



EAST PALO ALTO PLANNING COMMISSION REGULAR MEETING AGENDA

February 10, 2020, 7:00 p.m.
EPA Government Center
City Council Chamber
East Palo Alto, CA 94303

Members of the public have the right to address the Commission on any item on the Agenda, before or during its consideration [G.C. §54954.3(a)]. In order to speak, you must fill out a speaker card and submit it to the Clerk of the Commission. You will have no more than two (2) minutes to speak.

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

2. **APPROVAL OF THE AGENDA**
(Government Code Section 54957.7(a))

3. **PUBLIC COMMENT**

*Members of the public wishing to address the Planning Commission on items not listed on the agenda may do so under this item. **Each speaker is limited to two minutes.** The Chair has the discretion to adjust speaking times. In accordance with State Law, no action or discussion may take place on any item not appearing on the posted agenda. The Commission may respond to statements made or questions asked or may request Staff to report back at a future meeting concerning the matter. The exceptions under which the Commission may discuss and/or take action on items not appearing on the agenda are contained in Government Code Section 54954.2(b)(1)(2)(3).*

4. **APPROVAL OF CONSENT CALENDAR**

1. **October 7, 2019; October 28, 2019; and January 27, 2020 Planning Commission Minutes**

Recommendation: Adopt the October 8, 2019; October 28, 2019; and January 27, 2020 Planning Commission Minutes.

The Planning Commission will consider approval of the October 8, 2019; October 28, 2019; and January 27, 2020 Planning Commission Minutes.

5. **SPECIAL PRESENTATIONS**

1. **Election of Chair and Vice Chair**

Recommendation: 1. Select a new Chair/Vice Chair utilizing the nomination process outlined in the staff report; or 2. Hold the next Election of Officers in July 2020, consistent with the City of East Palo Alto's Rules of the Planning Commission adopted in 2003.

2. **Ethics and Brown Act Training**

Recommendation: Receive the training.

6. **PUBLIC HEARINGS - NONE.**

7. **INFORMATIONAL ITEMS**

1. **Planning Commission Stipends**

Recommendation: Accept report and provide direction to staff.

8. **ADJOURNMENT**

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 Planning Commission will be available for public inspection at the Community and Economic Development Department, 1960 Tate Street, East Palo Alto, CA at the same time that the public records are distributed or made available to the advisory bodies. Such documents may also be available on the*

East Palo Alto website www.ci.east-palo-alto.ca.us subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (650) 853-3186.

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.



EAST PALO ALTO PLANNING COMMISSION STAFF REPORT

DATE: February 10, 2020

TO: Planning Commission Members

VIA: Patrick Heisinger, Assistant City Manager

BY: Leticia Garcia, Planning Secretary

SUBJECT: October 7, 2019; October 28, 2019; and January 27, 2020 Planning Commission Minutes

Recommendation

Adopt the October 8, 2019; October 28, 2019; and January 27, 2020 Planning Commission Minutes.

The Planning Commission will consider approval of the October 8, 2019; October 28, 2019; and January 27, 2020 Planning Commission Minutes.

Attachments

1. October 7, 2019 Draft Planning Commission Minutes
2. October 28, 2019 Draft Planning Commission Minutes
3. January 27, 2020 Draft Planning Commission Minutes



EAST PALO ALTO PLANNING COMMISSION SPECIAL MEETING MINUTES

October 7, 2019, 7:00 p.m.
EPA Government Center
City Council Chamber
East Palo Alto, CA 94303

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order by Commissioner Robert Sherrard at 7:07 p.m.

Attendee Name	Title	Status	Arrived
Andrei Garcia	Commissioner	Present	
Robert Allen Fisk	Commissioner	Present	
Uriel Hernandez	Commissioner	Present	
Robert Sherrard	Commissioner	Present	
Michael Mashack	Commissioner	Absent	
Javanni Brown	Commissioner	Present	
Ofelia Bello	Commissioner	Present	
Juan Mendez	Alternate	Present	

2. APPROVAL OF THE AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Allen Fisk
SECOND:	Garcia
AYES:	Sherrard, Hernandez, Allen Fisk, Bello, Brown, Garcia, Mendez
ABSENT:	Mashack

3. COMMUNITY FORUM

There were no speakers from the public for community forum.

4. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS

There were no speakers from the public for public comment regarding consent calendar items.

5. APPROVAL OF CONSENT CALENDAR

A. Adopted the September 9, 2019, Planning Commission minutes, as presented in the packet, as an accurate reflection of the meeting.

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Brown
SECOND:	Garcia
AYES:	Sherrard, Hernandez, Allen Fisk, Bello, Brown, Garcia, Mendez
ABSENT:	Mashack

6. **SPECIAL PRESENTATIONS- NONE.**

7. **PUBLIC HEARINGS**

A. Subject: Design Review (DR16-014) and Variance (V 19-001) for Sobrato Phase II, eight (8) story office building, Final Environmental Impact Report (FEIR)

Location: 2111 University Avenue, East Palo Alto, CA 94303

Proposal: New eight (8) story office building

Recommendation: Adopt a resolution recommending that the East Palo Alto City Council:

1) Approve the Design Review (DR16-014), based on the findings, requirements and conditions of approval which are attachments to the resolutions and incorporated by reference.

2) Approve Variance (V 19-001) from the thirty-five percent (35) retail requirement within the MUH zoning district.

3) Find that the Final Environmental Impact Report (FEIR) has been done in compliance with the California Environmental Quality Act (CEQA).

4) Adopt a Statement of Overriding Consideration pursuant to Public Resources Code 21000 and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000).

5) Direct the City Manager to negotiate and sign, subject to changes approved by the City Attorney, a Traffic Reimbursement Agreement for certain identified traffic improvements with regional traffic benefits to be constructed and/or funded by the Developer over and above the Developer's fair share contribution; and

6) Approve a Final Map to merge the three (3) existing parcels and offer for dedication the portion of the project property that extends into the University Avenue right of way.

7) File a Notice of Determination within five working days of adoption pursuant to Section 15075 of the CEQA Guidelines.

Project Planner: Ami Upadhyay, aupadhyay@cityofepa.org, 650-853-3121

Ami Upadhyay, Consultant Planner; Michelle Hunt, Vice President, Hexagon Transportation Consultants Transportation; Patrick Heisinger, Economic Development Director and Tim Steele, Senior Vice President of Real Estate Development/Applicant, Sobrato Real Estate delivered presentations and responded to questions posed by the Planning Commission.

Upon motion by Commissioner Garcia and seconded by Commissioner Brown, the Planning Commission **unanimously voted 7-0** to open the public hearing. Motion approved.

Art Taylor, David Tschang, Ashley Wellman, Dixie-Lee Specht-Schulz, Kyra Brown, Francisca Guzman, Gail Wilkerson, Shawneece Stevenson, Laura Rubio, Heather Starnes-Logwood, Patrick Brock, Leland S. Francois, and Eugene Jackson provided public comment.

Upon motion by Commissioner Garcia and seconded by Commissioner Bello, the Planning Commission **unanimously voted 7-0** to extend the meeting past 10:00 pm. for an additional half-hour. Motion approved.

Upon motion by Commissioner Garcia and seconded by Commissioner Bello, the Planning Commission **unanimously voted 7-0** to close the public hearing. Motion approved.

Upon motion by Commissioner Garcia and seconded by Commissioner Mendez, the Planning Commission **unanimously voted 7-0** to re-open the public hearing. Motion approved.

Upon motion by Commissioner Garcia and seconded by Commissioner Mendez, the Planning Commission **unanimously voted 7-0** to **continue** this item to the next Planning Commission Meeting on October 28, 2019. Motion approved.

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Garcia
SECOND:	Mendez
AYES:	Sherrard, Hernandez, Allen Fisk, Bello, Brown, Garcia, Mendez
ABSENT:	Mashack

8. **INFORMATIONAL ITEMS**

9. **ADJOURNMENT**

The meeting was adjourned at 10:25 p.m.

Commission Chair

ATTEST:

Clerk of the Commission



City of East Palo Alto

PLANNING COMMISSION - REGULAR MEETING
MONDAY, OCTOBER 28, 2019 – 7:00PM

ACTION MINUTES
DRAFT

East Palo Alto Government Center
2415 University Avenue - First Floor – City Council Chamber
East Palo Alto, CA 94303

CHAIRPERSON: Robert Sherrard
VICE CHAIRPERSON: Uriel Hernandez
COMMISSIONERS: Robert Allen Fisk, Ofelia Bello, Javanni Brown, Andrei Garcia
Michael Mashack, Juan Mendez (Alternate)

Staff Present: Rafael E. Alvarado Jr., City Attorney; Daniel Berumen, Senior Planner
Patrick Heisinger, Community Development Director; Guido F. Persicone,
Planning Manager

REGULAR MEETING

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

The Planning Commission (PC) meeting was called to order at 7:10 p.m. by Vice Chair Hernandez.

Present: Hernandez, Allen Fisk, Bello, Brown, Garcia, Mashack, Mendez
Absent: Sherrard,

Note: Mendez arrived after the approval of the agenda.

2. **APPROVAL OF THE AGENDA (Government Code §54957.7(a))**

Upon motion by Commissioner Bello and seconded by Commissioner Garcia, the Planning Commission **unanimously voted 6-0** to approve the agenda with Chair Sherrard absent and Commissioner Mendez arriving late, right after the approval of the agenda. Motion approved.

3. **COMMUNITY FORUM**

There were no speakers from the public for community forum.

4. **PUBLIC COMMENTS REGARDING CONSENT CALENDAR ITEMS**

There were no speakers for public comments regarding consent calendar items.

5. APPROVAL OF CONSENT CALENDAR

- A. Adopt the October 21, 2019, Planning Commission minutes, as presented in the packet, as an accurate reflection of the meeting.

Upon motion by Commissioner Mashack and seconded by Commissioner Garcia, the Planning Commission **unanimously voted 7-0** to approve the consent calendar. Motion approved.

6. SPECIAL PRESENTATION

Special Presentation on 2020 Bay Road Remediation

Ron Leach, U.S. Environmental Protection Agency

Ron Leach with U.S. Environmental Protection Agency delivered the special presentation on 2020 Bay Road Remediation and responded to questions posed by the Planning Commission.

7. PUBLIC HEARINGS

A. Subject: Design Review (DR16-014) and Variance (V 19-001) for Sobrato Phase II, eight (8) story office building, Final Environmental Impact Report (FEIR)

Location: 2111 University Avenue, East Palo Alto, CA 94303

Proposal: A new approximately 203,000 square foot office development.

Recommendation: Adopt a resolution recommending that the East Palo Alto City Council:

1. **Certify** that the Final Environmental Impact Report (FEIR) has been done in compliance with the California Environmental Quality Act (CEQA);
2. **Adopt** a Findings of Fact, Statement of Overriding Consideration and Mitigation, Monitoring and Reporting Plan pursuant to Public Resources Code 21000 and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000);
3. **File** a Notice of Determination within five working days of adoption pursuant to Section 15075 of the CEQA Guidelines;
4. **Direct** the City Manager to negotiate and sign, subject to changes approved by the City Attorney, a Traffic Reimbursement Agreement for certain identified traffic improvements with regional traffic benefits to be constructed and/or funded by the Sobrato Organization over and above the Developer's fair share contribution;
5. **Approve** a Final Map to merge the three (3) existing parcels and offer for dedication the portion of the project property that extends into the University Avenue right of way;
6. **Approve** the Design Review (DR16-014), based on the findings, requirements and conditions of approval which are Attachments to the resolution and incorporated by reference, a seven story 203,967 sq/ft building with 4,500 sq/ft of retail and a full complement of community benefits ("Project"); and
7. **Approve** a Variance pursuant to Development Code Section 18.90.010(A) and General Plan Policy 10.14 from the requirement in Development Code Section 18.12.020(D) to provide at least 35% of the ground floor space in each structure for retail use.

Planning Commission Meeting Minutes

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8. Direct staff to revise the condition of approval and findings of fact based on the decision of the Planning Commission prior to review by the City Council on November 18, 2019.

Since the Planning Commission Hearing on October 7, 2019, the Developer has worked with staff to address the concerns and questions received from the public and Planning Commission to redesign the Project.

The Developer has proposed two options that would modify the Project in accordance with community and Commission feedback:

Option A – Similar to the original proposal but with seven (7) stories, 203,967 sq./ft, increased community flex space by roughly 500 sq./ft, and retained all other community benefits discussed on October 7, 2019, but still requires an approved Variance from the 35% ground floor retail obligation. This option reduces the office space by 27,916 (12%) sq./ft, increases the retail space by 400 sq./ft (9.7%) but preserves the right of the Commission and City Council to adopt a robust set of community benefits in accordance with General Plan Policy LU 10.14.

Option B – A seven (7) story building at 203,906 sq./ft that is compliant with all Project requirements and does not require a Variance, as it provides the 35% (8,690 sq./ft – an increase of 4,500 sq./ft or 112%) of retail in accordance with General Plan Land Use Element 10.14 and the Mixed-Use High (MUH) zoning designation and significantly reduced community benefits.

In both Option A and Option B, the Developer is proposing significant space on the building, as well as a financial contribution of up to \$25,000 to support the City and community with placing a signature mural on the building. The Developer is open to where the mural would be on the building.

Community Development Director Heisinger stated that this was a follow-up item from the the October 7, 2019 Planning Commission Meeting.

Community Development Director Heisinger and Planning Manager Persicone delivered the presentation and responded to the questions posed by the Planning Commission.

The applicant delivered a presentation and answered questions posed by the Planning Commission.

City Attorney Alvarado Jr. stated that the public hearing continued open from the October 7, 2019 Planning Commission Meeting.

Court Skinner, Gail Wilkerson, David Tschang, and Matt Pizzimenti provided public comment.

Action: Upon motion by Commissioner Garcia and seconded by Commissioner Bello, the Planning Commission **unanimously voted 7-0** to close the public hearing. Motion approved.

Action: Upon motion by Commissioner Garcia and seconded by Commissioner Bello, the Planning Commission **unanimously voted 7-0** approving to extend the Planning Commission meeting for a half-hour pass 10:00 pm. motion approved.

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Action: Upon motion by Commissioner Allen Fisk and seconded by Commissioner Mashack, the Planning Commission **voted 2-1-4** adopting staff's recommendation (above described) with **Option B** – A seven (7) story building at 203,906 sq./ft that is compliant with all Project requirements and does not require a Variance, as it provides the 35% (8,690 sq./ft – an increase of 4,500 sq./ft or 112%) of retail in accordance with General Plan Land Use Element 10.14 and the Mixed-Use High (MUH) zoning designation and significantly reduced community benefits.

In both Option A and Option B, the Developer is proposing significant space on the building, as well as a financial contribution of up to \$25,000 to support the City and community with placing a signature mural on the building. The Developer is open to where the mural would be on the building. Motion failed.

The motion failed by the following vote:

AYES: Allen Fisk, Mashack
NOES: Brown, Bello, Hernandez, Mendez
ABSTAINED: Garcia
ABSENT: Sherrard

Action: Upon motion by Commissioner Garcia and seconded by Commissioner Bello, the Planning Commission **unanimously voted 7-0** approving to extend the Planning Commission for an additional 30 minutes. motion approved.

Action: Upon motion by Commissioner Garcia and seconded by Commissioner Mendez, the Planning Commission **voted 3-2-2** adopting staff's recommendation (above described) with **Option A** – Similar to the original proposal but with seven (7) stories, 203,967 sq./ft, increased community flex space by roughly 500 sq./ft, and retained all other community benefits discussed on October 7, 2019, but still requires an approved Variance from the 35% ground floor retail obligation. This option reduces the office space by 27,916 (12%) sq./ft, increases the retail space by 400 sq./ft (9.7%) but preserves the right of the Commission and City Council to adopt a robust set of community benefits in accordance with General Plan Policy LU 10.14. including the provisions requested by the Commission.

In both Option A and Option B, the Developer is proposing significant space in the building, as well as a financial contribution of up to \$25,000 to support the City and community with placing a signature mural on the building. The Developer is open to where the mural would be on the building. Motion failed.

The motion failed by the following vote:

AYES: Hernandez, Garcia, Mendez
NOES: Allen Fisk, Mashack
ABSTAINED: Bello, Brown
ABSENT: Sherrard

Action: Upon motion by Commissioner Garcia and seconded by Commissioner Brown, the Planning Commission **unanimously voted 7-0** to reconsider the item. Motion approved

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The motion carried by the following vote:

AYES: Garcia, Brown, Allen Fisk, Bello, Hernandez, Mashack, Mendez
NOES: None
ABSTAINED: None
ABSENT: Sherrard

Action: Upon motion by Commissioner Brown and seconded by Commissioner Garcia, the Planning Commission **voted 5-2** adopting staff's recommendation (above described) with **Option A** – Similar to the original proposal but with seven (7) stories, 203,967 sq./ft, increased community flex space by roughly 500 sq./ft, and retained all other community benefits discussed on October 7, 2019, but still requires an approved Variance from the 35% ground floor retail obligation. This option reduces the office space by 27,916 (12%) sq./ft, increases the retail space by 400 sq./ft (9.7%) but preserves the right of the Commission and City Council to adopt a robust set of community benefits in accordance with General Plan Policy LU 10.14. including the provisions requested by the Commission.

In both Option A and Option B, the Developer is proposing significant space in the building, as well as a financial contribution of up to \$25,000 to support the City and community with placing a signature mural on the building. The Developer is open to where the mural would be on the building. Motion approved.

The motion carried by the following vote:

AYES: Brown, Garcia, Bello, Hernandez, Mendez
NOES: Allen, Mashack
ABSTAINED: None
ABSENT: Sherrard

Commissioner Brown was excused from the meeting due to health reasons.

B. Subject: To create five (5) lots from an existing parcel and to construct four (4) new single-family homes.

Location/APN: 961 Beech Street/ 063-344-320

Proposal: Approve a Design Review, Tentative Parcel Map, Planned Community Permit (DR19-027, TPM19-002, PCP15-003) for a new 4-unit subdivision.

Staff Recommendation: Adopt a resolution approving Design Review, Tentative Parcel Map, and Planned Community Permit (DR19-027, TPM19-002, and PCP 15-003) and find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines.

Project Manager: Daniel Berumen, Senior Planner; dberumen@cityofepa.org, 650-853-3151; Planning Division.

Senior Planner Berumen delivered the presentation and responded to the questions posed by the Planning Commission.

The Applicants were present and responded to the questions posed by the Planning Commission.

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Action: Upon motion by Commissioner Garcia and seconded by Commissioner Bello, the Planning Commission **unanimously voted 6-0** approving to extend the Planning Commission meeting until 11:15 pm. Motion approved.

Action: Upon motion by Commissioner Garcia and seconded by Commissioner Bello, the Planning Commission **unanimously voted 5-0** (Commissioner Mendez was away from the dais at the time of vote) to open the public hearing. Motion approved.

Anne Marie Krogh and Melvin Harris provided public comment.

Action: Upon motion by Commissioner Garcia and seconded by Commissioner Allen Fisk, the Planning Commission **unanimously voted 6-0** to close the public hearing. Motion approved.

Action: Upon motion by Commissioner Garcia and seconded by Commissioner Mendez, the Planning Commission **voted 5-1** approving:

- 1) Design Review, Tentative Parcel Map, and Planned Community Permit (DR19-027, TPM19-002, and PCP15-003) based on the findings listed in this staff report and subject to the standard requirements and conditions of approval included in this staff report as may be amended by the Planning Commission; and
- 2) **Finding** that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) under Section 15332. Motion approved.

The motion was carried by the following vote:

AYES: Garcia, Mendez, Bello, Hernandez, Mashack

NOES: Allen Fisk

ABSENT: Sherrard, Brown

8. INFORMATIONAL ITEMS

There were no informational items.

9. ADJOURNMENT

The Planning Commission of the City of East Palo Alto adjourned at 11:14 p.m.

Respectfully submitted by: Leticia Garcia, Secretary

Mission Statement

The City of East Palo Alto provides responsive, respectful, and efficient public services to enhance the quality of life and safety for its multi-cultural community.



EAST PALO ALTO PLANNING COMMISSION REGULAR MEETING MINUTES

January 27, 2020, 7:00 p.m.
EPA Government Center
City Council Chamber
East Palo Alto, CA 94303

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order by Commissioner Robert Sherrard at 7:07 p.m.

Attendee Name	Title	Status	Arrived
Andrei Garcia	Commissioner	Late	7:08 p.m.
Robert Allen Fisk	Commissioner	Present	
Uriel Hernandez	Commissioner	Absent	
Robert Sherrard	Commissioner	Present	
Michael Mashack	Commissioner	Present	
Javanni Brown	Commissioner	Present	
Ofelia Bello	Commissioner	Present	
Juan Mendez	Alternate	Present	

2. APPROVAL OF THE AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Mashack
SECOND:	Brown
AYES:	Mashack, Brown, Allen Fisk, Bello, Garcia, Mendez, Sherrard
ABSENT:	Hernandez

3. PUBLIC COMMENT

Court Skinner provided public comment.

4. APPROVAL OF CONSENT CALENDAR

1. **June 10, 2019; June 24, 2019; July 8, 2019; and September 23, 2019, Planning Commission Minutes**

Adopt the June 10, 2019; June 24, 2019; July 8, 2019; and September 23, 2019 Planning Commission minutes.

2. **Planning Commission Meeting Calendar 2020**

Approve the proposed Planning Commission Meeting Schedule for Calendar Year 2020.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOTION BY:	Garcia
SECOND:	Allen Fisk
AYES:	Garcia, Allen Fisk, Sherrard, Mashack, Brown, Bello, Mendez
ABSENT:	Hernandez

5. SPECIAL PRESENTATIONS

1. Election of Chair and Vice Chair

Select a new Chair/Vice Chair utilizing the nomination process outlined in the staff report; or hold the next Election of Officers in July 2020, consistent with the City of East Palo Alto's Rules of the Planning Commission adopted in 2003.

Commissioner Allen Fisk made a motion, seconded by Commissioner Mendez, to postpone the election of Chair and Vice Chair to July 2020, and set motion failed to gather a majority vote as reflected:

RESULT:	FAILED [4-2-1-1]
MOTION BY:	Allen Fisk
SECOND:	Mendez
AYES:	Sherrard, Allen Fisk, Bello, Mendez
NAYS:	Brown, Mashack
ABSTAIN:	Garcia
ABSENT:	Hernandez

Commissioner Allen Fisk made a motion, seconded by Commissioner Bello to continue this item to the next Planning Commission Meeting. Motion approved.

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Allen Fisk
SECOND:	Bello
AYES:	Sherrard, Allen Fisk, Bello, Brown, Garcia, Mashack, Mendez
NAYS:	None
ABSENT:	Hernandez

6. PUBLIC HEARINGS - NONE

7. INFORMATIONAL ITEMS

1. Planning Commission Stipends

Patrick Heisinger, Assistant City Manager, made a presentation and responded to questions posed by the Planning Commission.

The Planning Commission received the stipends report and received notification that a follow-up will come at the next Planning Commission meeting.

2. Planning Commissioners Academy

The Planning Commission reviewed the information for the 2020 Planning Commissioners Academy.

8. ADJOURNMENT

The meeting was adjourned at 7:48 p.m.

Commission Chair

ATTEST:

Clerk of the Commission

Attachment: January 27, 2020 Draft Planning Commission Minutes (1111 : October 7, 2019; October 28, 2019; and January 27, 2020 Planning



EAST PALO ALTO PLANNING COMMISSION STAFF REPORT

DATE: February 10, 2020

TO: Planning Commission Members

VIA: Patrick Heisinger, Assistant City Manager

BY: Daniel Berumen, Senior Planner

SUBJECT: Election of Chair and Vice Chair

Recommendation

1. Select a new Chair/Vice Chair utilizing the nomination process outlined in the staff report; or
2. Hold the next Election of Officers in July 2020, consistent with the City of East Palo Alto's Rules of the Planning Commission adopted in 2003.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

- Priority #3: Increase Organizational Effectiveness and Efficiency
 Priority #5: Improve Communication and Enhance Community Engagement

Background

According to Section 7.03 of the City of East Palo Alto Rules of the Planning Commission (Attachment 1), the Planning Commission shall hold election of officers each July.

Because the Planning Commission did not hold an election in July 2019, staff is bringing this item to the attention of the Planning Commission. The item was presented to the Planning Commission on January 27, 2020. Per direction of the Planning Commission, the item was continued to the next scheduled Planning Commission Meeting.

Analysis

If the Planning Commission desires to hold the election of officers, staff recommends the following nomination process. If the Planning Commission makes a selection at this meeting, the terms for the elected Chair and Vice-Chair terminate in July 2020 election. The selections require a majority vote of four (4).

The Chair shall ask the Commission for nominations for the position of the new Chair. Any of

the other Commission members may nominate someone other than herself or himself (including the sitting Chair) for the position. The Chair shall ask each nominated Commission member if she or he is willing to serve before declaring that person nominated. If there are no nominations, the Chair may make a nomination. When it appears that no further nominations will be made, the Chair shall announce that the nominations are closed.

If only one Commission member has been nominated, the Chair shall call for a vote on the nomination. The nominated Commission member must receive four affirmative votes to be selected as Chair.

If more than one Commission member has been nominated, the Chair shall call for a vote of the first person nominated. If that candidate receives four or more votes, the Chair shall declare that candidate selected as the new Chair and the voting concludes. If not, the Chair shall call for a vote for the second candidate in the same manner. The candidate receiving four or more votes shall be declared the Chair. The process then repeats for the position of Vice Chair among the remaining members of the Planning Commission.

Fiscal Impact

No fiscal impact is anticipated for this action.

Public Notice

The public was provided notice of this agenda item posting the Planning Commission agenda on the City's official bulletin board outside City Hall and making the agenda and report available on the City's website and at the San Mateo Co. Library located at 2415 University Avenue, East Palo Alto.

Environmental

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

Attachments

1. Election of Chair and Vice Chair - Rules of the PC

CITY OF EAST PALO ALTO

**RULES OF THE
PLANNING COMMISSION**

Adopted: October 14, 2003
Updated: November 14, 2011

Attachment: Election of Chair and Vice Chair - Rules of the PC (1102 : Election of Chair and Vice Chair)

RULE 1: COMMISSION RULES

Section 1.01 DEFINITION

The term **Rule** shall mean a regulation or set of regulations, governing actions, resolutions, policies and procedures of the City of East Palo Alto Planning Commission.

Section 1.02 ADOPTION AND AMENDMENTS OF RULES OF THE EAST PALO ALTO PLANNING COMMISSION

In carrying out its authority, functions, powers and duties, the City of East Palo Alto Planning Commission, from time to time, many enact and adopt **Rules** which are not in conflict with the City's Municipal Codes and Zoning Regulations.

A **Rule** shall be adopted or amended by a motion duly seconded, and passed by a majority vote of the City of East Palo Alto Planning Commission.

Section 1.03 NOTICE OF PROPOSED RULES

There is no requirement for notice of proposed **Rules** and there is no requirement for public hearings on proposed **Rules** proposed for adoption.

Section 1.04 MAINTENANCE OF RULES

The City Planning Manager shall compile in orderly sequence such **Rules** adopted by the City of East Palo Alto Planning Commission for the purposes of distribution, transmittal or maintenance of public record and shall retain them for public access.

Further, the City Planning Manager shall notify the City of East Palo Alto Planning Commission of any legislative or Court action that would require the amendment, modification or rescission of **Rules** adopted by the Commission.

RULE 2: COMMISSION RESOLUTIONS

Section 2.01 DEFINITION

The term **Resolution** shall mean an action, decision or an expression of opinion by the City of East Palo Alto Planning Commission.

Section 2.02 AUTHORITY TO ADOPT RESOLUTIONS

In carrying out its authority, functions, powers and duties, the City of East Palo Alto Planning Commission, from time to time, may enact and adopt **Resolutions** which are not specifically provided for herein, and which are not in conflict with the Municipal Code and Zoning Regulations.

Section 2.03 NOTICE OF PROPOSED RESOLUTIONS

The City of East Palo Alto Planning Commission shall hold at least one (1) public hearing prior to the adoption of any proposed **Resolution**. Said hearing shall be conducted only after the proposed **Resolution** has been placed on the agenda pursuant to the Brown Act and noticed pursuant to the public hearing procedures described in the Zoning Regulations.

Section 2.04 MAINTENANCE OF RESOLUTIONS

The City Planning Manager shall compile in orderly sequence such **Resolutions** adopted by the City of East Palo Alto Planning Commission for the purposes of distribution, transmittal or maintenance of public record and shall retain them for public access.

Further, the City Planning Manager shall notify the City of East Palo Alto Planning Commission of any legislative or Court action that would require the amendment, modification, or rescission of **Resolutions** adopted by the Commission.

RULE 3: COMMISSION POLICIES

Section 3.01 DEFINITION

The term **Policy** shall mean a principle or chosen course of action to guide the decision-making function of the City of East Palo Alto Planning Commission.

Section 3.02 AUTHORITY TO ADOPT POLICIES

In carrying out its authority, functions, powers and duties, the City of East Palo Alto Planning Commission, from time to time, may enact and adopt **Policies** which are not specifically provided for herein, and which are not in conflict with the Municipal Code and the Zoning Regulations.

Section 3.03 NOTICE OF PROPOSED POLICIES

The East Palo Alto Planning Commission shall hold public hearings prior to the adoption of any proposed **Policy**. Said hearing shall be conducted only after the proposed policy has been placed on the agenda pursuant to the Brown Act and noticed pursuant to the public hearing procedures described in the Zoning Regulations.

Section 3.04 MAINTENANCE OF POLICIES

The City Planning Manager shall compile in orderly sequence such **Policies** adopted by the City of East Palo Alto Planning Commission for the purposes of distribution, transmittal or maintenance of public record and shall retain them for public access.

Further, the City Planning Manager shall notify the City of East Palo Alto Planning Commission of any legislative or Court action that would require the amendment, modification, or rescission of **Policies** adopted by the Commission.

RULE 4: COMMISSION PROCEDURES

Section 4.01 DEFINITION

A **Procedure** is defined as an established series of steps to getting something done.

Section 4.02 AUTHORITY TO ADOPT PROCEDURES

In carrying its authority, functions, powers and duties, the City of East Palo Alto Planning Commission and City Planning Manager may, from time to time, adopt **Procedures** which are not in conflict with the Municipal Code and the Zoning Regulations.

Section 4.03 NOTICE OF PROPOSED PROCEDURES

There is no requirement for notice of **Procedures** and there is no requirement for public hearings on **Procedures** proposed for adoption.

Section 4.04 MAINTENANCE OF PROCEDURES

The City Planning Manager shall compile in orderly sequence such **Procedures** adopted by the City of East Palo Alto Planning Commission for the purposes of distribution, transmittal or maintenance of public record and shall retain them for public access.

Further, the City Planning Manager shall notify the City of East Palo Alto Planning Commission of any legislative or Court action that would require the amendment, modification or rescission of **Procedures** adopted by the Commission.

RULE 5: COMMISSIONER ATTENDANCE

Section 5.01 PURPOSE

This **RULE** is adopted for the purpose of ensuring that City of East Palo Alto Planning Commission Meetings are carried out in an effective manner.

Section 5.02 ATTENDANCE

All members of the City of East Palo Alto Planning Commission shall make a good effort to attend all regular and special meetings of the City of East Palo Alto Planning Commission. If, for good reason, a Commissioner is unable to attend a scheduled meeting, said Commissioner shall inform the Planning Division Office and/or the Chair of the Planning Commission before the start of the scheduled meeting. The Chair of the City of East Palo Alto Planning Commission shall declare the Commissioner's absence as an **excused absence**. An unexcused absence would mean that the Commissioner did not inform the Planning Division and/ or the Chair of the Planning Commission before the start of the scheduled meeting. The minutes of the meeting shall state that the Commissioner's absence was an **excused absence**.

Three (3) absences within a period of four months by a Commissioner, regardless of whether the absences were excused or unexcused, may result in a consideration and/or action by the City of East Palo Alto to forward a report to the City of East Palo Alto City Council regarding the frequency of the **absences** of said Commissioner.

PROCEDURE 6: CONTINUANCE AND RESCHEDULING

Section 6.01 PURPOSE

This **PROCEDURE** is adopted for the purpose of informing applicants and members of the public on the process for requesting and granting continuances or rescheduling of applications pending before the City of East Palo Alto Planning Commission.

Section 6.02 REQUEST FOR CONTINUANCE OR RESCHEDULING

All requests for **continuances or rescheduling** shall be made in writing and delivered to the City Planning Manager prior to the date of a City of East Palo Alto Planning Commission meeting on which a public hearing or deliberation on an application has been placed on the agenda. Such written request may be mailed, delivered or transmitted electronically to the City Planning Manager. The party requesting **continuance or rescheduling** shall have responsibility of ensuring that the request for continuance or rescheduling has been received by the City Planning Manager prior to the start of the meeting.

Section 6.03 ACTION ON REQUEST FOR CONTINUANCE OR RESCHEDULING

If the party requesting the **continuance or rescheduling** is the applicant, and if the request for **continuance or rescheduling** is made prior to the filing of a legal advertisement in the newspaper (if required), the City Planning Manager may approve or deny such request for **continuance**.

If the party requesting the **continuance** is the applicant, and the request for **continuance** is made after the filing of a legal advertisement in the newspaper, the request for **continuance** must be considered by the City of East Palo Alto Planning Commission during the meeting when the item was originally scheduled. The City of East Palo Alto Planning Commission shall, by motion and vote of a majority of the voting members, grant or deny the request for **continuance**.

If the party requesting the **continuance or rescheduling** is not the applicant regardless of when the request was received by the City Planning Manager, the request for **continuance or rescheduling** must be considered by the City of East Palo Alto Planning Commission during the meeting when the item was originally scheduled. The City of East Palo Alto Planning Commission shall, by motion and vote of a majority of the voting members, grant or deny the request for **continuance or rescheduling**.

Section 6.04 ATTENDANCE AT PUBLIC HEARING

The applicant or her/his duly appointed representative should be present at the public hearing for all applications pending before the City of East Palo Alto Planning Commission. The City of East Palo Alto Planning Commission hereby directs Planning Division staff to inform all applicants of the Commission's procedures on applications where the applicant or her/his duly appointed representative is not present at the public hearing.

It is the policy of the City of East Palo Alto Planning Commission to **continue** the public hearing on an application if the applicant or her/his duly appointed representative is not at the public hearing for the application. If the applicant or her/his duly appointed representative is not able to attend the public hearing for an application pending before the City of East Palo Alto Planning Commission, the applicant may submit a written request for the City of East Palo Alto Planning Commission to hold the public hearing and act on the application. The applicant shall have responsibility of ensuring that the request for the City of East Palo Alto Planning Commission to hold the public hearing and act on the application has been received by the City Planning Manager prior to the start of the meeting.

Section 6.05 ACTION ON REQUEST FOR ACTION

The City of East Palo Alto Planning Commission shall consider a request to hold the public hearing and shall, by motion and vote of a majority of the voting members, grant or deny the request to hold the public hearing and act on the application.

If the action by the City of East Palo Alto Planning Commission to hold the public hearing and act on the application results in a need for an application to be renoticed and reconsidered by the City of East Palo Alto Planning Commission (e.g., the applicant was not in attendance to provide information or the applicant does not agree with the actions of the City of East Palo Alto Planning Commission), the applicant shall bear the full cost of renoticing the application for public hearing by the City of East Palo Alto Planning Commission.

RULE 7: ELECTION OF COMMISSION OFFICERS

Section 7.01 OFFICERS OF THE EAST PALO ALTO PLANNING COMMISSION

The City of East Palo Alto Planning Commission shall elect officers of the Commission. The officers shall consist of a **CHAIR** and **VICE-CHAIR**.

Section 7.02 DUTIES OF OFFICERS

The **CHAIR** of the City Planning Commission shall run / chair all the meetings of the City of East Palo Alto Planning Commission. The **CHAIR** of the City Planning Commission shall work with the City Planning Director / City Planning Manager to ensure the preparation and proper dissemination of the agendas and reports for the City Planning Commission meetings. The **CHAIR** of the City Planning Commission shall have the authority to establish committees of the Planning Commission and to appoint members to such committees. Committee members shall be limited to the members of the City Planning Commission. During meetings of the City Planning Commission, the **CHAIR** shall have the authority to make changes to the agenda and to table items on the agenda. The rescheduling of tabled items is the purview of the **CHAIR** of the City Planning Commission.

The **VICE-CHAIR** of the City Planning Commission shall perform the duties of the **CHAIR** of the City Planning Commission in the absence of the **CHAIR**.

Section 7.03 ELECTION OF OFFICERS

The City of East Palo Alto Planning Commission shall hold election of officers every year. Regular elections shall be held in July, starting in July 2003. Special elections shall be held to fill a vacancy of the post of **CHAIR** or **VICE-CHAIR**. There shall be no term limits for officers of the City Planning Commission.

RULE 8: RECONSIDERATION

Section 8.01 REQUEST FOR RECONSIDERATION

The Planning Commission may approve a **request for reconsideration** of an action taken by the Planning Commission if the party submitting such a request presents new material information not previously considered by the Planning Commission.

The **request for reconsideration** shall be made in writing on a form prescribed by the Planning Director and submitted to the Planning Division within ten (10) calendar days from the meeting at which the Planning Commission acted on the application for which such **request for reconsideration** is made. The written request submitted to the Planning Division shall describe what new material information is to be presented to the Planning Commission that may be the basis for a change on the Planning Commission's action. The party **requesting reconsideration**, whether the applicant or other interested party, shall also indicate on the prescribed form that he/she will withdraw any appeal filed with the City Council if the Planning Commission agrees to hold a new public hearing to consider the application.

Section 8.02 PROCEDURE OF THE PLANNING COMMISSION

The Planning Director shall include **the request for reconsideration** as an action item in the agenda for the next available Planning Commission meeting.

The Planning Commission, by vote, shall deny or approve the **request for reconsideration**. The motion shall be made by a member of the Planning Commission who voted with the prevailing party on the decision that is the subject of the **request for reconsideration**. If the Planning Commission acts to reconsider its previous action on an application, the Planning Commission shall, in consultation with the Planning Director, identify the next available date to calendar the item for a new public hearing which shall be noticed in accordance with the applicable notice requirements in the Zoning Regulations. Due to public notification requirements, the date for the new public hearing shall be no less than fourteen (14) calendar days from the day the Planning Commission acts on the request for reconsideration.

Section 8.03 SUBMITTAL REQUIREMENTS

The new information shall be submitted to the Planning Division at least ten (10) calendar days prior to the hearing date set for the reconsideration.

There shall be no **request-for-reconsideration** fee. However, if the Planning Commission agrees to reconsider its decision and sets a date for a new public hearing, the party **requesting reconsideration** shall pay a public notification fee for the new public hearing within two (2)

calendar days following the date of the Planning Commission’s decision regarding reconsideration.

Section 8.04 CONCURRENT APPEAL TO THE CITY COUNCIL BARRED

The Planning Commission shall not hold a new public hearing nor take any subsequent action concerning the item that is the subject of the **request for reconsideration** if the applicant fails to withdraw his or her appeal to the City Council or the City Council has commenced public hearing proceedings on an appeal on the action of the Planning Commission that is the subject of the **request for reconsideration**.

RULE 9: RESERVED

RULE 10: REGULAR PLANNING COMMISSION MEETING AGENDAS

Section 10.01 PURPOSE

The City of East Palo Alto Planning Commission has established rules regarding the organization of regular Planning Commission meeting agendas.

Section 10.02 RECURRING ITEMS

The following items shall be routinely placed on the agenda for Regular Planning Commission meetings:

1. Roll Call
2. Approval of Agenda
3. Consent Calendar
4. Open Forum
5. Planning Commission Subcommittee updates
6. Communication Items
7. Planning Commission Matters, Staff Updates and Calendars

Section 10.03 LENGTH OF MEETINGS

The Planning Commission has established a goal of limiting regular Planning Commission meetings to no more than three (3) hours, when feasible. In the event that, in the judgment of the Planning Commission, there are important or time sensitive items, meetings may be expanded to last longer than three (3) hours. No new items shall be considered after three (3) hours unless approved by a majority vote of the Planning Commissioners present.

Section 10.04 ORGANIZATION OF ITEMS

In the event that a meeting is anticipated to last longer than three (3) hours, the Consent Calendar, Planning Commission Subcommittee updates, Communication Items and Planning Commission Matters, Staff Updates and Calendars shall be moved to the end of the agenda.

Section 10.05 CONTINUED ITEMS

Public Hearing items that have been continued from a previous meeting shall be placed ahead of new public hearing items on the agenda.

PROCEDURE 11: COMMUNICATING DISSENTING OPINIONS

Section 11.01 PURPOSE

In the event that a Planning Commissioner votes against the majority of the Planning Commission on a particular item, and desires to have their dissenting opinion clearly reflected in the administrative record, the Commissioner has the option of filing a “Record of Dissenting Opinion”, which is a written document which explains the rationale behind the Commissioner’s dissenting vote. The Record of Dissenting Opinion would be made part of the administrative record and would be provided to the City Council in the event that Council reviews that particular item.

Section 10.02 TIMELINE FOR FILING A RECORD OF DISSENTING OPINION

A Record of Dissenting Opinion must be submitted in writing to Planning Division staff within 10 days of the date of the decision and shall include a written explanation of the rationale behind the dissenting vote.

Section 10.03 INCLUSION IN THE ADMINISTRATIVE RECORD

Upon receiving a Record of Dissenting Opinion, staff shall file the document in the administrative record.

Section 10.04 FORWARDING TO CITY COUNCIL

In the event that the City Council reviews an item which has a Record of Dissenting Opinion on file, the Record of Dissenting Opinion shall be forwarded to the City Council for their consideration.



EAST PALO ALTO PLANNING COMMISSION STAFF REPORT

DATE: February 10, 2020

TO: Planning Commission Members

VIA: Patrick Heisinger, Assistant City Manager

BY: Rafael E. Alvarado Jr., City Attorney
Leticia Garcia, Planning Secretary

SUBJECT: Ethics and Brown Act Training

Recommendation

Receive the training.

Background

The Planning Commission will receive training on Ethics and Brown Act from the City Attorney's Office.



EAST PALO ALTO PLANNING COMMISSION STAFF REPORT

DATE: February 10, 2020

TO: Planning Commission Members

VIA: Patrick Heisinger, Assistant City Manager

BY: Daniel Berumen, Senior Planner

SUBJECT: Planning Commission Stipends

Recommendation

Accept report and provide direction to staff.

Alignment with City Council Strategic Plan

This recommendation is primarily aligned with:

Priority #2: Enhance Economic Vitality

Priority #5: Improve Communication and Enhance Community Engagement

Background

In December 2019, the Planning Commission expressed interest in discussing the stipends they receive as commissioners.

Analysis

Planning Commissioners receive stipends on a biannual basis. The stipends are paid to each individual commissioner based on attendance (\$35/ per meeting). An absence, excused or unexcused, is not paid.

Staff reached out to several nearby cities to determine stipend payments for Planning Commission. Neither the City of Palo Alto nor the City of Menlo Park pay stipends for their respective Planning Commissioners. The City of Newark pays their Planning Commissioners \$75 per meeting. Staff also reached out to the City of Fremont but has yet to receive a response from their City Clerk.

Ultimately, the decision to increase stipend amounts for commissioners would be decided by the City Council as part of the City's budget process and any adjustments to the current

stipend process would not take effect until the new Fiscal Year (July 2020).

Next Steps

If the Planning Commission provides staff with direction during the Planning Commission meeting on February 10, 2020, staff will return to the Planning Commission in March to discuss potential options that staff may recommend to the City Council as part of the City's budget process.

Public Notice

The public was provided notice of this agenda item posting the Planning Commission agenda on the City's official bulletin board outside City Hall and making the agenda and report available on the City's website and at the San Mateo Co. Library located at 2415 University Avenue, East Palo Alto.

Environmental

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