**$ 6,867**
Expenditures	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Revenue Over (Under) Expenditures	$ -	$ 6,498	$ 189,339	$ 6,806	$ 6,867
Fund Balance Beginning of Year	-	-	6,498	195,836	202,642
Fund Balance End of Year	**$ -**	**$ 6,498**	**$ 195,836**	**$ 202,642**	**$ 209,509**

Five-Year Revenue Test Using First In First Out Method

Revenue Available After Expenses:	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Current Fiscal Year	$ -	$ 6,498	$ 189,339	$ 6,806	$ 6,867
Prior Fiscal Year (2-yr Old Funds)	-	-	6,498	189,339	6,806
Prior Fiscal Year (3-yr Old Funds)	-	-	-	6,498	189,339
Prior Fiscal Year (4-yr Old Funds)	-	-	-	-	6,498
Prior Fiscal Year (5-yr Old Funds)	-	-	-	-	-
In Excess of Five Prior Fiscal Years	-	-	-	-	-
Total Revenue Available	**$ -**	**$ 6,498**	**$ 195,836**	**$ 202,642**	**$ 209,509**

Storm Drainage Inside RBD Fees

Statement of Revenues, Expenditures and Changes in Fund Balance

Last Five Fiscal Years

Description	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Revenue					
Fees	$ -	$ 379	$ 185	$ 2,933	$ 1,880
Interest	-	4	6	30	111
Total Revenue	**$ -**	**$ 384**	**$ 191**	**$ 2,963**	**$ 1,991**
Expenditures	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Revenue Over (Under) Expenditures	$ -	$ 384	$ 191	$ 2,963	$ 1,991
Fund Balance Beginning of Year	-	-	384	575	3,537
Fund Balance End of Year	**$ -**	**$ 384**	**$ 575**	**$ 3,537**	**$ 5,529**

Five-Year Revenue Test Using First In First Out Method

Revenue Available After Expenses:	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Current Fiscal Year	$ -	$ 384	$ 191	$ 2,963	$ 1,991
Prior Fiscal Year (2-yr Old Funds)	-	-	384	191	2,963
Prior Fiscal Year (3-yr Old Funds)	-	-	-	384	191
Prior Fiscal Year (4-yr Old Funds)	-	-	-	-	384
Prior Fiscal Year (5-yr Old Funds)	-	-	-	-	-
In Excess of Five Prior Fiscal Years	-	-	-	-	-
Total Revenue Available	**$ -**	**$ 384**	**$ 575**	**$ 3,537**	**$ 5,529**

Storm Drainage Outside RBD Fees

Statement of Revenues, Expenditures and Changes in Fund Balance

Last Five Fiscal Years

Description	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Revenue					
Fees	$ -	$ 20,509	$ 259,678	$ 9,200	$ 6,085
Interest	-	195	1,954	2,454	6,236
Total Revenue	**$ -**	**$ 20,704**	**$ 261,632**	**$ 11,655**	**$ 12,321**
Expenditures	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Revenue Over (Under) Expenditures	$ -	$ 20,704	$ 261,632	$ 11,655	$ 12,321
Fund Balance Beginning of Year	-	-	20,704	282,337	293,991
Fund Balance End of Year	**$ -**	**$ 20,704**	**$ 282,337**	**$ 293,991**	**$ 306,312**

Five-Year Revenue Test Using First In First Out Method

Revenue Available After Expenses:	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Current Fiscal Year	$ -	$ 20,704	$ 261,632	$ 11,655	$ 12,321
Prior Fiscal Year (2-yr Old Funds)	-	-	20,704	261,632	11,655
Prior Fiscal Year (3-yr Old Funds)	-	-	-	20,704	261,632
Prior Fiscal Year (4-yr Old Funds)	-	-	-	-	20,704
Prior Fiscal Year (5-yr Old Funds)	-	-	-	-	-
In Excess of Five Prior Fiscal Years	-	-	-	-	-
Total Revenue Available	**$ -**	**$ 20,704**	**$ 282,337**	**$ 293,991**	**$ 306,312**

Water Capacity Fee – Buy In Component

Statement of Revenues, Expenditures and Changes in Fund Balance

Last Five Fiscal Years

Description	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Revenue					
Fees	$ -	$ 6,734	$ 390,680	$ 21,007	$ 13,590
Interest	-	-	444	498	9,024
Total Revenue	**$ -**	**$ 6,734**	**$ 391,124**	**$ 21,505**	**$ 22,614**
Expenditures	**$ -**	**$ -**	**$ -**	**$ -**	**$ 450,000**
Revenue Over (Under) Expenditures	$ -	$ 6,734	$ 391,124	$ 21,505	$ (427,386)
Fund Balance Beginning of Year	(9,854)	(9,854)	(3,120)	388,004	409,509
Fund Balance End of Year	**$ (9,854)**	**$ (3,120)**	**$ 388,004**	**$ 409,509**	**$ (17,877)**

Five-Year Revenue Test Using First In First Out Method

Revenue Available After Expenses:	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Current Fiscal Year	$ -	$ -	$ 388,003	$ 21,505	$ -
Prior Fiscal Year (2-yr Old Funds)	-	-	-	388,003	-
Prior Fiscal Year (3-yr Old Funds)	-	-	-	-	-
Prior Fiscal Year (4-yr Old Funds)	-	-	-	-	-
Prior Fiscal Year (5-yr Old Funds)	-	-	-	-	-
In Excess of Five Prior Fiscal Years	-	-	-	-	-
Total Revenue Available	**$ -**	**$ -**	**$ 388,003**	**$ 409,509**	**$ -**

Water Capacity Fee – Supply Component

Statement of Revenues, Expenditures and Changes in Fund Balance

Last Five Fiscal Years

Description	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Revenue					
Fees	$ -	$ 1,413	$ 82,019	$ 4,408	$ 8,040
Interest	-	-	-	-	-
Total Revenue	**$ -**	**$ 1,413**	**$ 82,019**	**$ 4,408**	**$ 8,040**
Expenditures	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Revenue Over (Under) Expenditures	$ -	$ 1,413	$ 82,019	$ 4,408	$ 8,040
Fund Balance Beginning of Year	(5,056,925)	(5,056,925)	(5,055,512)	(4,973,493)	(4,969,085)
Fund Balance End of Year	**$ (5,056,925)**	**$ (5,055,512)**	**$ (4,973,493)**	**$ (4,969,085)**	**$ (4,961,046)**

Five-Year Revenue Test Using First In First Out Method

Revenue Available After Expenses:	FY18-19	FY19-20	FY20-21	FY21-22	FY22-23
Current Fiscal Year	$ -	$ -	$ -	$ -	$ -
Prior Fiscal Year (2-yr Old Funds)	-	-	-	-	-
Prior Fiscal Year (3-yr Old Funds)	-	-	-	-	-
Prior Fiscal Year (4-yr Old Funds)	-	-	-	-	-
Prior Fiscal Year (5-yr Old Funds)	-	-	-	-	-
In Excess of Five Prior Fiscal Years	-	-	-	-	-
Total Revenue Available	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**

Affordable Housing Impact Fees

Statement of Revenues, Expenditures and Changes in Fund Balance

No Affordable Housing fees subject to AB 1600 reporting requirements have been collected or expenses incurred through the period ended June 30, 2023.

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

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 November 21, 2023, City Council Meeting Minutes.

Attachments

1. November 21, 2023, City Council Meeting Minutes.

EAST PALO ALTO CITY COUNCIL
REGULAR MEETING MINUTES
NOVEMBER 21, 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	Present	
Martha Barragan	Councilmember	Absent	

2) APPROVAL OF THE AGENDA

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

3) APPROVAL OF CONSENT CALENDAR

Councilmember Carlos Romero pulled item 3.4 for discussion. The approval of the consent calendar except for item 3.4 was motioned by Vice Mayor Antonio Lopez, seconded by Councilmember Ruben Abrica, and passed via unanimous vote.

3.1 Pro-Vigil Contract Termination

3.2 FY 2023-24 First Quarter Treasury Report.

3.3 Consideration of a Donation from H & H Evergreen Foundation and the California Law Enforcement Columbia Association for the Police Department Traffic Safety Awareness Program, Annual Toy Distribution Program, and Department Needs

3.4 Capital water system improvement payments to Veolia.

The approval of the consent calendar item 3.4 was motioned by Councilmember Carlos Romero seconded by Councilmember Ruben Abrica, and passed via unanimous vote.

3.5 City Council Meeting Minutes

4) CLOSED SESSION- NONE

5) PUBLIC COMMENT - NONE

6. INFORMATIONAL REPORTS

6.1 RV Safe Parking Program Closure Final Report (Staff report updated)

Karen Camacho, Housing and Economic Development Manager, provided a presentation regarding the RV Safe Parking Program Closure.

7. SPECIAL PRESENTATIONS - NONE

8. PUBLIC HEARINGS - NONE

9. POLICY AND ACTION

9.1 Police Department Relocation Options

Jeff Liu, Chief of Police and Dawn Merkes from Group 4, provided a presentation on the Police Department Relocation Options.

Council provided staff direction regarding the relocation options.

10. COUNCIL REPORTS

Councilmember Carlos Romero announced that the Creek Cleaning Event was postponed and that

11) ADJOURNMENT

Meeting adjourned at 8:05 PM

EAST PALO ALTO CITY COUNCIL
STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: James Colin, City Clerk
Bo-Kyoung Kim, Financial Services Manager

SUBJECT: City Council's Proposed Schedule for 2024

Recommendation

Pursuant to Resolution No. 5061, by motion, approve the 2024 City Council meeting schedule in Attachment 1.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority No. 4: Ensure Our Financial and Organizational Health

Background

Pursuant to the East Palo Alto Municipal Code Section 2.08.010, it is the intention of the City Council to set the date and time of all meetings of the City Council by resolution. With this item, staff seeks to provide a report on the proposed meeting schedule for the City Council in 2024. After deliberation, staff is requesting that the 2024 City Council meeting schedule, as set forth in Attachment 1, be approved and set by resolution, subject to any changes made by the Council.

Regular Meetings

Pursuant to Resolution No. 5061, all regular meetings are to be held the first and third

Tuesdays of the month with the following exceptions:

- **First Tuesday in January (2) and Third Tuesday in January (16)** – Due to the proximity of this meeting to the holiday break, City staff recommends cancellation of these meetings. Additionally, staff suggests that, in place of the January 2 and 16 meetings, the Council consider rescheduling meetings to January 9 and 23.

- **August Meetings (6 & 20)** – In keeping with past practice, staff recommends removing all August meetings in observance of the traditional August recess.

In December, the third Tuesday of the month, is very close to the Christmas Holiday and staff is recommending a slight change to the Regular Schedule to provide staff and the City Council with additional time to enjoy the holidays. Therefore, staff recommends the second regular City Council meeting (Special Meeting) in December be held on **Thursday, December 19, 2024, at 6:30 p.m.**, in lieu of the Tuesday meeting of the same week.

Special Study Sessions

Special Study Sessions are scheduled to provide the Council with ample to discuss specific topics or projects, including future development, infrastructure, and City finances amongst other items. In 2023, the City Council reserved six dates for Study Sessions and as such was able to advance several key City initiatives.

In keeping with past practice, staff is recommending that the City Council schedule six study sessions/special meetings, with the addition of one meeting for the City Council Reorganization, as follows:

- February 3 @ 9:00 a.m. (Strategic Planning Retreat)
- March 28 @ 6:00 p.m.
- April 25 @ 6:00 p.m.
- July 25 @ 6:00 p.m.
- September 26 @ 6:00 p.m.
- November 12 @ 6:00 p.m.
- December 17 @ 6:00 p.m. (Council Reorganization)

Special Budget Meetings

Similar to study sessions/special meeting schedule, budget meetings are set specifically to ensure ample review time of the City's budget, which needs to be adopted by the June 4, 2024, Regular City Council meeting. Scheduling two meetings solely for the budget allows the City to adopt a budget before the end of the fiscal year. The special budget meetings are set for:

- Thursday, May 23 @ 6:00 p.m.
- Thursday, May 30 @ 6:00 p.m. (Only if required)

Strategic Planning Retreat

As part of the study session/special meeting schedule, the Strategic Planning Retreat is a half-day event that in the past was held on a Saturday in February. This year the Strategic Planning Retreat is proposed to be scheduled on Saturday, February 3, 2024, from 9:00 a.m. to 1:00 p.m.

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 County Library located at 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.

Attachments

1. Proposed 2024 City Council Calendar
2. Proposed 2024 Budget Calendar
3. Resolution No. 5061

2024

CITY COUNCIL MEETING SCHEDULE

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

JAN

- 2 - Cancelled Meeting
- 9 - Special Council Meeting @ 6:30 pm
- 16 - Cancelled Meeting
- 23 - Special Meeting @ 6:30 pm

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	28	29			

FEB

- 3 - Strategic Planning Retreat @ 9:00 am
- 6 - Regular Meeting @ 6:30 pm
- 20 - Regular Meeting @ 6:30 pm

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

MAR

- 5 - Regular Meeting @ 6:30 pm
- 19 - Regular Meeting @ 6:30 pm
- 28 - Study Session @ 6:00 pm

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

APR

- 2 - Regular Meeting @ 6:30 pm
- 16 - Regular Meeting @ 6:30 pm
- 25 - Study Session @ 6:00 pm

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

MAY

- 7 - Regular Meeting @ 6:30 pm
- 21 - Regular Meeting @ 6:30 pm
- 23 - Budget Meeting @ 6:00 pm
- 30 - Budget Meeting @ 6:00 pm

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JUN

- 4 - Regular Meeting @ 6:30 pm
- 18 - Regular Meeting @ 6:30 pm

2024

CITY COUNCIL MEETING SCHEDULE

JUL

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- 2 - Regular Meeting @ 6:30 pm
- 16 - Regular Meeting @ 6:30 pm
- 25 - Study Session @ 6:00 pm

AUG

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- 6 - Cancelled Meeting (Council Recess)
- 20 - Cancelled Meeting (Council Recess)

SEP

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

- 3 - Regular Meeting @ 6:30 pm
- 17 - Regular Meeting @ 6:30 pm
- 26 - Study Session @ 6:00 pm

OCT

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- 1 - Regular Meeting @ 6:30 pm
- 15 - Regular Meeting @ 6:30 pm

NOV

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- 5 - Regular Meeting @ 6:30 pm
- 12 - Study Session @ 6:00 pm
- 19 - Regular Meeting @ 6:30 pm

DEC

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- 3 - Regular Meeting @ 6:30 pm
- 17 - Reorg Meeting @ 6:00 pm
- 19 - Special Meeting @ 6:30 pm

Office of the City Manager

STRATEGIC PLANNING AND BUDGET SCHEDULE

FISCAL YEAR (FY) 2024-2025

Item	Action	Target Date(s)	
1	Administrative Preparation: . Finance analysis of economic budget capacity for CMO (Dec 18th) . Directors Strategic Planning and Budget Meeting (Dec 19th)	December 18, 2023 December 19, 2023	
2	Caselle Budget Module Training –Directors, Managers, Analysts	January 10, 2024	
3	Finance Issues FY 2024-2025 Budget Transmittal . Distribute Budget Instructions and Online/Worksheet Formats: . Department Budget Worksheets . Supplemental Budget and Staffing Requests . Capital Project Budget Requests . Department Narratives, Performance Measures, Objectives	January 12, 2024	
4	**Council Report on Status of Strategic Priorities Implementation**	**January 23, 2024**	
5	**City Council Strategic Priorities Retreat**	**February 03, 2024**	*
6	**City Council Presentation: Mid-Year Budget and Projected Economic Capacity**	**February 06, 2024**	
7	FY 2024-2025 Budget Input/Worksheets due to Finance: . Department Budget Worksheets . Supplemental Budget and Staffing Requests . Capital Project Budget Requests	February 16, 2024	
8	Public Works Distribute Draft Update Ten-Year Capital Improvement Plan	February 26, 2024	
9	Department Narratives, Performance Measures, Objectives due to City Manager: . Updated Department Narratives . FY 2023-2024 Department Accomplishments . FY 2024-2025 Department Objectives	March 1, 2024	
10	**Approve City Council Strategic Priorities and 2024-25 Implementation Plan**	**March 5, 2024**	
11	CMO-FINANCE Meetings with Departments: Review Operating Budgets, Supplemental Budget and Staffing Requests, and Alignment of Requests and Objectives with Council Priorities	March 11 – 22, 2024	

12	Public Works & Transportation Committee Meeting – Review of New Capital Improvement Projects	March 20, 2024	
13	Planning Commission Meeting – Review of New Capital Improvement Projects	April 8, 2024	

Item	Action	Target Date(s)	
14	**City Manager's FY 2024-2025 Preliminary Budget Message**	**April 16, 2024**	
15	Finance Department Meetings: Final Review of Proposed Budgets	April 17 – 23, 2024	
16	Distribute Proposed Ten-Year Capital Improvement Plan (Notice Hearing)	April 25, 2023	
17	**Council Hearing to Adopt Ten-Year Capital Improvement Plan**	**May 07, 2023**	
18	Distribute FY 2024-2025 Proposed Budget (Notice Sessions/Hearing)	May 14, 2024	
19	**Budget Study Session #1: Introduction of the City Manager's Budget Message & Overview of the Proposed Budget and Operating Department Budget Presentations**	**May 30, 2024**	*
20	**Budget Study Session #2– Continuation of Operating Department Budget Presentations, Non-Departmental, FY 2024-2025 Capital Budget, and Proposed Allocation of FY 2023-24 Budget Surplus in Accordance with City Fund Balance Policy (if applicable)**	**June 4, 2024**	
21	**Budget Study Session #3 (only if required)**	**June 06, 2024**	*
22	**Budget Hearing & Adoption of FY 2024-2025 Budget and Allocation of 2023-24 Budget Surplus (if applicable)**	**June 18, 2024**	
*	**Special City Council Meeting**		

RESOLUTION NO. 5061

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO ESTABLISHING A NEW START TIME OF 6:30 PM FOR REGULAR CITY COUNCIL MEETINGS

WHEREAS, in 2001, the City Council adopted Resolution No. 1860 establishing that regular City Council meeting take place on the first and third Tuesdays of the month and commence at 6:30 pm; and

WHEREAS, at the December 4, 2018 City Council meeting, the Council directed City staff to bring forth a resolution changing the regular City Council meeting start time to 6:30 pm on the first and third Tuesdays of every month except for Council recess; and

WHEREAS, the City Council hereby finds and determines that it is in the public interest to establish an earlier start time for regular City Council meetings.

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

1. Affirms that regular City Council meetings take place on the first and third Tuesdays of the month;
2. Establishes a new start time of 6:30 pm for regular City Council meetings;
3. Determines that the new City Council start time shall take effect on January 15, 2019; and
4. Rescinds Resolution No. 1860.

PASSED AND ADOPTED this 18th day of December 2018, by the following vote:

AYES: **WALLACE-JONES, MOODY, GAUTHIER, ROMERO**
NOES: **NONE**
ABSENT: **ABRICA**
ABSTAIN: **NONE**

SIGNED:

Lisa Gauthier, Mayor

ATTEST:

María Buell, City Clerk

APPROVED AS TO FORM:

Rafael E. Alvarado Jr., City Attorney

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: James Colin, City Clerk

SUBJECT: Proclamation Turkish Republic Day

Recommendation

Present the proclamation.

Attachments

1. Proclamation

PROCLAMATION OF THE CITY OF EAST PALO ALTO CELEBRATING TURKISH REPUBLIC DAY

WHEREAS, the City of East Palo Alto recognizes the historical significance of October 29th as Turkish Republic Day, commemorating the Proclamation of the Republic in 1923 by Mustafa Kemal Atatürk, the esteemed founder of the Turkish Republic; and

WHEREAS, the Republic Day of Turkey holds special importance for the Turkish-American community in East Palo Alto, marking the centennial milestone of Türkiye as a nation and acknowledging Mustafa Kemal Atatürk's pivotal role in shaping Türkiye as a model of progress and peace; and

WHEREAS, the celebration of Turkish Republic Day provides a valuable educational opportunity for our community to enhance cross-cultural understanding and appreciation; and

WHEREAS, Turkish Americans in East Palo Alto have played a significant role in contributing to the cultural fabric and ethnic diversity of our community, proudly sharing their heritage; and

WHEREAS, the enduring relations between Türkiye and the United States are vital, and Turkish Americans continue to foster and maintain these relations, contributing to the strong bonds of friendship and cooperation between our two nations.

NOW, THEREFORE, BE IT RESOLVED that the City of East Palo Alto, through its City Council, does hereby Celebrate Turkish Republic Day in East Palo Alto. We honor and celebrate the Turkish Republic's 100-year anniversary, recognizing the profound contributions of Turkish Americans to our community and the enduring friendship between Türkiye and the United States.

Dated: December 14, 2023

_____

Lisa Gauthier, Mayor

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: James Colin, City Clerk

SUBJECT: Proclamation for Luisa Buada

Recommendation

Present the proclamation.

Attachments

1. Proclamation

PROCLAMATION OF THE CITY OF EAST PALO ALTO RECOGNIZING LUISA BUADA FOR HER CONTINUOUS AND IMPACTFUL WORK IN THE CITY OF EAST PALO ALTO

WHEREAS, Luisa Buada has served her entire adult life of 50 years promoting health care for the most vulnerable populations, from the Salinas Valley, to Berkeley, in the East Palo Alto community, and most recently in the Santa Clara County; and

WHEREAS, after serving as consultant in the creation of the Ravenswood Family Health Clinic and later becoming its Interim CEO for 12 months, Luisa Buada was appointed the permanent CEO in November 2003, as Ravenwood began providing culturally-competent, primary and preventative health care as a grass-roots health clinic operating out of a portable; and

WHEREAS, working with diverse community stakeholders, Luisa Buada forged the community vision of a permanent health facility, and in 2015 shepherded the construction of a two-story 38,800 sf state-of-the art health clinic campus in East Palo Alto; and

WHEREAS, in 2020, under Luisa Buada's leadership, Ravenswood created the umbrella entity of the Ravenswood Family Health Network when it expanded its footprint to Palo Alto, Mountain View, and Sunnyvale upon the acquisition of the three MayView clinics; and

WHEREAS, Luisa Buada's passion and tireless community advocacy led to Ravenswood incorporating a kaleidoscope of complementary services and programs over the years, including a stand-alone dentistry with 19 operatories, virtual dental homes (portable diagnostic dental services) for pre-school and kindergarten-age children at various locations in the community, Centering Pregnancy and Parenting programs for new mothers, optometry, podiatry, lactation coaching, mobile clinics, and more;

WHEREAS, with her continued resilience and fortitude, Luisa Buada presided over a process to develop successful creative strategies to implement multiple mass vaccinations for patients and the community-at-large during the Covid-19 pandemic; and

WHEREAS, Luisa Buada has made an indelible impact on the health outcomes of low-income residents in East Palo Alto and the surrounding communities; and

WHEREAS, Luisa Buada retires as the Chief Executive Officer of Ravenswood Family Health Network on December 31, 2023, stepping down from a health care operation that initially served 300 patients in 2001 to now serving over 20,000 patients a year throughout its five permanent facilities;

NOW, THEREFORE BE IT RESOLVED THAT the City of East Palo Alto hereby congratulates and thanks Luisa Buada for her passion, leadership, and dedication to improving the community health of residents in the South County, and for her legacy of improving health care for all within San Mateo and Santa Clara Counties.

Dated: December 8, 2023

Lisa Gauthier, Mayor

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

SUBJECT: HIP Housing Presentation

Recommendation

Receive a presentation from HIP Housing.

EAST PALO ALTO
CITY COUNCIL
SUPPLEMENTAL STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Melvin E. Gaines, City Manager

BY: Salifu Yakubu, Senior Planner
Elena Lee, Planning Manager

SUBJECT: Supplemental report on the 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

As considered and continued from a publicly noticed City Council meeting on December 5, 2023:

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

1) Repeal and replace Chapter 18.96 and add/amend other Chapters and Sections of the Development Code (Attachment 2) to facilitate ADUs. **This was approved at the December 5, 2023 City Council hearing with Council direction to amend Section 18.96.050.J on Architectural Compatibility for future Council consideration.**

2) Amend other Chapters and Sections of Title 18 to:

   a) add Section 18.96.050(F)(3) on provisions for second driveways on corner lots and Section 18.96.050(D) to 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;

   b) amend Section 18.10.030 Table 2-2 to reduce the minimum useable open space requirement from 750 square feet to 500 square feet or 50 percent of the remaining rear yard, whichever is less, in the R-LD zoning district;

   c) amend Section 18.30.080 to allow second driveways on corner lots with single-family homes;

d) amend Chapter 18.90 Variances and Minor Variances to add fences up to eight feet to Table 7-3 Types of Minor Variances allowed.

3) 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.

4) Discuss the matter of 1) reducing the required setbacks for detached ADUs, possibly to 0-feet, and 2) allowing separate sale /conveyance of primary dwelling units and ADUs through condominium subdivisions pursuant to the recently approved Assembly Bill (AB) 1033 and provide direction to staff on how to proceed regarding these two items, which may include returning to either the Planning Commission or the Council with additional information for further consideration.

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 5, 2023[1] the City Council considered various amendments to the Development Code. The amendments were packaged into the following four discrete sections (see Attachment 3 - December 5, 2023 City Council Staff Report without attachments):

1. Repeal and replace Chapter 18.96 that regulates ADUs to bring the city's ADU ordinance into compliance with state legislation, and add/amend other Chapters and Sections to facilitate the ministerial review of ADUs;

2. Amend other Chapters and Sections of the Development Code to promote the construction of ADUs and enhance the livability of single-family dwellings;

3. Find the proposed Development Code amendments to be exempt from the California Environmental Quality Act (CEQA); and

4. Seek the Council's direction on setbacks for detached ADUs and the issue of condominium subdivisions to allow the conveyance or separate sale of ADUs and primary dwellings.

At the December 5, 2023 hearing the City Council approved the first item to repeal and replace Chapter 18.96 regarding accessory dwelling units (ADUs) and add/amend various Chapters and Sections of the Development Code to facilitate ADUs. However, Council expressed some concerns with Section 18.96.050.J on architectural compatibility and directed staff to revise that Section for future Council consideration. In particular, the Council acknowledged the need to make the amendments for state-law consistency, but expressed a desire to make additional amendments to ensure architectural compatibility standards, while objective, would not delay

[1] Link to December 5, 2023 City Council Agenda - Public Hearing Item 8.1 with staff report and all attachments: https://d3n9y02raazwpg.cloudfront.net/cityofepa/8015f5a2-50f3-11ee-ae13-0050569183fa-3408cd31-ecd7-4429-9d91-65986d552499-1701480982.pdf

or frustrate the timely approval of ADUs. Attachment 4 is in response to said direction on architectural compatibility. The changes in Attachment 4 are reflected via tracked changes in Attachment 2, with the entire proposed chapter. The Council also found the action regarding item 1 above to be exempt from CEQA and thus #3 was also approved as a part of the December 5 motion. The approval paves the way to adopt an ordinance to realign the Municipal Code into conformance with the latest state 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.

Tonight's hearing will focus on items #2 and #4 that were continued from the Council hearing on December 5, 2023. These items are fully discussed in the December 5, 2023 Staff Report (Attachment 3). Importantly, the draft ordinance before the Council, which was continued from December 5, contains language that the Council introduced, and language presented to them by staff on the same evening. For ease of administration, staff have included these changes in a single ordinance as Attachment 2.

Once the City Council acts on these items staff will return to Council with a consolidated ordinance for a second reading tentatively planned for one of the first meetings in February 2024. In the meantime, staff will apprise the state Department of Housing and Community Development (HCD) of Council's approval of the provisions needed to reconcile the city's ordinance with state legislation and that the repealed and replaced ADU ordinance will be available in early 2024.

Fiscal Impact

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

Public Notice

This hearing is being continued from the December 5, 2023 City Council hearing, which was published in the local newspaper, Palo Alto Daily News, on November 24, 2023. Additionally, the City Council agenda for this meeting and supplemental 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.

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. Draft City Council Ordinance with Exhibits
2. Draft Chapter 18.96 (with tracked changes)
3. December 5, 2023 City Council Staff Report (without Attachments)
4. Revised Architectural Compatibility Standards

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 500 SQUARE FEET OR 50 PERCENT OF THE REMAINING REAR YARD, WHICHEVER IS LESS RESTRICTIVE, IN THE R-LD ZONING DISTRICT; 4) AMEND SECTION 18.30.080 TO ALLOW SECOND DRIVEWAYS ON CORNER LOTS WITH SINGLE-FAMILY HOMES; 5) ADD SECTION 18.80.025 STREAMLINED MINISTERIAL REVIEW ACTIONS; 6) 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; 7) ADD CHAPTER 18.85 PRELIMINARY MINISTERIAL REVIEW; AND 8) AMEND CHAPTER 18.90 VARIANCES AND MINOR VARIANCES TO ADD FENCES UP TO EIGHT FEET TO TABLE 7-3 TYPES OF MINOR VARIANCES ALLOWED. (EXHIBITS A, B, C AND D).

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 a duly and properly noticed public hearing on **December 5, 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 18.30.080 PARKING AREAS, DEVELOPMENT AND MAINTENANCE AMENDED

Section 18.30.080.A.5 is hereby amended to add the underlined text and remove the strikeout text to read as follows:

Driveway. Only one drive 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. ~~Single-family homes are prohibited from having more than one driveway entrance,~~. For non-corner lots, ~~A~~all dwelling units must be served by the same driveway access to the street as the main dwelling, and~~. I~~if an existing property has more than one driveway, any new development permit, including but not limited to, design review, grading, drainage, or tenant improvements, shall be conditioned to remove the additional driveway(s).

SECTION 4. 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 5. 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 "A" attached hereto and incorporated herein by reference.

SECTION 6. 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 7. CHAPTER 18.90 VARIANCES AND MINOR VARIANCES AMENDED

Table 7-3 Types of Minor Variances Allowed hereby amended as shown in Exhibit “C”, attached hereto and incorporated herein by reference.

SECTION 8. 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 "D" attached hereto and incorporated herein by reference.

SECTION 9. 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 10. 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 11. EFFECTIVE DATE.

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

SECTION 12. 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 _____, 2023, and

PASSED AND ADOPTED at a regular City Council meeting held on _____, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

SIGNED:

_____
_____, Mayor

ATTEST:

_____
James Colin, City Clerk

APPROVED AS TO FORM:

_____
John Lê, City Attorney

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

Exhibit B – Table 7-1 Review Authority

Exhibit C – Table 7-3 Types of Minor Variances Allowed

Exhibit D - Draft 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 **R-MD-2:** 12 to 22 du/acre	22 to 43 du/acre	43 to 86 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 1st Story 2nd 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					
	500 sq. ft. in rear of property, usable and open, no permanent hardscape, or 50% of remaining rear yard, whichever is less restrictive to allow Accessory Dwelling Units.				

Common Open Space Must be usable and provide amenities. Setbacks may count toward open space requirement if all provisions are met.	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 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			

;sz=9q;**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

Chapter 18.90 Variances and Minor Variances

18.90.020 Applicability

A. **Variances.** A Variance may allow any adjustment from any of the development standards required by the Development Code if the required findings are made.

B. **Minor Variances.** A Minor Variance may be granted only for the items specified in Table 7-3 and only if the required findings are made.

Table 7-3 Types of Minor Variances Allowed	**Maximum Variance**
1. Allowable height of a fence, hedge, or wall. An increase of the allowed maximum height of a fence, hedge, or wall located within a side or rear setback.	Up to seven feet
1b. Allowable height of a fence, hedge, or wall. An increase of the allowed maximum height of a fence, hedge, or wall located within a side or rear setback when a nonresidential zone abuts a residential zone.	Up to eight feet
2. Distances between structures. A decrease of the minimum required distances between detached accessory structures and main structures on the same site.	10 percent
3. Impervious surface coverage. An increase of the maximum allowable impervious surface coverage.	10 percent
4. Projections. An increase in the allowed projection of chimneys, eaves, fireplaces, landings, overhangs, stairways, and steps into any required front, side, or rear setbacks.	10 percent
5. Reduction of landscape standards. Reduction of required on-site landscaping standards.	10 percent
6. Setbacks. A decrease of the maximum required setback areas (e.g., front, rear, and side) for structures.	10 percent
7. Signs. Sign regulations (other than prohibited signs).	10 percent
8. Structure heights. An increase in the maximum allowed height of structures.	5 percent
9. Code Enforcement. A reduction in development standards, if doing so will help the City abate a public nuisance as part of a code enforcement hearing or process.	10 percent
10. Nonconforming Adjustments	10 percent

Exhibit D – Draft 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, facia 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.
5.

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 six feet or 72 inches above finished floor.
    3. Second story windows which are not clerestory windows must utilize opaque glazing up to a height of six feed or 72 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.

ATTACHMENT 2 – Draft

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. They 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, facia 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 six feet or 72 inches above finished floor.
        3. Second story windows which are not clerestory windows must utilize opaque glazing up to a height of six feed or 72 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.

ATTACHMENT 3

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE:	December 5, 2023
TO:	Honorable Mayor and Members of the City Council
VIA:	Melvin E. Gaines, City Manager
BY:	Elena Lee, Planning Manager Salifu Yakubu, Senior Planner Michelle Huang, Assistant Planner
SUBJECT:	Development Code Text Amendment (ZTA23-001) to amend various Chapters and Sections of Title 18 (Development Code) of the East Palo Alto Municipal Code

Reorganized Recommendation

As considered and recommended by the Planning Commission at a publicly noticed hearing on November 13, 2023 (Attachment 6 – Planning Commission resolution):

Waive the first reading and introduce an ordinance:

1) amending 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 to:

   a) 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;

   b) add Section 18.80.025 Streamlined Ministerial Review Actions;

   c) 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;

d) add Chapter 18.85 Preliminary Ministerial Review; and

2) Amend other Chapters and Sections of Title 18 to:

   a) add Section 18.96.050(F)(3) on provisions for second driveways on corner lots and Section 18.96.050(D) to 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;

   b) amend Section 18.10.030 Table 2-2 to reduce the minimum useable open space requirement from 750 square feet to 500 square feet or 50 percent of the remaining rear yard, whichever is less, in the R-LD zoning district;

   c) amend Section 18.30.080 to allow second driveways on corner lots with single-family homes;

   d) amend Chapter 18.90 Variances and Minor Variances to add fences up to eight feet to Table 7-3 Types of Minor Variances allowed.

3) 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.

4) Discuss the matter of 1) reducing the required setbacks for detached ADUs, possibly to 0-feet, and 2) allowing separate sale /conveyance of primary dwelling units and ADUs through condominium subdivisions pursuant to the recently approved Assembly Bill (AB) 1033 and provide direction to staff on how to proceed regarding these two items, which may include returning to either the Planning Commission or the Council with additional information for further consideration.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

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

Background

State ADU Legislation

During the past decade, the California Legislature has passed multiple laws to allow ADUs by right in single-family, multi-family, and mixed-use zoning districts. The objective of these laws is to facilitate the supply of a relatively affordable housing type within all residential communities in California. New state laws regarding ADUs are passed nearly every year.

The City of East Palo Alto last amended its ADU regulations in 2020, but further amendments are necessary to conform with state laws enacted in 2022 and 2023. Local agencies, including the City of East Palo Alto, that have not already adopted an Ordinance compliant with Government Code Sections 65852.2 and 65852.22 are required to default to the standards specified in state law for ADUs and junior accessory dwelling units (JADUs).

In 2022, Senate Bill (SB) 897 was signed by the Governor and went into effect January 1, 2023. The key provisions of SB 897 necessitating the amendment of the city's ADU regulations are noted in Attachment 2, which also provides a chronology of state legislations on ADUs enacted from 2016 to 2022.

On October 11, 2023, Governor Gavin Newsom signed Assembly Bills (AB) 976, AB 1033, and AB 1332, amending section 65852.2 of the Government Code and adding a new section 65852.27 to the Government Code. These bills, amongst other provisions, permanently prohibit a local agency from requiring owner occupancy for properties with ADUs and provide the option for a city or county to adopt an ordinance that allows separate conveyance of the primary dwelling unit and accessory dwelling unit as condominiums. Government Code section 65852.27, added by AB 1332, requires local agencies to develop a program for preapproval of ADU plans by January 1, 2025. This bill also reduces the amount of time a local agency has to approve or deny an ADU application if the project applicant is utilizing a preapproved plan to 30 days after an application is deemed complete.

City ADU Regulations

Before the state ADU legislations in 2016, the City Council adopted Ordinance 380 in June 2014 for construction of second units/ADUs, garage conversions to habitable space, and guest houses to promote local affordable housing. Ordinance 380 went through extensive community engagement and was established to reflect the public interest at that time.

In January 2017, an amended ADU Ordinance was adopted in response to the 2016 State ADU legislations. The updated ADU regulations were codified in Chapter 18.96 of the East Palo Alto Municipal Code (EPAMC) as part of the comprehensive zoning code updates in 2018. No substantial changes were made to Ordinance 380 and the 2017 Amendment apart from those needed to reconcile with the State mandated conditions.

The ADU regulations were last amended in November 2020 (Attachment 3) to bring them into compliance with state legislation on ADUs. The updated 2020 ADU regulations, hereby referred to as "current ADU Ordinance" are now codified in Chapter 18.96 of the EPAMC.

The current ADU Ordinance is a critical reference for the draft ADU Ordinance, hereby known as "the Ordinance". Staff recommends amendments to the current ADU Ordinance to conform with state laws enacted in 2021 through 2023 and the

continuation and/or addition of certain objective development standards to facilitate the compatibility of ADUs with the surrounding neighborhood context, in compliance with state ADU legislation and City Council direction.

Development Review Open House

The City held a Development Review Open House on November 30, 2022 at Cooley Landing to provide information on the development review process. While the Open House provided a general overview of the development review process, staff also presented information, specifically, on the permitting process for ADUs. The Open House also afforded members of the public, including homeowners, an opportunity to ask questions and provide feedback on general development review directly to staff. Staff also met with several members of the public to discuss concerns about their specific projects. Most of the concerns and questions raised centered on setbacks, parking, open space requirements and process improvements. Staff is considering another Open House for early 2024 to provide information on the proposed amendments, once they are adopted by City Council, and solicit community input on possible financial incentives for the development of ADUs and the development of preapproved model ADU plans, both to be presented for City Council consideration next year.

City Council Discussion and Direction

On December 6, 2022, staff presented possible measures to incentivize the construction of ADUs and bring the current ADU Ordinance into compliance with state law to members of the City Council. The staff report (Attachment 4), which can be accessed from the City website[1], introduced several options for City Council consideration, including amendments to ADU regulations, ADU development review streamlining, and financial incentives or assistance for the construction of ADUs. The following is a summary of the City Council's deliberation on those options:

1) The City Council supported aligning the City of East Palo Alto's Municipal Code with state law.

2) 2nd Floor/Two Story ADUs - the current ADU ordinance limits detached ADU's to 17 feet in height, without any mention of number of stories. However, the City Council did not discourage the inclusion of a 2nd floor in detached ADUs or converted spaces of existing or proposed primary dwellings.

3) Setback Reductions or Exceptions – The City Council was generally supportive of some exceptions, but some members were concerned about the potential cost/financial implications of zero or reduced setbacks. There was some discussion regarding existing ADUs and accessory structures that do not meet the required setbacks and the possibility of grandfathering those that existed prior to the City's incorporation in 1983.

[1] https://eastpaloalto.iqm2.com/Citizens/FileOpen.aspx?Type=30&ID=6855

4) Flexibility in Open Space Requirement – The City Council did not expressly reject the notion but was insistent on the maintenance of “useable” open space for dwellings.

5) Second Driveways for Corner Lots – The City Council did not oppose the notion but rather its discussion centered on the geometry of corner parcels and where it would make the most sense to have a second driveway without causing ingress and egress conflicts with vehicular trips on the abutting streets.

6) Objective Design Standards - The City Council agreed for staff to develop a future work program to prepare objective design standards for all residential development, including those for ADUs and other ministerial projects which by legislation must be objective.

7) Development Review Streamlining – The City Council was supportive of streamlining the development review process as to allow concurrent zoning review/building permit processing, creating a new process/nomenclature for the ministerial planning clearance of ADUs, and the pre-review/approval of ADU model plans.

8) The City Council also supported government provision of financial incentives and assistance for constructing ADUs through state/federal grant programs, and waivers, reductions, or deferral of permit processing fees or development impact fees.

Based on these deliberations and accompanying City Council direction staff developed a work program to accomplish the following tasks:

1) Repeal and replace the current ADU Ordinance for compliance with state law as part of a comprehensive code clean-up effort;

2) Create a new Preliminary Ministerial Review process to replace the ADU Zoning Clearance process which by definition is a discretionary process per the EPAMC;

3) Relax the EPAMC requirements for private open space and second driveways for ADUs and seek input on expanding such to all single-family zoned properties;

4) Seek input on reducing minimum side and rear setbacks for detached ADUs, and on common interest developments and sale (condominium subdivisions) of ADUs;

5) Conduct research on the creation and implementation of model ADU plans;

6) Conduct research on fee waivers and financial incentives for ADUs and make recommendations to City Council on their implications for the affordability and production of ADUs.

While the first three of these tasks are included in the current Development Code Text Amendment, the fourth, fifth and sixth tasks merit additional research and outreach and would be subject to a future City Council hearing next year.

Communication from State Department of Housing and Community Development (HCD) on current ADU Ordinance

On April 14, 2023, HCD issued a letter (Attachment 5) to the City finding the following sections of the current ADU Ordinance out of compliance with Government Code Sections 65852.2 and 65852.22. City staff responded on May 12, 2023, that the Municipal Code would be updated by the end of 2023. The HCD letter indicated that the current Ordinance did not comply with State ADU law in the following areas:

1) Junior Accessory Dwelling Unit (JADU) Definition (§18.96.020)
2) Zoning (§18.96.030. A)
3) Unit Size (§18.96.030. C)
4) Open Space (§18.96. 030. E)
5) Front Setback Requirements (§18.96.030. L)
6) Height Limitations (§18.96.040. M; and §18.96.050. C)
7) Architectural Compatibilities (§18.96.030. N.1)
8) Unit Combination (§18.96.030. B.2.a)
9) Minimum ADU Size (§18.96.050. B.2.b)
10) Illegal Accessory Units (§18.96.070)

Technical Working Group (TWG) Meeting

On July 28, 2023, planning and housing staff and the Community Planning Collaborative (CPC) - the City's ADU ordinance update consultant, met with the ADU Technical Working Group (TWG) members comprising of a roundtable of planning, building and housing community partners focused on nuts and bolts of ADU Implementation, including EPACANDO, to discuss potential updates to the EPAMC. The TWG expressed interest in two general subject areas 1) relaxation of some development standards to encourage ADUs, especially those over 800 square feet (sq ft), and 2) legalization of unpermitted units; and came up with the following recommendations:

1) Relaxation of development standards by:
    - Reducing minimum open space requirement to 500 square feet,
    - Reducing minimum setbacks for detached ADUs to potentially 0 feet, and
    - Identifying uses appropriate for non-living spaces in the floodplain and clarifying the exclusion of non-living spaces from calculating the height limit.

2) Legalization of unpermitted units by:
    - Grandfathering unpermitted units, and

- Developing an amnesty/legalization program to bring illegal structures into conformance with the health and safety standards of the building code.

Staff have met regularly with the TWG to discuss ADU production, including the update of the current ADU ordinance and other EPAMC provisions to facilitate and incentivize the production of ADUs.

Planning Commission Discussion and Recommendations

On November 13, 2023, a Planning Commission meeting was held to discuss the proposed ADU Ordinance update. In the Planning Commission staff report[2], staff introduced amendments to the ADU regulations that were intended to codify the state ADU legislative changes. Staff also introduced other changes to the ADU regulations unrelated to the state legislation. Those proposed changes below are only for R-LD single-family zoned lots:

- Reduction of standards for open space by requiring the maintenance of 50% of the existing rear yard or 500 sq ft of private open space, whichever is less. This is a reduction from the previous requirement of 750 sq ft.

- Remove the prohibition of second driveways on single-family zoned lots and allow second driveways for ADUs on single-family zoned corner lots.

The Planning Commission also discussed whether these regulations should be extended to all single-family zoned lots. After discussion, the Planning Commission recommended that the minimum open space requirement be reduced to 500 sq ft for all R-LD single-family zoned lots and that second driveways be allowed for all R-LD single-family zoned corner lots. These proposed regulations are intended to balance the promotion of the ADUs with maintaining the quality of life of local residents. The regulations, if adopted, will maintain integrity of existing neighborhoods, provide open space in the residential rear yard for environmental benefits, and facilitate additional parking. The proposed City-driven ADU changes have been adjusted to ensure conformity with the state statutes.

The Planning Commission acknowledged that the state ADU requirements were mandated and also accepted the recommended city-specific amendments. Therefore, the proposed ADU Ordinance Amendment being considered by the City Council is substantially consistent with the draft ordinance that was discussed at the Planning Commission meeting on November 13, 2023.

The Planning Commission also discussed and recommended further study of other possible amendments to the ADU regulations, including reducing the requirement of a minimum four (4) foot setback, potentially to 0-feet, for detached ADUs and allowing condominium subdivisions for the separate sale or conveyance of ADUs and primary

[2] https://d3n9y02raazwpg.cloudfront.net/cityofepa/87141746-58a4-11ee-ae13-0050569183fa-071bcefc-bca4-45ae-9ad3-867910591258-1699570101.pdf

dwelling units. EPACANDO and City Systems, members of the Technical Working Group, submitted a letter dated November 13, 2023 (Attachment 8) and EPACANDO provided public comment in favor of the reduction of rear and side setbacks to zero feet in order to facilitate the legalization of formerly unpermitted ADUs that were built with zero to four foot side or rear setbacks and to make efficient use of available space for new housing among other benefits enumerated in the letter. Staff recommends that the Council provide direction to staff on how to proceed regarding these two items, which may include returning to either the Planning Commission or the Council with additional information for further consideration.

Analysis

There is a need to realign the Municipal Code to bring it into conformance with the latest legislative changes from 2021 through 2023 to ADU statutes, and to address the HCD finding of non-conformance in their letter dated April 14, 2023. Staff acknowledged receipt of the letter and affirmed that the current Ordinance would be updated in late 2023. City staff seeks the City Council's discussion and adoption of the draft Ordinance, as well as the approval of the other provisions suggested by staff. The intent of these changes is to promote and incentivize the construction of ADUs and enhance the livability and compatibility of ADUs within neighborhoods if life and safety requirements are met and compliance with state housing legislation is maintained.

This staff report is organized into the following proposed action items for the City Council's consideration:

A. Repeal and replace EPAMC Chapter 18.96 (current ADU Ordinance) to update the ADU and JADU provisions and development standards for conformance with state legislation.

B. Amend ADU Zoning Regulations in other Chapters of Title 18 to relax certain development standards, including certain provisions regarding processing of ministerial applications.

C. Amend certain code provisions regarding livability of single-family neighborhoods citywide.

D. Consider certain provisions regarding other development standards pertaining exclusively to ADUs.

E. Consider certain provisions on private open space and driveways regarding all single-family zoned parcels citywide without existing or proposed ADUs.

A. Repeal and Replace the ADU Ordinance for compliance with state law as part of a comprehensive code clean-up effort.

The City's current ADU Ordinance was codified in Chapter 18.96 of the EPAMC. As of January 1, 2023, the provisions that conflict with State law may be rendered null and void by a court of law. Staff recommends that the current ADU Ordinance be repealed and replaced by the draft Ordinance (Exhibit D of Attachment 1). The draft Ordinance is intended to address those sections of the current ADU Ordinance conflicting with the state legislation while maintaining those requirements that are still appropriate. Attachment 7 of this report provides the Ordinance in tracked changes to highlight the proposed modifications to Chapter 18.96. A clean version of the draft Ordinance is also attached as Exhibit D to the City Council ordinance (Attachment 1 – City Council Ordinance).

Changes of note include the following:

- Updated and new definitions (Table 1 below) for ADU, JADU, Primary Dwelling Unit, Public Transit, and Major Transit Stop,
- Reduction of standards for open space per Section 18.96.060 D Open Space of the draft Ordinance requiring the maintenance of 50% of existing rear yard or 500 sq ft of private open space whichever is less,
- Allowance of a second driveway per Section 18.96.060 F 4 on corner lots,
- Addition of objective development standards per Section 18.96.060 J on window placement, Section 18.96.060 K on skylights, and Section 18.96.060 L on decks and balconies, and
- Addition of a new Preliminary Ministerial Review process to replace the ADU Zoning Clearance process per Section 18.96.070 on Application and Processing for ADUs.

The draft Ordinance is reorganized to increase clarity of the regulations and improve public comprehension of the objective development standards for various types of ADUs in different zones and thus facilitate the construction of ADUs.

Table 1. Definitions

	Staff Recommendations
Accessory Dwelling Unit (ADU) Definition (§18.08.010 and §18.96.010)	ADU means a converted, attached or new construction 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.

	Staff Recommendations
Junior Accessory Dwelling Unit (JADU) Definition (§18.96.010)	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 (§18.96.010)	A 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 (§18.96.010)	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.
Major Transit Stop (§18.08.010)	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

Table 2 below includes recommendations that bring the Ordinance into compliance with State Law and respond to the HCD findings regarding the current ADU Ordinance (Attachment 3).

Table 2. Compliance with state legislations

	Staff Recommendations
Zoning (§18.96.030.A)	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 or on lots with multiple detached single-family dwellings.
State Exemption ADUs (§18.96.030.E)	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 in Section 18.96.050: 1. One ADU and one JADU per parcel with a proposed or existing single-family dwelling that complies with the requirements of state ADU law. 2. One detached, new construction ADU that meets requirements of the Ordinance. The ADU may be combined with a JADU that meets the standards as described in Section 18.96.060.

	Staff Recommendations
Unit Size (§18.96.050.B)	The floor area of a new construction attached or detached ADU or an ADU from converted space, 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.
Height (§18.96.050.C)	17 feet maximum in addition to required elevation for floodproofing when the subject site is located within a special flood hazard area.
Height Limitations (§18.96.050.C)	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. 1. 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. However, the ADU may not exceed two stories. 2. 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.
Open Space (§18.96.050.D)	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.
Front Setback Requirements (§18.96.050.I)	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 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.

	Staff Recommendations
Setbacks (§18.96.050.I)	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: A minimum of 4-four-foot side and rear setbacks must be maintained for construction of ADUs. Provided an 800-square foot accessory dwelling unit is not prohibited from being built, a minimum of 6-foot separation shall be maintained from the primary dwelling to any detached accessory dwelling unit. New ADUs shall be subject to the front yard setback requirements set forth in development standards of the underlying zoning district.
Architectural Compatibility (§18.96.050.J)	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. The ADU 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. 2. 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.
Window Placement (§18.96.050.K)	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: i. 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. ii. Second story windows may be clerestory windows with the sill of the window frame not lower than six feet

	Staff Recommendations
	or 72 inches above finished floor. iii. Second story windows which are not clerestory windows must utilize opaque glazing up to a height of six feed or 72 inches above finished floor.
Skylights (§18.96.050.L)	Skylights, whether operable or not, may be used to supplement interior lighting for all types of ADUs and JADUs.
Decks and Balconies (§18.96.050.M)	Second story doors, balconies, and decks for all detached ADUs and attached ADUs that encroach into the minimum required setbacks for the primary structure 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.
Non-permitted ADUs (§18.96.090)	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 2018 shall be issued a building 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.

Staff recommended the minor reduction of standards for open space by requiring the maintenance of 50% of the existing rear yard or 500 square feet (sq ft) of private open space, whichever is less. This provision would potentially allow more ADUs that are larger than the state exempted 800 sq ft ADU with only marginal impacts on storm runoff. An additional recommendation is to relax the prohibition of second driveways on single-family zoned lots and allow second driveways for ADUs on corner lots in order to facilitate the construction of Accessory Dwelling Units (ADUs) in the City. Second driveways would be allowed only if they don't impact traffic and public safety. In order not to exacerbate the volume of storm runoff and the heat island effect, second driveways will be required to use permeable pavers with optional green/vegetated joints and include flanking vegetation to provide shade. The second driveway would also facilitate additional parking for ADUs on corner lots. Table 3 includes recommended development standards changes for discussion. As discussed above, the Planning Commission voted to recommend the following provisions for all single-family R-LD zoned properties: 1) reducing the rear yard to 50% of the existing rear yard or 500 sq ft. whichever is less, and 2) allowing second driveways on corner lots which meet minimum traffic and public safety standards and utilize permeable pavers. The draft Ordinance has been amended to include both of these proposed changes.

Table 3. Relaxation of additional ADU development standards in Chapter 18.96, *Section 18.96.050 and 18.30.080 of the EPAMC*

	Staff Recommendations
Open Space (§18.96.050.D)	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. Cross reference to Subsection 18.96.050 D will be added to Section 18.10.030 Table 2-2.
Corner Lots – Second Driveway (§18.96.050.F.3)	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.
Parking for Single Family Lots (§18.30.080.A)	Cross reference to Subsection 18.96.050.F.3 will be added to Subsection 18.30.080.A.

B. Amend ADU Zoning Regulations in other Chapters of Title 18 to relax certain development standards,

Several Sections have also been amended or added to certain Chapters of Title 18 beyond the state requirements to facilitate the development of ADUs. These include Section 18.80.025 on Streamlined Ministerial Review Actions, and Section 18.82.020 on Authority for Land use and Zoning Decisions to add the Preliminary Ministerial Review (PMR) Clearance to **Table 7-1** on Review Authority (Exhibit B of Attachment 1). Chapter 18.85 on Preliminary Ministerial Review (Section 6 of Attachment 1) has also been added to replace the ADU Zoning Clearance process and clarify the process for zoning review and approval.

With the new Chapter 18.85 of the EPAMC, staff is proposing a new streamlined application for ministerial permits to verify if a proposed land use or structure complies with the uses allowed in the applicable zone and the objective development, design, and subdivision standards applicable to the use or structure. ADUs would follow this process rather than the previous Zoning Clearance process. This would clarify that the process is ministerial, unlike the standard Zoning Clearance which is a discretionary planning entitlement. Additionally, this new process would be available for other ministerial processes, such as those under the HOME Act (SB 9) and Streamlined Ministerial Approval process (SB 35), providing for a planning review prior to the building permit process.

C. Amend certain code provisions regarding livability of single-family neighborhoods citywide.

The Planning staff is also proposing a specific code amendment that will generally benefit single-family dwellings, and by extension ADUs, since a vast majority of them in the City are built on single-family zoned properties. It is aimed at improving the livability of single-family neighborhoods citywide when single-family zoned properties abut non-residential zoned properties. This amendment, to Section 18.90.020 B 1 (Exhibit C of Attachment 1) of Chapter 18.90 on Variances and Minor Variances will add fences or walls up to eight feet to **Table 7-3** on Types of Minor Variances Allowed, so that such fences and walls will be processed administratively as minor variances. Currently, fences are allowed up to four feet within the front setback and up to six feet in the side or rear yards. A fence in the rear or side may be extended to a maximum of seven feet with a minor fence variance. However, where residential properties abut nonresidential uses, a taller fence or wall would be beneficial by providing a higher visual screen and acoustic barrier for noise reduction, and a greater sense of safety. Fence variances are processed administratively at staff level and would be subject to appeal to the Planning Commission.

D. Consider certain provisions regarding other development standards pertaining exclusively to ADUs.

There are two additional standards that the Planning Commission discussed and made recommendations on. These include the issue of reducing the requirement of a minimum four (4) foot side yard setback, potentially to 0-feet, for detached ADUs and the propriety of condominium subdivisions to allow the separate sale of ADUs. These two items are included below for City Council consideration.

Setback Reductions: Staff recommended that the Planning Commission discuss and provide a recommendation regarding the question of reducing minimum side and rear setbacks to less than four feet as was discussed at the December 6th, 2022 City Council meeting. The Council was open to considering some exceptions but did not expressly support zero setbacks. Substandard setbacks have been issues primarily for existing nonconforming ADUs. New ADUs have been approved with all required setbacks.

Substandard setback concerns have been primarily addressed by SB 897 for existing ADUs and recent ADU applications have not shown that the four-foot setback is an issue. Currently, only two nearby jurisdictions, Santa Clara County and the City of Santa Clara, have reduced setbacks by allowing three-foot minimum setbacks for ADUs.

Zero setback ADUs are possible but in all cases are conditioned on the health and safety of the future occupants and community as determined by the Building Official, including the first risk posed to adjoining structures as setbacks can provide a natural fire barrier. Common solutions to this issue where setbacks are reduced involve relatively expensive construction including fire rated walls, thereby halting or reducing the speed of a fire spreading. Any windows must be especially fire rated and clerestory-type with no visibility onto the adjoining properties. Roof overhangs must not encroach into adjoining properties and all roof drainage must be confined to the subject site. These measures can often be costly and may defeat the underlying premise of

affordability for ADUs. On the other hand, reduced setbacks could increase available private open space. Some people prefer zero setbacks to sub-standard setbacks of one or two feet as those create unusable narrow spaces but still with the need for expensive fire rated walls and other measures already discussed. However, even minimal setbacks of one to two feet can be advantageous as they would allow space for erection/maintenance of fences and detached ADUs. The Planning Commission was concerned about potential impacts with lesser setbacks, including noise, and recommended that the reduction beyond the State maximum of four feet be studied further and brought back to the Commission for discussion.

Condominium Subdivisions: The October 2023 passage of AB 1033 provides the option for the City to adopt an ordinance that allows separate conveyance of the primary dwelling unit and accessory dwelling unit as condominiums. Current state and East Palo Alto regulations prohibit the separate ownership of ADUs from the primary unit except for qualified nonprofits for deed restricted units. The Planning Commission briefly discussed allowing separate sale of primary dwelling units and ADUs as condominiums. Allowing units to be sold as condominiums, which tend to sell for much less than single-family homes, may create options for residents for which homeownership is currently out of reach. While additional condominiums can be a more affordable option and help to increase the possibility of homeownership for some, this may still not be an affordable option for everyone. Separate sale may also have benefits for homeowners in need of supplemental income. Additionally, allowing homeowners the option to sell the ADU or primary home may also encourage more ADUs to be built by offsetting the high cost of building an ADU. However, allowing ADUs as condominiums could potentially change the development pattern of single-family neighborhoods.

As a newly enacted state law, the City may choose to defer consideration of an ADU condominium option to provide more time to study and understand the implications as it is not a mandate. Condominium subdivisions should be further evaluated before a decision is made. First, there are common interest issues regarding accessibility (ingress and egress), utility easements, management of common spaces, etc. Second, the basic relationship between primary dwelling and accessory dwelling is irretrievably severed with all dwellings assuming primary status possibly without access to parking and other residential amenities. The Planning Commission recommended that this item also be deferred to a future action pending additional analysis. If the City Council accepts this recommendation, it should direct staff to formulate a work plan for the Council's consideration, including to host another roundtable on these issues, reach out to various community stakeholder for input, and re-engage the Planning Commission in a study session format before returning for City Council discussion and action by the end of 2024.

E. Consider certain provisions on private open space and driveways for all single-family zoned properties without existing or proposed ADUs:

The draft Ordinance originally proposed the relaxation of development standards for private open space and allowance of a second driveway for corner lots only for properties with ADUs. However, based on the Planning Commission discussion and recommendation, the revised ordinance proposed for adoption now includes both of these amendments. Because these provisions were previously discussed above, only a brief summary is provided as follows:

Open Space Requirement. Staff recommended a limited reduction for single-family lots containing ADUs while the Planning Commission recommended extending the same open space requirement to all single family lots for consistency.

Second driveways on all single-family zoned corner lots. Staff recommended the relaxation of the prohibition of second driveways on single-family zoned corner lots with ADUs. The Commission recommended allowing second driveways for all single family lots for consistency. This would provide additional parking for all properties, including for SB 9 units and not just ADUs. However, second driveways could also impact the neighborhood development patterns and reduce landscaped areas.

These recommendations will involve amendments to EPAMC minimum requirement to reduce the 750 sq ft. private open space under Section 18.10.030 Table 2-2 Development Standards for Residential Zones (Exhibit A of Attachment 1) and Section 18.30.080 A.5 to allow up to two driveways for single-family zoned properties on corner lots (Section 3 of Attachment 1).

Next Steps

The draft Ordinance is intended to address those sections of the Municipal Code that conflict with state legislation and to respond to City Council direction on ADUs. If the local Ordinance is out of compliance with the state regulations, the less restrictive state regulations would override local codes. The proposed amendments to the City's ADU Ordinance will bring the Municipal Code into compliance with the state legislation and enable the City to continue to encourage and regulate the construction of ADUs and JADUs.

If approved by the City Council, the Development Code Text Amendment (ZTA23-001) would be scheduled for adoption at a subsequent meeting on December 14, 2023. The Development Code Text Amendment (ZTA23-001) would become effective on the 31st day following the adoption of the Ordinance by the Council.

Fiscal Impact

There is no fiscal impact to the City associated with the proposed Ordinance.

Public Notice

The public was provided notice of this agenda item by posting the City Council agenda on the City's official bulletin board outside City Hall and making the agenda and report available at the City's website and at City Hall located at 2415 University Avenue, East Palo Alto. Additionally, Additionally, a legal advertisement was placed in the local newspaper on November 24, 2023, more than ten (10) days prior to this meeting.

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:

Attachment 1 – ZTA23-001 City Council Ordinance.
Attachment 2 - Key provisions of SB 897.
Attachment 3 – Current EPA ADU Ordinance.
Attachment 4 - December 6, 2022 City Council Staff Report.
Attachment 5 – April 14, 2022 HCD Letter on EPA ADU Ordinance.
Attachment 6 – Draft Planning Commission Resolution (Amended to reflect hearing decision).
Attachment 7 – Tracked Draft EPA ADU Ordinance.
Attachment 8 – EPACANDO letter to Planning Commission, November 13, 2023.

ATTACHMENT 4 – ARCHITECTURAL COMPATIBILITY

	Staff Recommendations
Architectural Compatibility (§18.96.050.J)	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. ~~The~~ Attached 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. They 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 designs and pitches, rafter details, facia 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%

	Staff Recommendations
	grade to 10/12 at 83.33% grade. ~~3. Attached ADUs shall match the roof pitch and roof form of the primary dwelling unit in order to blend with the architecture of the primary dwelling.~~

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: John D. Lê, City Attorney

SUBJECT: Repeal of Chapter 6.04 of the San Mateo County Ordinance Code and Adoption of New Amended Code as Relates to Animal Control & Licensing, Including Clarifications to Existing Code, Renumbering, and a Revised Schedule of Fees.

Recommendation

A. Waive the first reading and introduce an ordinance repealing and replacing Chapter 6.04 (Animal Control) of Title 6 of the City of East Palo Alto Municipal Code to clarify existing definitions, enact additional requirements for animal control, and revise the fees for animal control services; and

B. Find that the project is exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 and 15061.

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 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. The County is recommending that the City adopt the County's model ordinance to facilitate enforcement by the County of provisions of said model ordinance.

Analysis

The Animal Control and Licensing Program Manager, of San Mateo County Health, informed each of the Cities within the County that a process would begin to revise and update the Animal Control Ordinances, and invited all to participate in the discussion and development process. From that open invitation, the Program Manager worked with a committee of five (5) City Attorneys, representing South San Francisco, Millbrae, Pacifica, Half Moon Bay and Redwood City, as well as the County Attorney's Office, and with ongoing input from the Peninsula Humane Society & SPCA (including their counsel), to develop a Draft Animal Control Ordinance representative of all key stakeholders (the County, Cities, and the contractor animal control agency) of San Mateo County animal control.

The committee of stakeholders identified opportunities to clarify existing language, remove repetitive language, and add substantive changes to the existing ordinances, with an emphasis on increasing efficiency in enforcement, clarifying language deemed confusing, and addressing deficiencies that had emerged after years of experience and enforcement under the current Chapter 6.04. The intent of the revised Chapter 6.04 is enhanced enforceability, streamlined processes, clarity in definitions based on real-world experience, and above all else, public safety.

As part of the development process, the Program Manager undertook a comprehensive study of other jurisdictions within California and in some circumstances sought feedback from those jurisdictions on how certain elements worked or did not work. The Program Manager carefully considered input from all relevant parties (including the Cities within the County) in order to draft a proposed Ordinance which reflects the interests of all stakeholders.

The following are the key provisions of the proposed ordinance updating Chapter 6.04:

- Updates existing definitions to improve enforcement capabilities and remove potential areas of confusion, particularly as relates to "Dangerous" and "Vicious" animal designations within the County.

- Lowers the rabies vaccination age requirement as consistent with current state law.

- Updates language and enforcement regarding "Vicious" animals. An animal designated as "Vicious" is, in many circumstances, to be humanely euthanized. The proposed code raises the threshold for when an animal may be declared "Vicious" (and thus is to be euthanized) as is consistent with current standards and practical enforcement. For

offending animals deemed a significant danger to the public, a "Vicious" animal designation is still applicable.

- Updates language and enforcement regarding "Dangerous" animals. An animal designated as "Dangerous" is one which has exhibited behavior which indicates that heightened safety requirements for the keeping of such animal are required to ensure public protection. The proposed revised Chapter 6.04 revises and clarifies the threshold for when an animal may be designated as "Dangerous." Currently, a Dangerous animal designation remains for the life of the animal; under the proposed revisions, an owner may apply for the designation to be lifted after a period of three (3) years if it has been safely maintained under the permit, removing the need for County oversight and enforcement. The Program Manager has found that most animals deemed "Dangerous" (about 90%) do not re-offend, and that the lifting of designations for animals deemed no longer a danger to the public is consistent with other jurisdictions, as well as state recommendations under the California Food and Agriculture Code.

- Removes language indicating that an animal owner may not maintain a "Dangerous" animal in a home with a juvenile person under the age of eighteen (18). The committee could not find any other jurisdiction that had this restriction in an ordinance and is not aware of any instance in which it had actually improved public safety or in which it was enforceable.

- Revises and updates the fee schedule and further clarifies the offenses for which administrative citations may be issued for violations of the Chapter.

Fiscal Impact

None.

Public Notice

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

Environmental

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

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 _____ day of _____, 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lisa Gauthier, Mayor

ATTEST:

James Colin, City Clerk

APPROVED AS TO FORM:

John D. Lê, City Attorney

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

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 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) 1) 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.)	$23.00
1-year license	
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.)	$12.00
1-year license	
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
Trailering 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 Over 100 pounds	$60.00 $125.00
DOA Disposal: Under 100 Pounds Over 100 pounds	$30.00 $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: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: John D. Lê, City Attorney

SUBJECT: Updated Tobacco Retailer Ordinance

Recommendation

Waive the first reading and introduce an ordinance repealing and replacing Chapter 5.80 "Tobacco Retailer Permits" of the East Palo Municipal Code with an ordinance that consolidates and clarifies existing definitions, in addition to enacting additional requirements for tobacco retailer permits, to align with the County of San Mateo Model Ordinance.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority No. 3: 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 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.

Analysis

Over the years, 14 jurisdictions within San Mateo County have adopted their own tobacco retailer ordinances, with varying degrees of consistency with the San Mateo County Ordinance. In May of 2023, San Mateo County adopted a revised ordinance. The revised San Mateo County ordinance proposes key provisions in the newly added Chapter 4.98:

- Updated definitions to align with similar model ordinances across California. For example, the “Tobacco Product” definition will now include synthetic nicotine, and align language, where appropriate, with the new Statewide ban of flavored tobacco products.

- Restrictions on where new retailers may be located: no new Tobacco Retailer Permit will be issued to a location within 1,000 of a Youth-Populated Area or within 500 feet of a location already occupied by another tobacco retailer. “Youth-Populated Areas” is updated to include college campuses.

- Prohibition on posting advertisements offering tobacco products unless the retailer has a valid permit to sell tobacco products.

- Increase in the age for those who sell tobacco products to match the minimum age allowed to purchase tobacco under State law, currently 21 years old.

- Increase in fines up to $500 for the first violation, and up to $1,000 for all subsequent violations within a 60-month period.

- Requirement that a permit be suspended if a business is found to have sold tobacco products to persons under the age of 21.

- Required annual inspection of each tobacco retailer by an enforcement designee to monitor compliance with applicable laws.

- Increased permit suspension and revocation escalation period for cumulative violations from 12 to 60 months.

The revised San Mateo County ordinance also clarifies requirements for cities to authorize the County to administer and enforce the Tobacco Retailer Permit ordinance in incorporated jurisdictions. Specifically, cities will have the option to have the County administer and enforce this ordinance if a city passes its own identical version of the County’s ordinance.

The addition of an annual inspection for all tobacco retailers would increase the annual permitting fee from $174 to $423. Additionally, a $249 one-time application fee would be assessed to review the application of a new business and assess various new location restrictions. These fees are necessary to obtain full cost recovery for the administration of the permit. This fee increase will be presented as an amendment to the County's Code, which sets forth the fee schedule for all Environmental Health Services' fees. If the amendment increasing these fees is passed, Environmental Health Services staff will then incorporate these new fee amounts into the comprehensive fee schedule set forth therein. If the City ultimately adopts the attached ordinance, tobacco retailer businesses within the City's jurisdictional limits would be subject to this fee.

As of the date of this staff report, a number of jurisdictions, including the cities of South San Francisco and San Carlos, have adopted the County's revised ordinance. Staff recommends that the Council waive the first reading and introduce the attached ordinance this evening to ensure timely and expeditious enforcement of its provisions within the City.

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.

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

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 5, 2023 meeting of the City Council of the City of East Palo Alto.

PASSED AND ADOPTED this 5th day of December, 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lisa Gauthier, Mayor

ATTEST:

James Colin, City Clerk

APPROVED AS TO FORM:

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 Couty ordinance code at section 4.98.310(a).

EAST PALO ALTO CITY COUNCIL STAFF REPORT

DATE: December 14, 2023

TO: Honorable Mayor and Members of the City Council

VIA: Melvin E. Gaines, City Manager

BY: Maurice Baker, Community Services Manager

SUBJECT: Utility Box Art Project

Recommendation

By motion, authorize the City Manager to:

1. Formalize a partnership with EPACenter Arts to complete the Utility Box Art Project at 13 locations around East Palo Alto.
2. Provide direction on which design concept, Infinite EPA or EPA Livingscapes, best showcases the talent and creativity of East Palo Alto.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Enhance Community Services and Parks

Background

In 2015, staff sought ways to deter vandalism through creation of a graffiti abatement policy. Several possible solutions were presented including implementing a task force. Installation of public art, particularly murals, is one practice that the City has successfully used to deter vandalism. EPACenter Arts and the Music, Mural & Arts Program (MMAP), both which were born to uplift the creative spirits in youth, have led the creation of many murals throughout East

Palo Alto. The range of murals around the city speak to the city's makeup, social justice efforts, and vibrant environmental landscape.

Staff began meeting with EPACenter in Fall 2023 to discuss the feasibility of a partnership that would allow EPACenter to lead East Palo Alto youth in beautifying City utility boxes. As the City seeks opportunities to increase public art and beautify public spaces, partnering with EPACenter Arts to install art on utility boxes around the community is a proven strategy.

Analysis

In addition to goals to beautify public spaces and deter vandalism, the City has a goal to better engage youth in civic activities. Partnering with EPACenter Arts on the proposed Utility Box Art Project provides an opportunity for the City to work toward both goals. There are currently 13 City-owned utility boxes located around the community that could be decorated. While there are several more utility boxes in East Palo Alto, they are not controlled by the City and would require clearances from companies like PG&E or AT&T. If the project is successful, the City and EPACenter may seek opportunities to decorate privately owned utility boxes.

The City owned utility boxes are at the following locations:

1. University and Notre Dame - 1 box
2. University and Bay Rd - 2 boxes
3. University & Runnymede - 1 box
4. University and Bell St - 1 box
5. Donohoe and University - 2 boxes
6. Woodland and University - 1 box
7. Donohoe and Cooley - 2 boxes
8. Donohoe and East Bayshore - 1 box
9. Clark and East Bayshore - 1 box
10. Pulgas and East Bayshore - 1 box

EPACenter Arts was established in 2010 to provide an artistic landing space for youth through all expressions. They are an ideal partner in this endeavor because they have a history of engaging East Palo Alto youth in artistic efforts. EPACenter is funding the art installation with grant funds. Due to a generous grant received by EPACenter Arts, the cost of the creative process is covered, however, there is a $20,000 estimated cost for installation of the completed project in this partnership which will be funded through City salary savings. EPACenter hired a Creative Director to lead a group of East Palo Alto based paid interns through the process of determining themes to present for City Council consideration. The potential themes include:

- **Infinite EPA –** a concept that will marry EPA youth and young adult-created images, drawings, and paintings of the sun, moon, planets, and stars with a soundtrack of jazz and blues selections from native East Palo Alto soprano Yolanda Rhodes, the

enormously gifted professional musician. When passersby scan the QR code in the corner of the utility box paintings with this theme, a magical layers of images of twinkling, dancing stars and planets will overlay the box paintings, accompanied by soundtracks of Ms. Rhodes music.

- **EPA Livingscapes-** a concept that will blend paintings and graphics of East Palo Alto flora and fauna and the EPA environmental landscape with its wide and rich variety of soundscapes, providing a sensorial and aural portrait of the city. Paintings and graphics can include the city's stunning natural flowers, butterflies, grasses, and plants, as well as birds (sandpipers, dowitchers, and avocets, Great Blue herons, white pelicans, and egrets) and other wildlife from the Ravenswood Open Space Preserve and Ravenswood Marsh. Accompanying these graphics and paintings will be field recordings that the EPACENTER youth and young adults have taken from the Preserve, as well as soundscapes from the city life itself, like the sounds of a baseball game or someone ordering tacos at a local taqueria.

Council direction is requested on which design concept/theme, Infinite EPA or EPA Livingscapes, best showcases the talent and creativity of East Palo Alto. More information on each theme is included in Attachment 1. When a theme is determined, the following process will be implemented to complete the project:

- December 2023/January 2024- Promote free programming to EPA Youth
- Jan/Feb 2024- Programming begins
- February 2024- Artwork completed
- Spring 2024- Artwork fabrication
- Summer 2024- Artwork Installation
- Fall 2024- Community Celebration

As this will be the first effort to apply art to utility boxes, staff proposes to utilize a vinyl wrapping material that allows for easy implementation and maintenance. Once in place, this can become an annual program or opportunity for youth to build an arts portfolio through City based projects.

Fiscal Impact

There is no budget impact by this 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.

Environmental

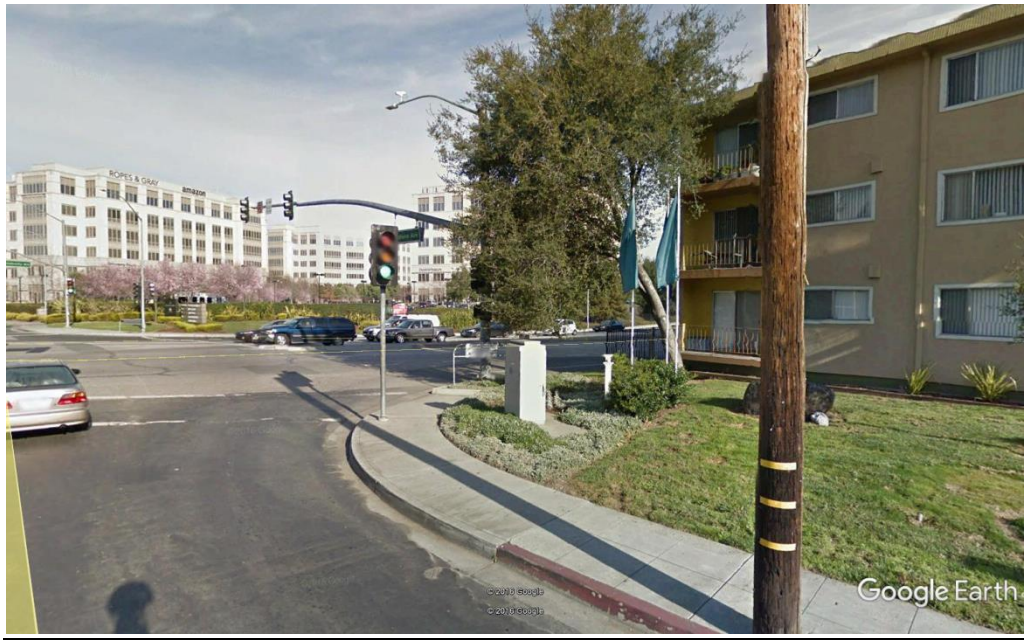
The proposed action does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15378(b)(4) and (5) in that it is a governmental fiscal, organizational or administrative activity that will not result in direct or indirect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

Attachments

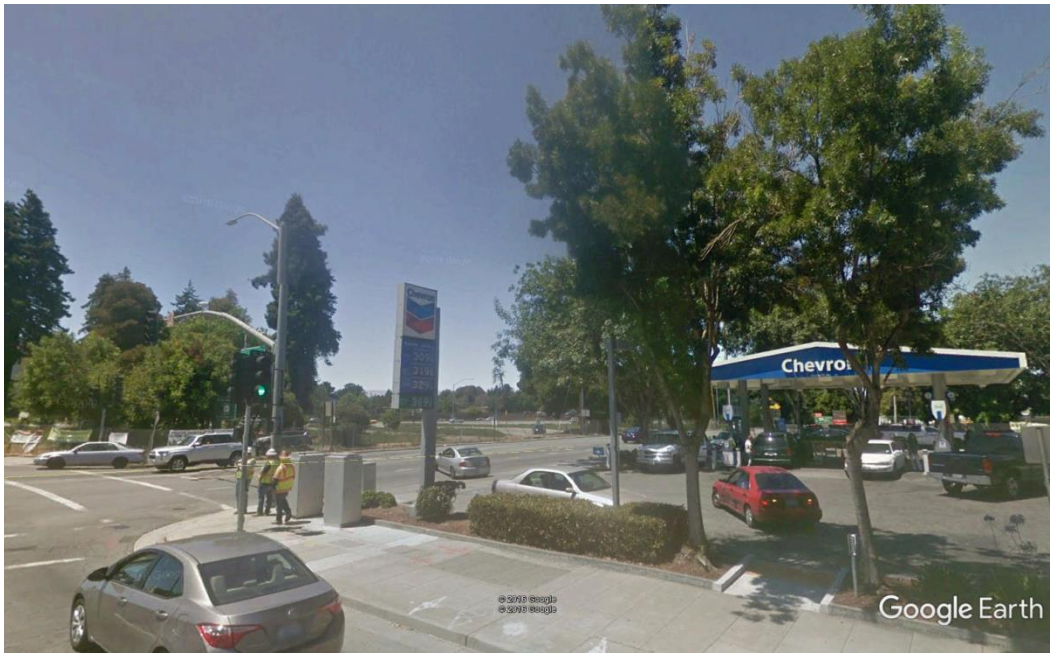
1. Presentation
2. Utility Box Outline

City of East Palo Alto – Detailed Project Signal Information

#	Intersection	Signal Ownership
1	University Ave at Woodland Ave	City of East Palo Alto
2	University Ave at Donohoe St	City of East Palo Alto
3	University Ave at Bell St	City of East Palo Alto
4	University Ave at Runnymede St	City of East Palo Alto
5	University Ave at Bay Rd	City of East Palo Alto
6	University Ave at Notre Dame Ave	City of East Palo Alto
7	Donohoe St at Capital Ave	City of East Palo Alto
8	Donohoe St at Cooley Ave	City of East Palo Alto
9	Donohoe St at East Bayshore Rd	City of East Palo Alto
10	Ravenswood Shopping Center at East Bayshore Rd	City of East Palo Alto
11	Clarke Ave at East Bayshore Rd	City of East Palo Alto
12	Pulgas Ave at East Bayshore Rd	City of East Palo Alto



1. University Ave at Woodland Ave
Width= 33”x 24” inches, Length= 65” inches, Wraparound= 114” inches

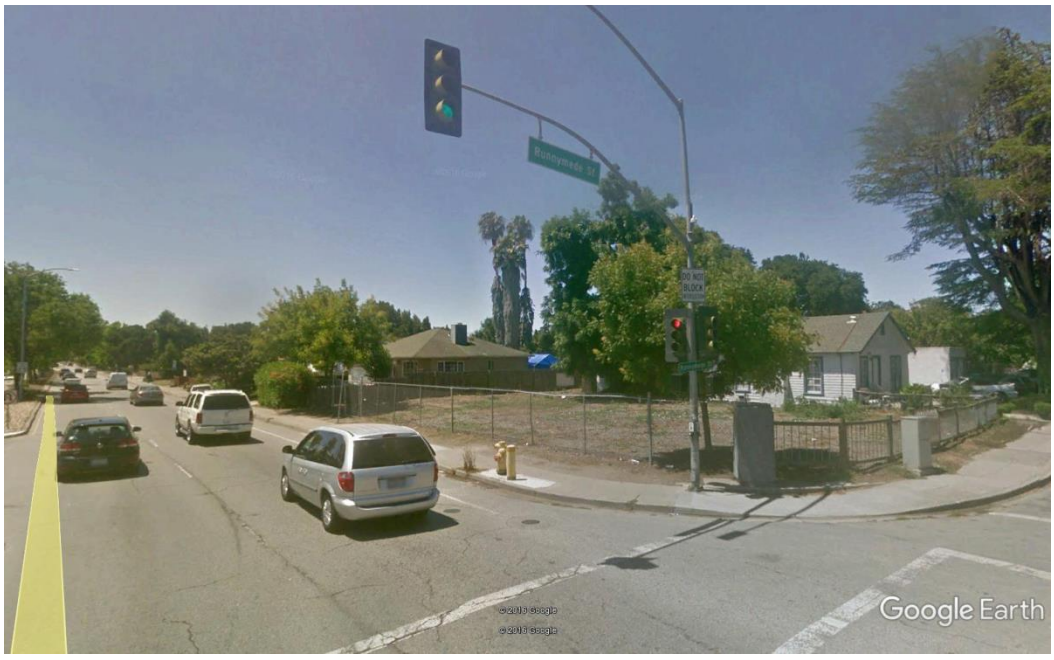


2. University Ave at Donohoe St
Width= 33”x 24” inches, Length= 65” inches, Wraparound= 114” inches

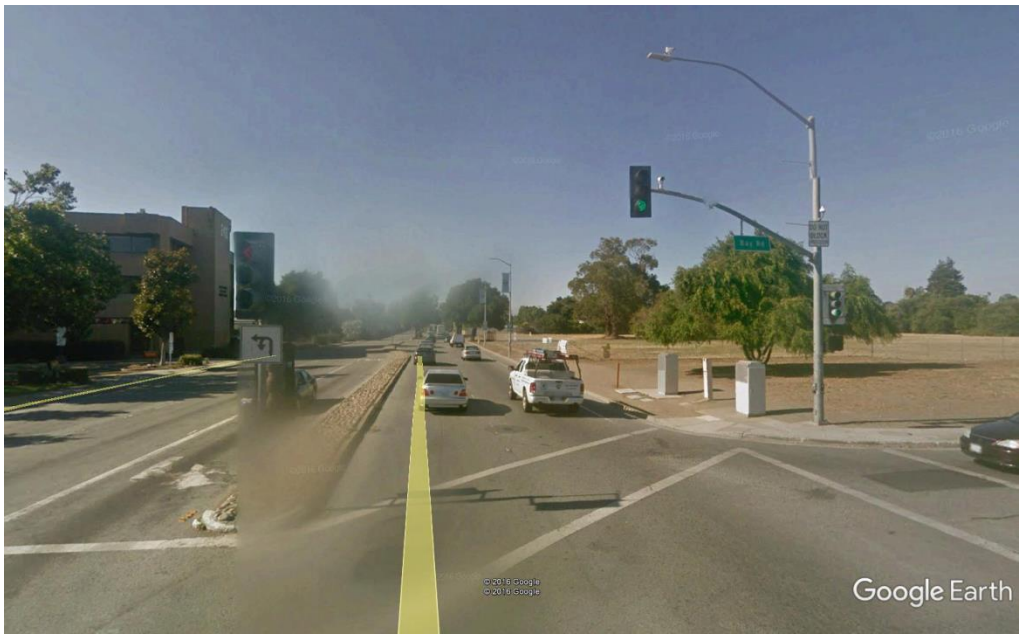


University Ave at Bell St

Width= 33”x 24” inches, Length= 65” inches, Wraparound= 114” inches



3. University Ave at Runnymede St
Width= 33”x 24” inches, Length= 65” inches, Wraparound= 114” inches



University Ave at Bay Rd

Width= 33”x 24” inches, Length= 65” inches, Wraparound= 114” inches

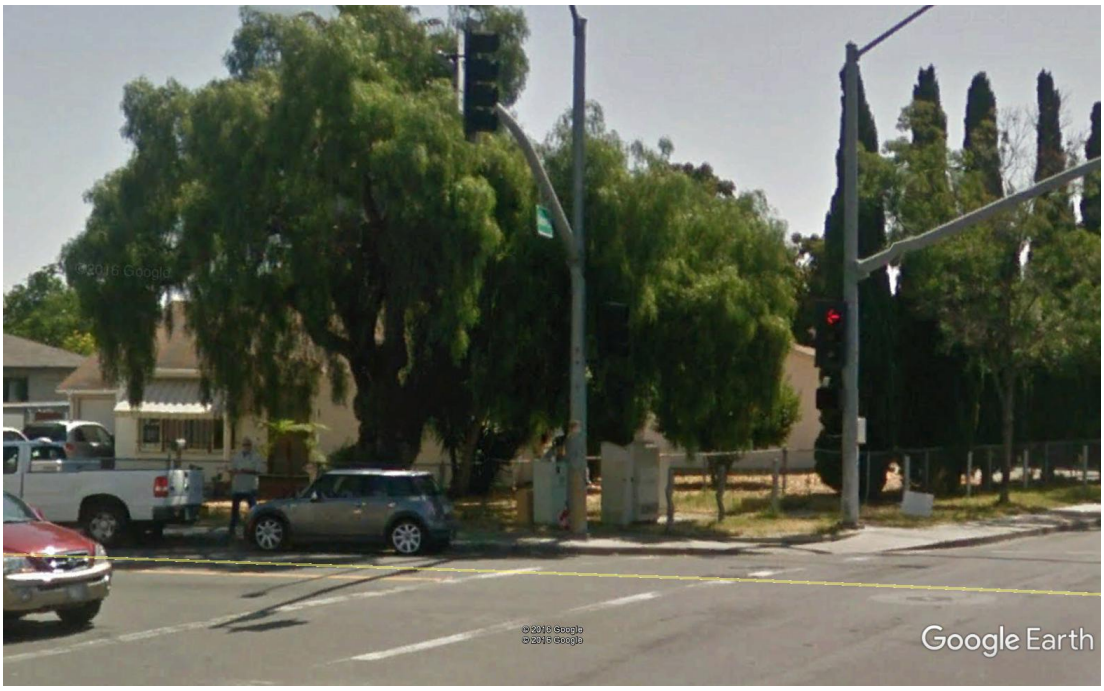


4. University at Kavanaugh/Notre Dame Ave
Width= 33”x 38” inches, Length= 65” inches, Wraparound= 142” inches

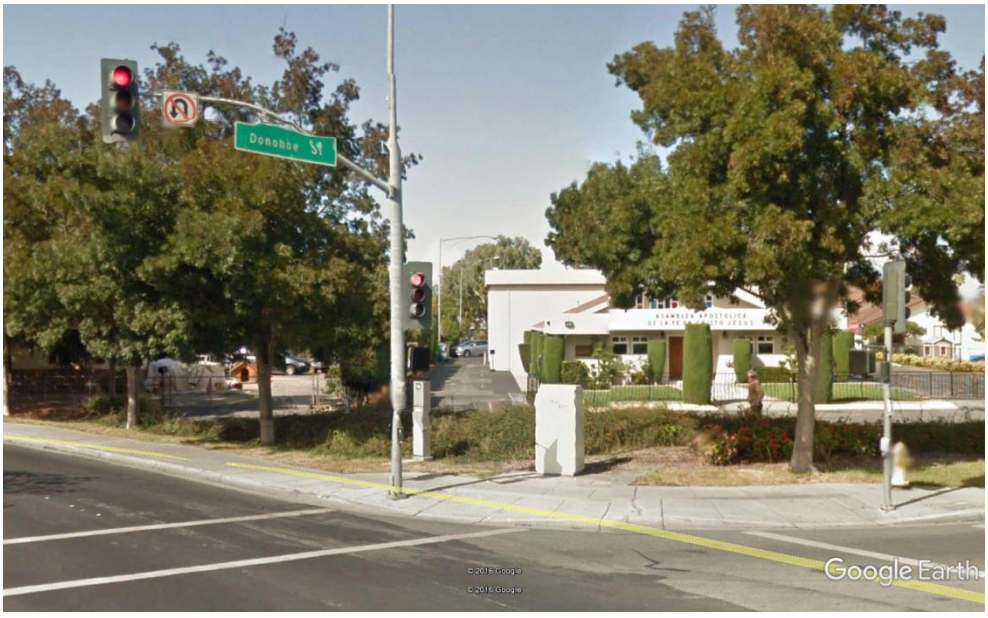


Donohoe at Capital

Width= 33”x 24” inches, Length= 65” inches, Wraparound= 114” inches



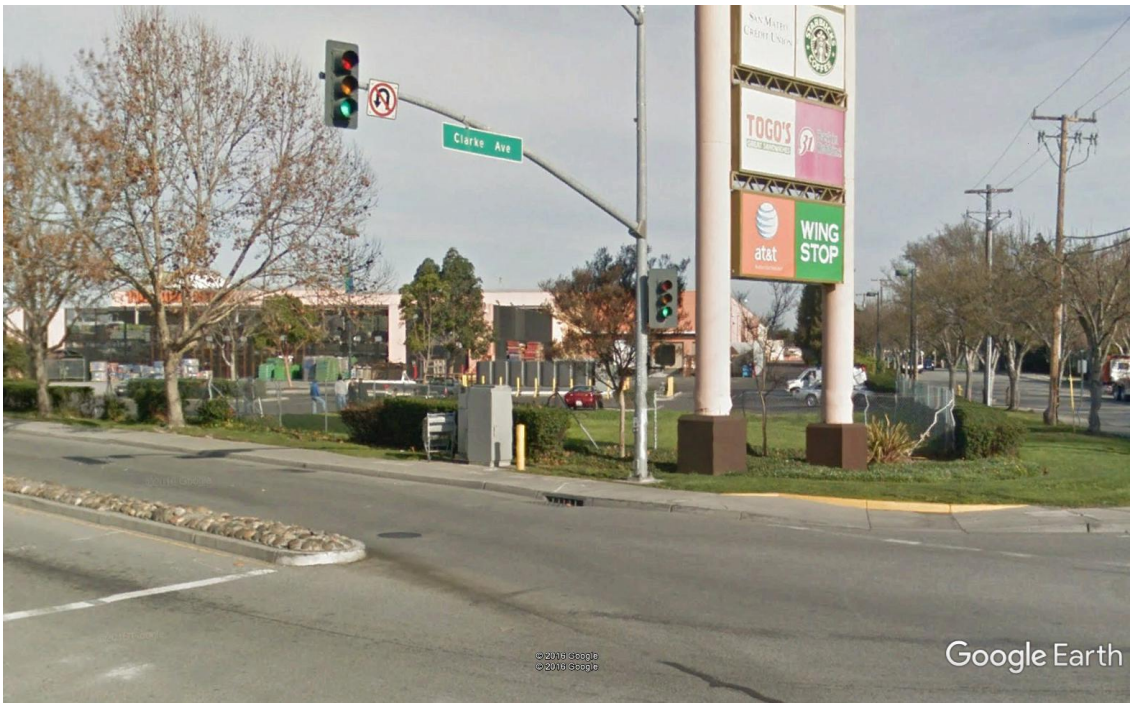
Donohoe St at Cooley Ave
Width= 33”x 38” inches, Length= 65” inches, Wraparound= 142” inches



5. Donohoe St at East Bayshore Rd



6. Ravenswood Shopping Center at East Bayshore Rd
Width= 33”x 24” inches, Length= 65” inches, Wraparound= 114” inches



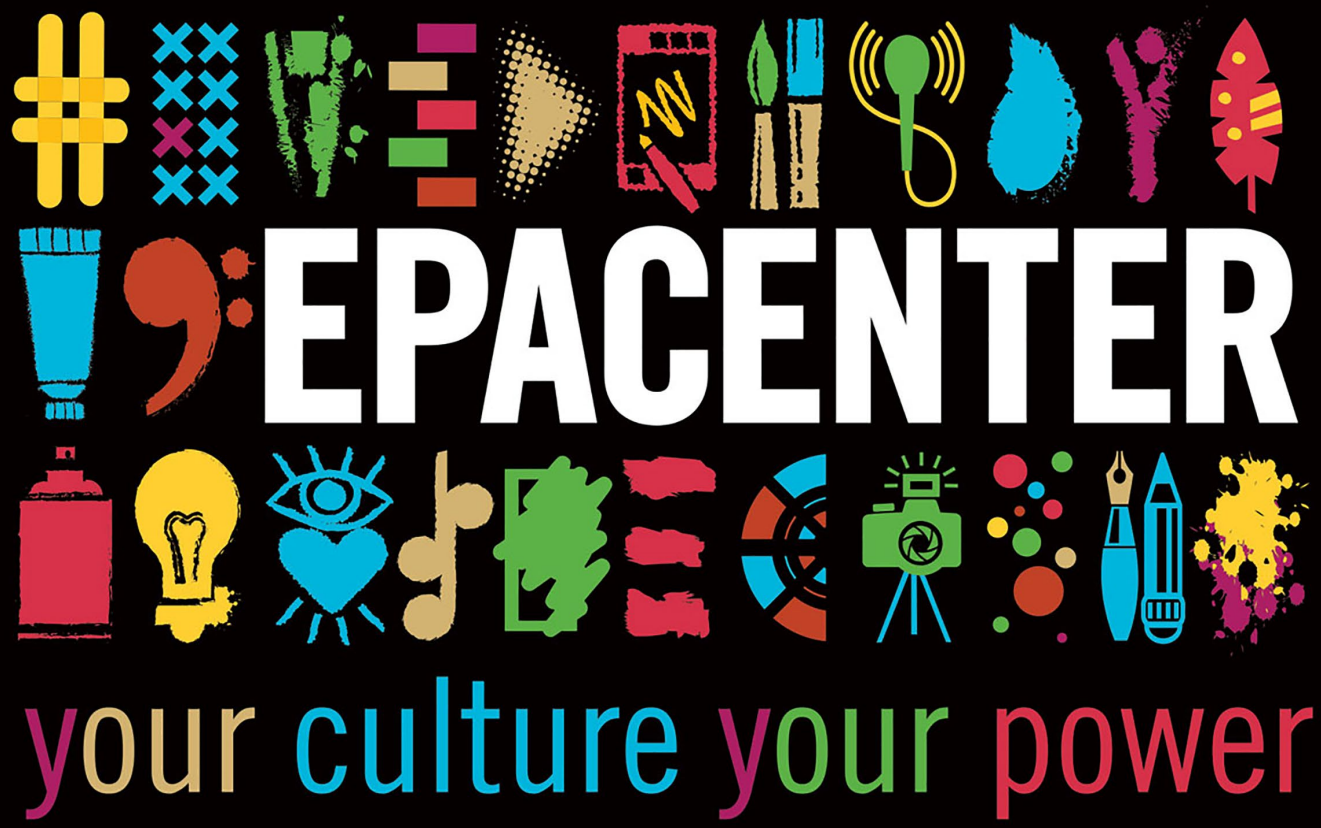
Clarke Ave at East Bayshore Rd

Width= 33”x 24” inches, Length= 65” inches, Wraparound= 114” inches



Pulgas Ave at East Bayshore Rd

Width= 33”x 24” inches, Length= 65” inches, Wraparound= 114” inches



City of East Palo Alto Electrical Utility Box Public Art Proposal

December 2023

EPACENTER
Electrical Utility Box StoryScapes Public Art Project



The **EPACENTER Electrical Utility Box StoryScapes Public Art Project** presents a creative opportunity to enliven the East Palo Alto landscape through the radical transformation of the city's electrical utility boxes into dynamic public art canvases for storytelling and art.

By combining gorgeous, vivid artwork created by East Palo Alto youth and young adults with state-of-the-art augmented reality storytelling technology, East Palo Alto's utility boxes can transform into a rich scavenger hunt of the city's hidden nature and beauty.

EPACENTER
Electrical Utility Box StoryScapes Public Art Project





Thirteen East Palo Alto utility boxes, currently painted in solid shades of forest green and light grey, will morph into **“StoryScapes” of artworks that can convey the story of East Palo Alto’s unique and fascinating history**. Two storytelling concept possibilities present the opportunity to capture the imagination of the city’s public audiences, through offering a journey spanning the streets and outdoor corridors of East Palo Alto.

EPACENTER
Electrical Utility Box StoryScapes Public Art Project



Mural on the water tank at the City of East Palo Alto Pedestrian Bridge

The EPACENTER Electrical Utility Box Project involves the creation and installation of 13 iconic images on electrical boxes in the City of East Palo Alto.

The electrical box designs will be created by a paid team of EPA interns, ages 18 and up, a public art professional, and dozens of youth from across the city. The youth will determine the look and feel of the artworks in a class led by the public artist and EPA interns that will be held at the EPACENTER building. Students in the classes will learn how to use advanced technology to create the artwork for the electrical boxes.

EPACENTER will partner with other youth-serving organization in EPA to ensure as broad of a participation as possible in the design of artwork for each electrical box.

CONCEPT DESIGNS
CONCEPT I: INFINITE EPA



The “**Infinite EPA**” concept will marry EPA youth and young adult-created images, drawings, and paintings of the sun, moon, planets, and stars with a soundtrack of jazz and blues selections from native East Palo Alto soprano Yolanda Rhodes, the enormously gifted professional musician. When passersby scan the QR code in the corner of the utility box paintings with this theme, a magical layers of images of twinkling, dancing stars and planets will overlay the box paintings, accompanied by soundtracks of Ms. Rhodes music.

CONCEPT DESIGNS
CONCEPT I: INFINITE EPA



Paintings and Graphics: Sun, moon, stars, space

Audio Soundscape: Jazz, Blues & Spirituals sung by Yolanda Rhodes, Soprano from East Palo Alto and other children in the City of EPA

Example: God Bless the Child performed by Yolanda Rhodes https://www.youtube.com/watch?v=x965rJDs6YI)

Mouse over to play Yolanda Rhodes sample here

CONCEPT DESIGNS
CONCEPT II: EPA LIVINGSCAPES



The "**EPA Livingscapes**" concept will blend paintings and graphics of East Palo Alto flora and fauna and the EPA environmental landscape with its wide and rich variety of soundscapes, providing a sensorial and aural portrait of the city. Paintings and graphics can include the city's stunning natural flowers, butterflies, grasses, and plants, as well as birds (sandpipers, dowitchers, and avocets, Great Blue herons, white pelicans, and egrets) and other wildlife from the Ravenswood Open Space Preserve and Ravenswood Marsh.

Accompanying these graphics and paintings will be field recordings that the EPACENTER youth and young adults have taken from the Preserve, as well as soundscapes from the city life itself, like the sounds of a baseball game or someone ordering tacos at a local taqueria.

CONCEPT DESIGNS
CONCEPT II: EPA LIVINGSCAPES



Mouse over to hear Blue Heron call

Paintings and graphics: flowers, grasses, birds, butterflies

Soundscapes: Field recordings of EPA City and Nature Environments, e.g., the Ravenswood Open Space Preserve and Ravenswood Marsh, and the varied sounds of life going on around the entire city of East Palo Alto.

CONCEPT EXPERIENCE
Public INTERACTIVE EXPERIENCE through AUGMENTED REALITY

#EPACENTER
your culture your power

The **EPA StoryScapes Experience** will feature an immersive Augmented Reality and sound experience when the public scans a QR code in the corner of the paintings & graphics of each of the EPA Electrical Utility Boxes and points their phone or iPad at the paintings on the boxes.

CONCEPT EXPERIENCE
Public INTERACTIVE EXPERIENCE through AUGMENTED REALITY



Upon scanning, a moving, animated overlay will magically “appear” as a layer over the painting, and the accompanying soundtrack will begin. Depending on the design concept selected by the EPA City Council, the soundtrack can be music, storytelling in the voices of the community, or environmental sounds taken from field recordings collected by EPACENTER youth and young adults.

AERO by ADOBE
IMMERSIVE AUGMENTED REALITY STORYSCAPE EXAMPLES



In developing the **EPA Electrical Utility Box StoryScapes Public Art Project**, the EPA youth and young adults will learn "AERO," a new, cutting-edge but simple to understand software program by Adobe. AERO allows one to design graphics and animations that can become Augmented Reality "overlays" by **pointing your phone or iPad at the landscape or structure one designed an overlay for, simply by scanning the nearby QR code.**

AERO by ADOBE
IMMERSIVE AUGMENTED REALITY STORYSCAPE EXAMPLES



Mouse over to play video of AR examples

EPA StoryScapes AERO Augmented Reality Examples



In the first example, if the “Infinite EPA” design concept is selected, an EPA Electrical Utility Box with a painting of moon and stars will come alive when one scans the QR code—the stars will begin twinkling and one will hear the soprano voice of EPA native Yolanda Rhodes singing one of her jazz or blues selections, as well as the story of what local youth dream of when they go to bed at night or look up at the stars.

EPA StoryScapes AERO
Augmented Reality Examples



In the second example, if the “EPA Livingscapes” design concept is selected, an EPA Electrical Utility Box with a painting of birds and flowers from the Ravenswood Open Space Preserve will be animated when the QR code is scanned—native birds will fly across the screen and the flowers will magically bloom and “open,” and one will hear a soundscape of the city (bird calls, a bustling café, the strike of a ball on a baseball bat, are some examples.)

EPACENTER Electrical Utility Box StoryScapes Public Art Project



Timeline

- Recruit Paid EPA Youth Interns - Dec 2023
- Announce free class and enroll EPA students – December 2023
- Artwork development classes for EPA Youth Jan – Feb 2024
- Artwork completed - Feb 2024
- Artwork Fabrication - Spring 2024
- Installation - Summer 2024
- Community Celebration – Fall 2024

Which design concept best showcases the talent and creativity of East Palo Alto?



THANK YOU!

DocuSign Envelope ID: 77F32684-8683-474C-969C-FF07E14FCF3F

City of East Palo Alto and SEIU – Side Letter Negotiations
Tentative Agreement

ARTICLE 32: Contract Term

The term of the Side Letter shall be from Jan 1, 2024 to June 30, 2024 equivalent to six months.

ARTICLE 9: Wages

A. Employees in this unit will receive a salary increase of 2.5% (two and a half percent) effective the first full pay period of January 2024 (anticipated to be effective January 7, 2024).

ARTICLE 20: Benefits

The City shall make a one-time contribution of $500 in January 2024 toward an HSA for employees that enroll in Kaiser Permanente HSA high deductible plan. Starting February 2024, the City will then make a semi-monthly contribution of $68.18 toward an HSA for employees that enroll in Kaiser Permanente HSA high deductible plan. Equivalent to approximately $2,000 annually.

The City and SEIU have reached a Tentative Agreement as stated above on _____.

ACCEPTED BY:

For the Service Employee's International Union, Local 521's Union:	**For the City of East Palo Alto:**
DocuSigned by: Guadalupe Rosas 11/7/2023 88645E5EDDB34C8...	DocuSigned by: Melvin E Gaines 11/15/2023 4A864DB7402E4BE...
Guadalupe Rosas, SEIU Internal Organizer	Melvin E. Gaines, City Manager
DocuSigned by: Janet Nunez-Aguilar 11/7/2023 91E36AEAA9BC400...	DocuSigned by: Ana M Torres-Mondragon 11/8/2023 14EC557803E547D...
Janet Nunez, SEIU Member	Ana M Torres-Mondragon, Human Resources Manager
DocuSigned by: Salani Wendt 11/7/2023 A4363D37E66944A...	DocuSigned by: Brenna Rowe 11/8/2023 CC82C5ADD43C4EC...
Salani Wendt, SEIU Member	Brenna Rower, Chief Spokesperson Sloan Sakai Yeung & Wong LLP
DocuSigned by: Agripina Villegas 11/8/2023 B4936723B6BA475...	
Agripina Villegas, SEIU Member	
DocuSigned by: Lenin Melgar 11/7/2023 8E5602DC792E4E6...	
Lenin Melgar, SEIU Member	

DocuSign Envelope ID: 7371096C-E83B-441A-B946-E08170B57FCF

GENERAL MANAGER
Ana M. Ruiz

BOARD OF DIRECTORS
Craig Gleason
Yoriko Kishimoto
Jed Cyr
Curt Riffle
Karen Holman
Margaret MacNiven
Zoe Kersteen-Tucker

September 5, 2023

Melvin E Gaines
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94560
Transmitted via email amirza@cityofepa.org

Dear Melvin E. Gaines,

This letter is in response to the ongoing discussion between the City of East Palo Alto (City) and the Midpeninsula Regional Open Space District (District) regarding the documentation necessary to fulfill a Regional Water Quality Control Board (RWQCB) requirement for a Land Use Covenant on parcels owned by the City and the District, that collectively make up Cooley Landing Park. This letter memorializes our agreement to share the cost for a sea level rise assessment required by the RWQCB.

The District agrees to provide $9,975 up front funding for the preparation of a sea level rise and vulnerability assessment for Cooley Landing Park to the City as per the proposal provided by Ninyo and Moore prepared for the City (attached Proposal #090AK03-01562 Rev. 1). The City agrees to enter into an agreement with Ninyo and Moore for completion of the sea level rise assessment per the above proposal and provide a draft copy for review and comment to the District prior to finalization. After completion the City will provide a final copy to the District and the RWQCB.

The main points for contact shall be Senior Engineer Anwar Mirza for the City and Assistant General Manager Brian Malone for the District.

Sincerely,

Brian Malone

Digitally signed by Brian Malone
DN: cn=Brian Malone, o=Midpeninsula Regional Open Space District, ou, email=bmalone@openspace.org, c=US
Date: 2023.09.05 17:05:17 -07'00'

Brian Malone
Assistant General Manager
Midpeninsula Regional Open Space District

Agreed and Accepted by:

DocuSigned by:
Melvin Gaines
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Melvin E. Gaines
City Manager
City of East Palo Alto