

**THIS AGENDA IS POSTED IN ACCORDANCE WITH
GOVERNMENT CODE SECTION 54950 ET. SEQ.
DATE POSTED: July 8, 2011 TIME POSTED: 5:00 P.M.**



**CITY OF EAST PALO ALTO
PLANNING COMMISSION MEETING
Monday, July 11, 2011, 7:00 P.M.**

**CITY HALL COUNCIL CHAMBERS
2415 UNIVERSITY AVENUE, EAST PALO ALTO, CA 94303**

Chairperson: Renee Glover Chantler

Vice Chairperson: Robert Sherrard

Commissioners: Robert Allen, Bernardo Huerta, Jorge Prado, Alex Quezada, Court Skinner

Staff: Brent A. Butler, AICP, CFM, Planning Manager
Guido F. Persicone, AICP, Associate Planner
Neelam Naidu, Deputy City Attorney

1. **Roll Call**
2. **Approval of Agenda**
3. **Consent Calendar**
 - June 27, 2011 Meeting Minutes
4. **Open Forum** (Address Any Item Not on the Agenda)
5. **Communication Items**
 - a) Newell Road Bridge Replacement Project
 - b) Letter from the Governor's Office of Planning and Research regarding the East Palo Alto General Plan
6. **Planning Commission Matters, Staff Updates and Calendars:**
 - a) Mandatory Ethics Training
 - b) Planning Commission Retreat Update
 - c) Climate Action Plan
 - d) General Plan Update
7. **Public Hearing:** Special Use Permit (SUP 11-08)
Location: 1586 Bay Road, East Palo Alto, CA 94303
Owner/Applicant: Hector Cornelio/Angelina Sepulveda
Proposal: The Planning Commission will review a special use permit to operate an office that sells and promotes nutritional supplements at 1586 Bay Road.
General Plan Land Use Designation: General Commercial
Zoning/APN: C1 (Neighborhood Residential)/ 063-203-320

- 8. Public Hearing:** Recommendation to adopt California Environmental Quality Act (CEQA) thresholds of significance.

Location: Citywide

Proposal: The City of East Palo Alto shall adopt CEQA thresholds of significance as recommended by Section 15064.7 of the CEQA Guidelines.

Owner/Applicant: City of East Palo Alto

Project Planner: Brent A. Butler

9. Adjournment

Upcoming Meetings	
<i>July 16, 2011, 9:30 AM</i>	<ul style="list-style-type: none">○ Planning Commission Retreat <i>DLA Piper, 2000 University Avenue, East Palo Alto, CA 94303</i>
<i>July 25, 2011</i>	<ul style="list-style-type: none">○ Subdivision Regulations Update○ Rules of the Planning Commission○ Laramar alleyway/pathway administrative proceedings○ Blue Jay Court
<i>July 26, 2011 – September 11, 2011</i>	<ul style="list-style-type: none">○ Planning Commission Recess
<i>September 12, 2011</i>	<ul style="list-style-type: none">○ Adoption of Planning Commission work plan for FY2011/2012○ Adoption of Mitigated Negative Declaration for the East Palo Alto Climate Action Plan (CAP)

Notice

A challenge to the above items in court may raise only those issues which were raised at the public hearing described in this notice or in written correspondence to the City of East Palo Alto at, or prior to, the public hearing. For your comments to be fully considered, you must (1) attend the meeting, or (2) submit written comments to the Planning Division or (3) submit written comments to the Planning Commission before the Planning Commission takes action on the above item.

For further information regarding these items, you may contact the City of East Palo Alto Planning Division at 1960 Tate Street, or call (650) 853-3185.

The Americans with Disabilities Act (ADA) requires reasonable accommodation and access for the physically challenged. Those requesting such accommodation should contact the Planning Division office at (650) 853-3185 three days before the hearing date. Additionally, those wishing to include an electronic media presentation must furnish/provide their own equipment.



**CITY OF EAST PALO ALTO
PLANNING COMMISSION**

**REGULAR MEETING
ACTION MINUTES**

(DRAFT)

MONDAY, June 27, 2011

Commissioners Present: Chair Renee Glover Chantler
Vice Chair Robert Sherrard
Commissioner Robert Allen
Commissioner Alex Quezada
Commissioner Court Skinner

Commissioners Absent: Commissioner Bernardo Huerta
Commissioner Jorge Prado

Staff Present: Brent Butler, AICP, CFM, Planning Manager
Valerie Armento, Interim City Attorney
Neelam Naidu, Deputy City Attorney

7:00 PM: Regular Meeting

- 5. Roll Call** -7:55 PM with Commissioners Huerta and Prado absent.

Chair Glover-Chantler asked that all electronic devices be shut off and that members of the public fill out speaker slips.

- 6. Approval of Agenda**

Action: Motion to approve agenda – Skinner; Second – Allen. Vote: 5-0. Motion approved.

- 7. Consent Calendar**

- June 6, 2011 Meeting Minutes
- June 13, 2011 Meeting Minutes

Commissioner Allen asked that item 7a (June 6, 2011 minutes) be removed from the consent calendar.

Commissioners Allen and Skinner inquired about some of the edits for the June 6, 2011 minutes related to jobs at the University Plaza site.

Commissioner Skinner stated he would provide the Planning Manager the exact language he wanted in the minutes.

Action: Motion to approve the June 6, 2011 minutes, with the amendments to be provided by Commissioner Skinner – Allen; Second - Skinner. Vote: 5-0. Motion approved.

Action: Motion to approve the June 13, 2011 minutes – Sherrard; Second – Allen. Vote: 5-0. Motion approved.

8. Open Forum (Address Any Item Not on the Agenda)

David Tschang, 2253 University Avenue, commented on the job situation in East Palo Alto.

Michael Francois, 224 Gardenia Way, stated some land should be available for recreation and open space in East Palo Alto.

9. Communication Items

Chair Glover-Chantler and Commissioner Allen inquired with the Planning Manager about the length of time required to go through all of the communication items in agenda items 9a-9i.

The Planning Manager stated it would take between fifteen and twenty minutes, including time for a guest speaker.

a) Proposed Highway Design Manual (HDM) comment period ending on July 8, 2011

Item 9a was entered into the record.

b) Letter to Insurance Services Office (ISO) regarding increased premium reductions of 15-20% for the Community Rating System (CRS) effective October 2012

Item 9b was entered into the record with the Planning Manager stating that an additional ten (10) percent reduction in premiums would be attempted, but it would depend on staff resources.

c) Cooley Landing Battery Building plan check letter – Architectural Supervision prohibited per Public Utilities Commission

Item 9c was entered into the record with the Planning Manager stating the PG&E substation was exempt from architectural supervision by statute.

d) Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the City of Palo Alto Recycled Water Project, comment period ending July 18, 2011

Item 9d was entered into the record with the Planning Manager stating that the comment period for the EIR ends on July 16, 2011.

e) State of the San Francisco Estuary Conference – September 20-21, 2011

Item 9e was entered into the record.

f) Notice of Determination (NOD) for University Plaza

Item 9f was entered into the record.

g) 2011 Get Healthy San Mateo County presentation to the Board of Supervisors

Item 9g was entered into the record with the Planning Manager stating that he recently gave a presentation before the Board of Supervisors about the Get Healthy San Mateo grant.

Chair Glover-Chantler stated doing outreach to Census Tract 6619 would be helpful and that she would provide the Planning Manager contacts for this area.

h) Letter from San Mateo County Environmental Health Department regarding failure to perform corrective groundwater contamination actions at 1010 Runnymede Street

Item 9h was entered into the record.

i) Urban Forestry & Urban Greening Grant Programs – Applications due September 2011

Michael Hawkins from Canopy gave a presentation about the work Canopy does on the peninsula and the potential grant that is due in September that could be used to update the City's tree ordinance and to inventory existing trees in the City.

10. Planning Commission Matters, Staff Updates and Calendars:

a) Summary of Action taken in the Fiscal Year 2010/2011

The Planning Manager stated he would be seeking direction from the Planning Commission on the Planning Division's work plan shortly.

b) Update on Planning Commission retreat

The Planning Manager reported that the retreat is schedule for July 16, 2011 at 9:30AM at the DLA Piper office.

Five Minute Recess.

- 11. Public Hearing:** Zoning Text/Municipal Code Amendment (ZTA 11-001) regarding Medical Marijuana Distribution Facilities and Hemp Storage.

Proposal: Planning Commission review of a draft ordinance of the City Council adding Chapter 9.32 to Title 9 (Public Peace, Morals and Welfare) of the East Palo Alto Municipal Code, amending Section 6103 (Nature and Interpretation of Zoning) related to medical marijuana distribution facilities and deleting subsection (a)(86) of Section 6271 of the East Palo Alto Zoning Ordinance related to hemp storage as a principally permitted use in the M-1 (Light Industrial) zoning district.

California Environmental Quality Act (CEQA): Pursuant to Section 15061(b)(3) of the CEQA Guidelines, this ordinance is exempt from the requirements of CEQA in that it is not a project which has the potential for causing a significant effect on the environment.

Location: Citywide and specifically within the M-1(Light Industrial) zoning district.

Owner/Applicant: City of East Palo Alto
Project Planner: Brent Butler

The Planning Manager, Brent Butler, entered the report into the record.

Commissioner Allen inquired what the vote tally was for the recommendation from Council to prohibit medical marijuana facilities in East Palo Alto.

The Interim City Attorney, Valerie Armento, indicated the vote tally, from her recollection was either a 3-2 or a 4-1 vote.

Commissioner Skinner indicated he did not see the provision in the Zoning Ordinance regarding hemp storage.

The Interim City Attorney directed Commissioner Skinner to Section (a)(86) of Section 6271 of the Zoning Ordinance.

Commissioner Skinner inquired why the Commission was being asked to remove hemp storage from the Zoning Ordinance.

The Planning Manager stated hemp storage does not facilitate private and public sector development per Land Use Issue 4.0 of the General Plan.

Commissioner Allen stated the removal of hemp storage from the Zoning Ordinance indicates a level of caution by City staff that is not needed on this issue that is approaching the ridiculous.

The Planning Manager indicated this provision in the ordinance can be removed as a friendly amendment by the Commission.

The Planning Manager continued his presentation and entered the findings of fact into the record.

The Planning Manager entered into the record a correspondence from Mr. Ronald Kirkish, Program Coordinator for the Northern Region for Californians for Drug Free Youth (CADFY) to Associate Planner Guido F. Persicone.

Commissioner Skinner inquired about the term infirm patient.

Chair Glover-Chantler stated the definition of medical marijuana patient is codified in the Health and Safety Code.

The Planning Manager also stated the intent of this section of the staff report is to inform the Planning Commission that East Palo Alto is not restricting access to medical marijuana to eligible patients.

Commissioner Skinner inquired about recital six on page fifteen and stated this paragraph needs to be modified for clarity as East Palo Alto has never had 167 police officers.

Commissioner Skinner inquired why all of the findings of fact and recitals are needed in the draft ordinance.

The Interim City Attorney stated the purpose of findings and recitals is to document the concerns and comments from the community and to provide evidentiary support for the draft ordinance.

Commissioner Skinner inquired why the draft ordinance is needed. He asked if the City would have to adopt an ordinance to make the sale of heroine illegal.

Chair Glover Chantler stated the sale of heroin and marijuana are different because heroine is illegal under state and federal law as opposed to marijuana which is allowed under state law, but under the City's police powers, East Palo Alto is allowed to regulate medical marijuana as it sees fit.

Vice-Chair Sherrard stated the purpose of the ordinance was to regulate land and to have a discussion about the matter as the Commission wanted for the Sobrato development.

The Interim City Attorney stated the amendments to Zoning Ordinance are under the purview of the Planning Commission and not the insertion of Chapter 9.32 to the Municipal Code.

Commissioner Skinner inquired about the term declaratory of existing law.

The Interim City Attorney stated the Zoning Ordinance prohibits uses not allowed by right or as a conditional use. In order to solidify this section of the Zoning Ordinance the term declaratory of existing law has been added to the draft ordinance.

Commissioner Allen inquired why the Planning Commission has to recommend adoption of the draft ordinance to the City Council.

Chair Chantler stated she disagreed with Commission Allen's statement regarding the draft ordinance.

The Interim City Attorney stated action or inaction by the Commission would not prohibit deliberation by the City Council on this issue.

Commissioner Skinner steps down from the dais

Action: Motion to open public hearing – Allen; Second – Sherrard. Vote: 4-0. Motion approved.

Lorraine Holmes, 432 Larkspur Drive, discussed a petition from senior citizens she has collected. She stated she would make a copy of the petition and bring it to City staff or to the next City Council meeting. She also spoke against allowing medical marijuana in East Palo Alto.

Dave Tschang, 2253 University Avenue, stated job applicants to Job Train will not get jobs if they smoke marijuana.

Pastor Mary Frazier, from the East Palo Alto Substance Abuse Prevention Coalition, 17980-B Bay Road, stated her organization was not in favor of a medical marijuana facility in East Palo Alto and recommended adoption of the draft ordinance.

Luella Parker, no address provided, Gardens Neighborhood Block Association, spoke in favor of the draft ordinance.

Mike Francois, 224 Gardenia Way, spoke about the medical marijuana site at 1927 E. Bayshore and the history of the denial by the City Council and the applicant's unwillingness to comply with the City's requirements.

Chair Glover-Chantler stated the Commission is not discussing a specific site with the ordinance.

Chair Glover Chantler inquired about the taxing of medical marijuana facility as a non-profit organization

The Interim City Attorney stated the taxing of medical marijuana facility is a very complicated topic.

The Interim City Attorney directed the Planning Commission to Exhibit B (Interested Parties) of the staff report and stated medical marijuana proponents were not present in the audience.

Commissioner Quezada stated he did not have a preference as it relates to Section III of the draft ordinance and was willing to move forward on the ordinance.

Vice-Chair Sherrard inquired about the adoption of Planning Commission Resolution 11-4 and if the City Attorney wanted an additional item to handle the removal of hemp storage from the draft ordinance.

The Interim City Attorney stated the Commission could 1) adopt the resolution 2) modify the resolution with the accompanying draft ordinance as it sees fit as it relates to the zoning ordinance amendments.

Action: Motion to close public hearing – Sherrard; Second – Allen. Vote: 4-0. Motion approved

Action:

1. Adoption of a resolution by the Planning Commission recommending adoption of an ordinance by the City Council of the City of East Palo Alto adding Chapter 9.32 to the Municipal Code and amending Section 6103 related to prohibiting medical marijuana facilities
2. The Planning Commission directs staff to **not** remove hemp storage as a principally permitted use in the M1 (Light Industrial) Zoning District.
3. Affirm that the proposal is categorically exempt from the California Environmental Quality Act guidelines per Planning Commission Resolution 11-4.

Motion to approve – Sherrard; Second – Quezada. Vote: 3-1. Motion not approved due to Section 2.48 of the Municipal Code.

12. Public Hearing: Recommendation to adopt California Environmental Quality Act (CEQA) thresholds of significance.

Location: Citywide

Proposal: The City of East Palo Alto shall adopt CEQA thresholds of significance as recommended by Section 15064.7 of the CEQA Guidelines.

Owner/Applicant: City of East Palo Alto

Project Planner: Brent A. Butler

The Planning Manager requested a continuance to the next meeting in order to incorporate the expert testimony received at the June 27, 2011 meeting.

Action: Motion to continue the item to the July 11, 2011 meeting – Allen; Second – Sherrard. Vote: 4-0. Motion approved.

13. Adjournment – 9:35 PM

Action: Motion to adjourn the meeting – Allen; Second - Sherrard. Vote: 4-0. Motion approved.



City of Palo Alto

City Council Staff Report

(ID # 1810)

Report Type: Consent Calendar

Meeting Date: 7/11/2011

Summary Title: Newell Rd/San Francisquito Ck Bridge Replacement

Title: Adoption of a 1) Budget Amendment Ordinance Creating a New General Fund Capital Improvement Program Project for Replacement of the Newell Road Bridge over San Francisquito Creek; Adoption of Resolution Authorizing the City Manager to Execute a Program Supplement with the California Department of Transportation to Receive Highway Bridge Program Grant Funds for the Replacement of the Newell Road Bridge over San Francisquito Creek; Acceptance of Local Matching Funds in Approximate Amount of \$42,000 from the Francisquito Creek Joint Powers Authority for the Replacement of the Newell Road Bridge over San Francisquito Creek; and Approval of the Scope of Work for Engineering Design/Environmental Planning Consultant for Newell Road Bridge Replacement Project

From: City Manager

Lead Department: Public Works

Recommendation

Staff recommends that Council:

- 1) Adopt a Budget Amendment Ordinance creating a new General Fund Capital Improvement Program Project for the replacement of the Newell Road Bridge over San Francisquito Creek (PE-12011) (Attachment A);
- 2) Adopt a resolution authorizing the City Manager or his designee to execute a Program Supplement with the California Department of Transportation (Caltrans) (Attachment B) to receive Highway Bridge Program grant funds for the replacement of the Newell Road Bridge over San Francisquito Creek;
- 3) Authorize the receipt of local matching funds from the San Francisquito Creek Joint Powers Authority (JPA) for the replacement of the Newell Road Bridge over San Francisquito Creek (see letter, Attachment C); and
- 4) Approve the attached scope of work (Attachment D) for an engineering design/environmental planning consultant for the replacement of the Newell Road Bridge over San Francisquito Creek.

Executive Summary

The existing Newell Road Bridge over San Francisquito Creek is functionally obsolete from a transportation standpoint and acts as a constriction to creek flow. Staff is

proposing a new General Fund Capital Improvement Program Project to replace the existing bridge with a new structure that will improve safety for motorists, bicyclists, and pedestrians and will allow San Francisquito Creek to convey the 1% (100-year) flow rate. The City of Palo Alto (City) will be completely reimbursed for the engineering design/environmental assessment phase of the project, with a Caltrans Highway Bridge Program grant providing 88.53% of the funding and the 11.47% local match being provided by the San Francisquito Creek Joint Powers Authority (JPA). In light of the project's regional benefits and impacts, staff will coordinate with representatives from the City of East Palo Alto and the JPA throughout the implementation of the project. The budget amendment ordinance, resolution, and agreement required for implementation of this project are presented for Council review and approval, along with the scope of the work for the consultant to be retained to perform the engineering design, environmental assessment, and permitting for the project.

Background

The existing Newell Road bridge over San Francisquito Creek was constructed in 1911. The bridge links Palo Alto with the Woodland Avenue neighborhood of East Palo Alto. The bridge is functionally obsolete and substandard in many ways with respect to traffic safety. The bridge's deficiencies include its substandard width, lack of access for bicycle and pedestrian traffic, harsh vertical profile, unsafe railings, and poor sight distances. In addition to its traffic safety deficiencies, the bridge also creates a partial obstruction to water flow in San Francisquito Creek because the bridge abutments are constructed within the creek channel. The JPA and the Santa Clara Valley Water District have analyzed the bridge as part of a preliminary study of flood control options for San Francisquito Creek upstream of Highway 101 and have determined that the existing bridge will need to be removed or replaced in order for the creek to accommodate the projected 1% (100-year) flow rate at this location. Staff has been coordinating with JPA representatives to identify a suitable mechanism for modifying the bridge as an element of the JPA's comprehensive flood control plan.

The Caltrans Office of Local Assistance has an ongoing program to inspect local bridges on a regular basis and to provide grant funding to local agencies to fund bridge replacement and rehabilitation projects. Caltrans staff inspects the Newell Road/San Francisquito Creek bridge and other locally-owned bridges in Palo Alto on a biennial basis and submits the inspection results to City staff for follow-up action, as needed. Caltrans also administers a federal grant program for local bridge replacement/rehabilitation projects known as the Highway Bridge Program (HBP). Through the HBP, Caltrans issues grants to owners of local bridges for replacement of structurally deficient or functionally obsolete bridges. Local agencies are eligible to receive grants covering 88.53% of design and construction costs of eligible projects. The local agency is required to provide the remaining 11.47% of the project costs. Caltrans has classified the Newell Road bridge as functionally obsolete and has identified the City of Palo Alto as the bridge owner for purposes of the HBP.

Staff and JPA representatives worked cooperatively to submit an HBP grant application to Caltrans for replacement of the Newell Road/San Francisquito Creek bridge. The JPA provided funds to pay an engineering consultant experienced with the HBP requirements to assist with preparation of the grant application and related documentation. The JPA has also agreed to provide the required 11.47% local matching funds for the preliminary design (engineering design, environmental assessment, and permitting) phase of the bridge replacement project (see letter, Attachment C). Staff and JPA representatives also coordinated with City of East Palo Alto staff on the grant application, since the northern half of the bridge and the Woodland Avenue approaches lie within East Palo Alto. While Palo Alto staff will manage the HBP grant and the bridge replacement project design consultant, staff envisions the project as a joint effort between staff from Palo Alto, East Palo Alto, and the JPA.

Discussion

Staff is recommending the creation of a new General Fund Capital Improvement Program Project for the replacement of the Newell Road Bridge over San Francisquito Creek, with initial funding of \$360,000 for FY2012 for engineering design, environmental assessment, and permitting. The City will be completely reimbursed for this phase of the project, with the Caltrans grant providing 88.53% of the funding and the 11.47% local match being provided by the JPA. It is anticipated that HBP funds will be available to pay 88.53% of the project's construction cost in a future budget year. A source of the local match funding for the construction phase has not yet been identified. The project was not included in the FY2011-16 Capital Improvement Program budget recently approved by Council because the details of the grant funding were not available prior to the budget submission deadlines. In order to create the new project, Council must adopt the attached Budget Amendment Ordinance and approve the accompanying project description. The project will be managed by the Engineering Services Division of Public Works, who will coordinate closely with representatives from the City of East Palo Alto and the JPA during project design.

The City has an Administering Agency-State Agreement for Federal Aid with Caltrans specifying the terms and conditions for receiving State-administered federal grant funds. In order to accept the HBP grant funds from Caltrans, Council must adopt the attached resolution authorizing the City Manager or his designee to execute a Program Supplement amending the master agreement with Caltrans to receive the funds for the replacement of the Newell Road Bridge over San Francisquito Creek. The Program Supplement contains two notable provisions. First, the agreement specifies that the City must comply with its adopted Disadvantaged Business Enterprise (DBE) program when soliciting the services of a design consultant. The City's DBE program requires its prospective contractors to make a good faith effort to include qualified DBE subcontractor firms on projects receiving federal funds. In addition, the agreement stipulates that the City must return the HBP grant funds if the proposed bridge replacement project is not constructed within ten years following approval of the

Program Supplement. While the City has not currently identified construction funding for this project, considering the fact that the project is so highly leveraged with grant funds (88.53% of the total cost) and that it is a critical element of the flood control plan for San Francisquito Creek, the cities of Palo Alto and East Palo Alto and the JPA should be highly motivated to find the remaining funds. From a technical and workload standpoint, staff believes that it will be feasible to complete the project within the required timeframe.

Council must also authorize the City Manager to accept local matching funds for the replacement of the Newell Road Bridge over San Francisquito Creek. The JPA Board has authorized the expenditure of funds for the design phase of the bridge replacement project because the project represents an important first step in achieving flood protection along San Francisquito Creek upstream of Highway 101. The JPA staff is actively working with other member agencies to secure HBP grant funding for the replacement of the other three bridges that currently constrain creek flow (University Avenue, Pope/Chaucer Street, and Middlefield Road). For purposes of HBP funding eligibility, Caltrans has identified the City of East Palo Alto as the owner of the University Avenue Bridge, Palo Alto as the owner of the Pope/Chaucer Street Bridge, and the City of Menlo Park as the owner of the Middlefield Road Bridge. At this time, the only other bridge identified as functionally obsolete and eligible for HBP funding is Middlefield Road. The University Avenue and Pope/Chaucer Street bridges may become eligible for HBP funding once the ongoing JPA/Corps of Engineers feasibility study progresses to the point where it conclusively documents the hydraulic capacity deficiencies of these bridges.

Staff recommends that Council approve the attached scope of work for an engineering design/environmental planning consultant for the replacement of the Newell Road Bridge over San Francisquito Creek. The scope of work has been reviewed and approved by representatives of the City of East Palo Alto and the JPA. In light of this project's regional benefits and impacts, staff from these agencies will participate in the review of the consultant proposals and the interviews of the final consultant candidates. They will also participate in the public outreach, technical design, and environmental assessment elements of the project. The design of the replacement Newell Road Bridge will be subject to review by the City of Palo Alto Architectural Review Board and the Planning & Transportation Commission and the City of East Palo Alto Public Works & Transportation Commission and Planning Commission. The project will also comply with the City's Art in City Capital Improvement Projects Policy.

Resource Impact

Funds for the Newell Road/San Francisquito Creek Bridge Replacement Project are available from the General Fund Infrastructure Reserve. The General Fund will be completely reimbursed for the design and environmental assessment phase of the project, with the Caltrans Highway Bridge Program (HBP) grant providing 88.53% of the funding and the 11.47% local match being provided by the San Francisquito Creek

Joint Powers Authority. It is anticipated that HBP funds will be available to pay 88.53% of the project's construction cost in a future budget year. Although, a source of the local match funding for the construction phase (estimated to be approximately \$240K) has not yet been identified, staff will aggressively pursue non-City funds to cover this expense. Potential funding sources include the cities of Palo Alto or East Palo Alto, the JPA, the Santa Clara Valley Water District, or local property owners through a future voter-approved assessment district.

Policy Implications

These recommendations do not represent any change to existing City policies.

Environmental Review

Adoption of the attached resolution, budget amendment ordinance, and approval of the agreement do not represent a project with respect to the California Environmental Quality Act (CEQA). The Newell Road/San Francisquito Creek Bridge Replacement Project will be subject to environmental assessment and review in compliance with both CEQA and the National Environmental Policy Act (NEPA).

cc: Kamal Fallaha, City of East Palo Alto Public Works Department
Brent Butler, City of East Palo Alto Planning Department
Len Materman, San Francisquito Creek Joint Powers Authority
Chris Elias, Santa Clara Valley Water District
Norman Beamer, Crescent Park Neighborhood Association
Karen White, Duveneck/St. Francis Neighborhood Association

Attachments:

- A - Budget Amendment Ordinance for Newell Road Bridge Replacement Project, CIP PE-12011 (PDF)
- B - Resolution Authorizing City Manager to Execute Program Supplement (PDF)
- C - Letter from San Francisquito Creek JPA Committing to Provide Local Cost Share (PDF)
- D - Scope of Work for Request for Proposals for Newell Road Bridge Replacement Project (PDF)

Prepared By: Joe Teresi, Senior Engineer

Department Head: J. Michael Sartor, Interim Director

City Manager Approval: James Keene, City Manager

ORDINANCE NO. XXXX

ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO AMENDING THE BUDGET FOR FISCAL YEAR 2012 TO ESTABLISH CAPITAL IMPROVEMENT PROGRAM PROJECT NUMBER PE-12011, NEWELL ROAD/SAN FRANCISQUITO CREEK BRIDGE REPLACEMENT, AND TO PROVIDE AN APPROPRIATION IN THE AMOUNT OF \$360,000

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. The City Council of the City of Palo Alto finds and determines as follows:

A. Pursuant to the provisions of Section 12 of Article III of the Charter of the City of Palo Alto, the Council on June 20, 2011 did adopt a budget for fiscal year 2012; and

B. The existing Newell Road bridge over San Francisquito Creek was constructed in 1911. The bridge links Palo Alto with the Woodland Avenue neighborhood of East Palo Alto. The bridge is functionally obsolete and substandard in many ways with respect to traffic safety; and

C. The bridge's deficiencies include its substandard width, lack of access for bicycle and pedestrian traffic, harsh vertical profile, unsafe railings, and poor sight distances. In addition to its traffic safety deficiencies, the bridge also creates a partial obstruction to water flow in San Francisquito Creek because the bridge abutments are constructed within the creek channel; and

D. The San Francisquito Creek Joint Powers Authority (JPA) and the Santa Clara Valley Water District have analyzed the bridge as part of a preliminary study of flood control options for San Francisquito Creek upstream of Highway 101 and have determined that the existing bridge will need to be removed or replaced in order for the creek to accommodate the projected 1% (100-year) flow rate at this location; and

E. Through the Highway Bridge Program (HBP), Caltrans issues grants to owners of local bridges for replacement of structurally deficient or functionally obsolete bridges. The City of Palo Alto will be completely reimbursed for the engineering design/environmental assessment phase of the project, with a Caltrans Highway Bridge Program grant providing 88.53% of the funding and the 11.47% local match being provided by the San Francisquito Creek JPA; and

F. It is anticipated that HBP funds will be available to pay 88.53% of the project's construction cost in a future budget year, and that the cities of Palo Alto and East Palo Alto and the JPA will work to find the remaining funds; and

G. Staff has developed a scope of work for an engineering design/environmental planning consultant for the replacement of the Newell Road Bridge over San Francisquito Creek. The City of Palo Alto, the City of East Palo Alto, and the JPA will participate in selecting a consultant to perform the work; and

H. City Council authorization is needed to amend the 2012 budget as hereinafter set forth.

SECTION 2. Capital Improvement Program (CIP) Project Number PE-12011, Newell Road/San Francisquito Creek Bridge Replacement, is hereby created.

SECTION 3. The sum of Three Hundred Sixty Thousand Dollars (\$360,000) is hereby appropriated to CIP Project Number PE-12011.

SECTION 4. Three Hundred Sixty Thousand Dollars (\$360,000) is hereby transferred from the Capital Project Fund Infrastructure Reserve.

SECTION 5. The Infrastructure Reserve will later be reimbursed by grant funding from the Caltrans HPB and the San Francisquito Creek JPA in the amount of Three Hundred Sixty Thousand Dollars (\$360,000).

SECTION 6. The transactions above will have no net impact on the balance of the Infrastructure Reserve.

SECTION 7. As specified in Section 2.28.080(a) of the Palo Alto Municipal Code, a two-thirds vote of the City Council is required to adopt this ordinance.

SECTION 8. The Council of the City of Palo Alto hereby finds that the design portion of this project does not represent a project with respect to the California Environmental Quality Act (CEQA). The Newell Road/San Francisquito Creek Bridge Replacement Project will be subject to environmental assessment and review in compliance with both CEQA and the National Environmental Policy Act (NEPA).

SECTION 9. As provided in Section 2.04.330 of the Palo Alto Municipal Code, this ordinance shall become effective upon adoption.

INTRODUCED AND PASSED:
AYES:

NOES :

ABSTENTIONS :

ABSENT :

ATTEST :

APPROVED :

City Clerk

Mayor

APPROVED AS TO FORM :

City Manager

Senior Assistant City Attorney

Director of Public Works

Director of Administrative
Services

Not Yet Approved

Resolution No. _____

Resolution of the Council of the City of Palo Alto Authorizing the City Manager to Execute Transportation Grants for Program Supplement No. N009 for the Newell Road Bridge Replacement Project

WHEREAS, the City of Palo Alto is eligible to receive Federal and/or State funding for certain Transportation Projects, through the California Department of Transportation; and

WHEREAS, Master Agreements, Program Supplement Agreements, Fund Exchange Agreements, Fund Transfer Agreements and/or any amendments to such agreements need to be executed with the California Department of Transportation before such funds can be claimed; and

WHEREAS, the City Council wishes to delegate to the City Manager or his or her designee authorization to execute Program Supplement No N009 to Administering Agency – State Agreement for Federal Grant Project No. 04-5100R, Newell Road Bridge Replacement Project.

NOW, THEREFORE, the Council of the City of Palo Alto does RESOLVE as follows:

SECTION 1. The Council authorizes the City Manager or his or her designee to execute Program Supplement No N009 to Administering Agency – State Agreement for Federal Grant Project No. 04-5100R, Newell Road Bridge Replacement Project.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

City Manager

Senior Asst. City Attorney

Director of Public Works

PROGRAM SUPPLEMENT NO. N009
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 04-5100R

Date: May 2, 2011
Location: 04-SCL-0-PA
Project Number: BRLS-5100(017)
E.A. Number: 04-925863
Locode: 5100

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 05/23/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

Bridge 37C0223 Newell Road over San Francisquito Creek

TYPE OF WORK: Bridge 37C0223, replace existing two-lane bridge with new two-lane bridge to current standards. **LENGTH:** 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	Q120		LOCAL	OTHER
\$360,000.00	\$318,708.00		\$41,292.00	\$0.00

CITY OF PALO ALTO

By _____
Title _____
Date _____
Attest _____

STATE OF CALIFORNIA
Department of Transportation

By _____
Chief, Office of Project Implementation
Division of Local Assistance
Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Rosa Stone Date 5/9/11 \$318,708.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

SPECIAL COVENANTS OR REMARKS

1. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
2. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

3. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
4. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

5. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if

SPECIAL COVENANTS OR REMARKS

PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).
8. In the event that right of way acquisition for or construction of this project of the initial federal authorization for preliminary engineering is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the ADMINISTERING AGENCY shall repay the Federal Highway Administration through Caltrans the sum of Federal funds paid under the terms of this agreement.



SAN FRANCISQUITO CREEK

Joint Powers Authority

www.sfcjpa.org

East Palo Alto, Menlo Park, Palo Alto, San Mateo County Flood Control District, and the Santa Clara Valley Water District

October 1, 2010

Mr. James Keene
City Manager
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Dear Jim:

As you know, the San Francisquito Creek Joint Powers Authority (SFCJPA) believes that modifying bridges over the Creek between Highway 101 and El Camino Real will be a key component of our comprehensive efforts to reduce flooding to residents of Palo Alto, Menlo Park and East Palo Alto. In recent weeks, I have worked with Palo Alto's Public Works staff to submit a proposal to Caltrans for the replacement of the Newell Road Bridge, which, according to Caltrans, is "owned" by the City of Palo Alto.

Should the State's Highway Bridge Program approve the City's application, Caltrans would pay 88.53% of the total project costs, with the local agency responsible for the remaining 11.47% in matching funds. The initial application requires us to make a commitment for the local share of the Preliminary Engineering (planning and design) phase of the Newell Road Bridge. This phase was estimated to cost approximately \$360,000, and thus the local match commitment required during this fiscal year and the following one equals not more than \$42,000.

On September 23, 2010, I asked the SFCJPA Board, which includes Palo Alto Mayor Patrick Burt, to approve a motion to have the SFCJPA provide the 11.47% in matching funds for Preliminary Engineering of Newell Road Bridge. The Board unanimously supported this motion, recognizing that the Caltrans funding would represent an opportunity to begin removing our bridges as obstacles to the safe flow of water in the Creek. The purpose of this letter is to commit the SFCJPA to provide that local match on behalf of the City of Palo Alto.

I appreciate the City's willingness to seek outside funding so that we may move forward with an important element of the SFCJPA's comprehensive project. Please let me know if you have any questions.

Sincerely,



Len Materman
Executive Director

cc: Mayor Patrick Burt
Kelly McAdoo Morariu
Glenn Roberts
Mike Sartor
Joe Teresi

Newell Road at San Francisquito Creek
Bridge Replacement Project
(CIP #PE-12011)

**Request for Proposals for Project Design
and Environmental Assessment/Permitting**

Scope of Work

1. GENERAL INFORMATION

The Public Works Department is seeking consultant services to provide professional services, including preliminary design, environmental analysis and documentation, geotechnical investigation and reporting, regulatory permitting, preparation of plans, specifications, and cost estimate for bidding, and construction administration for replacement of the existing Newell Road bridge across San Francisquito Creek, linking the cities of Palo Alto and East Palo Alto, California.

2. DESCRIPTION OF PROJECT

The purpose of this project is to replace the Newell Road Bridge at San Francisquito Creek (see Attachment A, Project Vicinity Map). Newell Road is a collector street with a current Average Daily Traffic volume of approximately 3000 vehicles per day. San Francisquito Creek is the boundary between the Cities of Palo Alto and East Palo Alto as well as the boundary between Santa Clara and San Mateo Counties. The existing bridge is approximately 40-feet-long with a width of 18 feet curb to curb and an overall bridge width of 21.7 feet. The bridge, which was originally constructed in 1911, is considered functionally obsolete. The traffic lanes are substandard, and the bridge has no provision for bicycle or pedestrian traffic. In addition, the sight distances from the bridge are poor, and the bridge alignment creates an undesirable offset in the horizontal alignment of Newell Road. Furthermore, the existing bridge abutments are located within the creek bed, causing a flow constriction in the channel that prevents it from accommodating the estimated 1% (100-year) flow event. The current (2010) Santa Clara Valley Water District hydraulic model for San Francisquito Creek indicates that the existing bridge opening can convey peak flow of 5900 cubic feet per second (cfs), whereas the 1% flow rate is 9200 cfs. The Newell Road bridge is within the scope of an ongoing study being conducted by the San Francisquito Creek Joint Powers Authority (SFCJPA) to identify potential channel and bridge improvements that will provide

increased flood protection to the area. The SFCJPA, whose member agencies include the cities of Palo Alto, East Palo Alto, and Menlo Park, the Santa Clara Valley Water District, and the San Mateo County Flood Control District, was formed in 1999 to address flooding issues within the creek watershed. It is important that the new bridge design not only pass the 1% flow event, but also accommodate future improvements within the channel and at the top of bank both upstream and downstream of the new bridge that will provide conveyance of the 1% flow and maintain FEMA's minimum requirement of 3 feet of freeboard in unobstructed stream reaches and 4 feet of freeboard at and within 100 feet of the new bridge.

In addition to posing a flooding threat to the surrounding communities, San Francisquito Creek in the project area represents a migration corridor for a native run of federally-protected Central Coast Steelhead, limiting the available construction window for projects within the creek channel to the months of June through October, when migrating steelhead are not passing through the main stem of the creek.

The replacement bridge is tentatively proposed to include two 11' traffic lanes, a 5' bike lane on the east side of the road, a 9' bike lane on the west side of the road, and 5' sidewalks on each side of the road. This proposed configuration would match the existing street cross-section south of the bridge. The proposed bridge length is 75', which is the approximate distance between the top of the creek banks, allowing the new abutments to be constructed outside the creek channel. It is anticipated that partial reconstruction of the bridge approaches will also be required in order to conform to the new bridge and to create a modified horizontal alignment and vertical profile that will improve traffic safety and sight distances. Consideration should also be given to potential horizontal realignment of the bridge in order to improve the coordination of the geometrics between the north and south legs of Newell Road. Because the creek divides two cities and counties, there are a limited number of utility facilities crossing the bridge. Existing utilities will, however, need to be maintained and relocated as required to maintain continuous service to all utility customers. Newell Road between Edgewood Drive in Palo Alto and Woodland Avenue in East Palo Alto may be closed to through traffic during construction. Access to the driveway serving the residence at 475 Newell Road must be maintained throughout the construction period.

Although the consultant contract will be managed by the City of Palo Alto, extensive coordination with City of East Palo Alto and SFCJPA staff will be required throughout the project. There will also be a need to devise and implement a robust public communication and outreach plan to solicit input from members of the public. The project will require design review by various advisory boards and commissions in both cities. The consultant will also be responsible for environmental review and documentation of the project in compliance with the provisions of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). In support of the environmental analysis, the consultant must also perform several specific technical studies as described in this scope of work. Lastly, the consultant must also assist the City of Palo Alto in acquiring all local, state, and federal regulatory permits required for the construction of the replacement bridge.

The design and aesthetics of the replacement Newell Road bridge will be subject to review by the following review bodies:

City of Palo Alto — Architectural Review Board
Planning and Transportation Commission

City of East Palo Alto -- Public Works & Transportation Commission
Planning Commission

In addition, the project is subject to the City of Palo Alto's Art in City Capital Improvement Projects Policy (see Attachment B). One percent of the final estimated cost of the replacement bridge shall be earmarked for a public art element, at the discretion of the City of Palo Alto Public Art Commission. The Consultant shall work cooperatively with the artist selected by the Public Art Commission and staff from the cities of Palo Alto and East Palo Alto to incorporate the art into the final bridge design.

The project is being funded through a Caltrans Highway Bridge Program grant. All work prepared by the Consultant shall be in compliance with the requirements of the Highway Bridge Program and shall be subject to the approval of the Caltrans Office of Local Assistance representative of Caltrans District 4 in Oakland.

The consultant team shall provide sufficient expertise in the disciplines of civil and structural engineering design, surveying, geotechnical engineering, hydraulic engineering, environmental planning and analysis, public outreach, and project management to produce an environmental assessment document, secure all required regulatory permits, and prepare a complete set of construction documents (plans, specifications, and estimate) for the replacement of the Newell Road Bridge over San Francisquito Creek.

3. THE CITY'S INTENT

Following is an outline of the scope of work for the project:

- The Consultant shall provide complete engineering design services, including preliminary design, design development, and construction documents for the replacement of the Newell Road bridge over San Francisquito Creek and related roadway modifications.
- The Consultant shall obtain and review all reports and plans for the existing bridge, overhead and underground utilities, right-of-way maps, and other street infrastructure prior to the start of design.
- The Consultant shall obtain the existing hydraulic model for San Francisquito Creek from the Santa Clara Valley Water District (SCVWD). The existing creek model is HEC-RAS.
- The Consultant shall utilize the existing creek hydraulic model to document the hydraulic design parameters of the replacement bridge. The consultant shall conduct and document a hydraulic model run for San Francisquito Creek with the proposed bridge in place. The documentation shall demonstrate the ability of the

reconfigured channel at the location of the new bridge to convey the projected 1% flow rate with the bridge in place.

- The Consultant shall analyze and review various alternative bridge designs and alignments and submit to the City a recommended design.
- The Consultant shall devise and implement a public communication and outreach plan in order to solicit early input from members of the public in the cities of Palo Alto and East Palo Alto.
- The Consultant shall provide the services of a licensed civil or structural engineer to design the structural elements of the bridge to meet the provisions of the current edition of the Bridge Design Guide/Specifications published by the American Association of State Highway and Transportation Officials (AASHTO).
- The Consultant shall design all site improvements, including approach roadways and intersection layout, utility relocations, traffic safety design elements, temporary traffic control plan during bridge closure, stream protection measures, and environment compliance requirements.
- The Consultant shall work with SFCJPA staff to develop slope stability measures at and around the footings of the new bridge that maintain, to the extent possible, the natural setting of the creek and are consistent, within reasonable limitations, with the principles described in the *San Francisquito Creek Bank Stabilization and Revegetation Master Plan*.
- The Consultant shall review, analyze, and identify the potential environmental impacts of constructing a replacement Newell Road bridge. The Consultant shall prepare a complete environmental document in full compliance with both the National Environmental Policy Act (NEPA) and the California Environmental Quality ACT (CEQA).
- The Consultant shall conduct all of the technical studies required by Caltrans in support of the environmental documents.
- The Consultant shall provide the services of a licensed civil engineer or land surveyor to prepare a complete topographic survey of the project area. The engineer/surveyor shall identify existing right-of-way limits, and any required additional right-of-way or temporary construction easements. The Consultant shall be responsible for all right-of-way engineering.
- The Consultant shall present the preliminary design to staff, the City of Palo Alto's Architectural Review Board and Planning and Transportation Commission, and the City of East Palo Alto's Public Works and Transportation Commission and Planning Commission for review before proceeding to design development. The consultant shall make any design revisions necessary as a result of these reviews.
- The Consultant shall present the 60% design development plans to staff, the City of Palo Alto's Architectural Review Board and Planning and Transportation Commission, and the City of East Palo Alto's Public Works and Transportation Commission and Planning Commission for review before proceeding to the construction document phase of the project.
- The Consultant shall prepare project construction plans and technical specifications for competitive bidding purposes.

- The Consultant shall complete any and all permit applications that may be necessary to allow the replacement of the Newell Road bridge. The Consultant shall ensure that the applications are deemed complete by the reviewing agencies and respond to any requests for additional information.
- The Consultant shall assist the City of Palo Alto with bidding the project for construction.
- The Consultant shall review contractor submittals for compliance with the plans and specifications.
- During construction, the Consultant shall promptly answer contractor requests for information (RFI). The Consultant shall attend regular project meetings that may occur weekly and shall prepare agendas and minutes for such meetings.

4. CONSULTANT SCOPE OF WORK

The scope of work shall consist of the following tasks:

Task A Public Communication and Outreach Plan

The Consultant shall devise and implement a multi-faceted public communication and outreach plan in order to assist City staff with solicitation of input from members of the public regarding the replacement of the Newell Road bridge. The plan shall target residents in the vicinity of the bridge in the cities of Palo Alto and East Palo Alto. The outreach plan shall include at least one public meeting at the outset of the project to solicit preliminary input and comment regarding key design issues and potential project impacts and a second meeting towards the end of preliminary design to solicit specific comments regarding the initial bridge design. The Consultant shall design a project web page to provide updated information to the public during design and throughout the construction of the bridge.

Task B Preliminary Design

The Consultant shall prepare a preliminary design of the replacement Newell Road bridge. The Consultant shall meet with City staff to gather information and input for developing the preliminary drawings. The preliminary drawings shall represent the proposed bridge layout, horizontal alignment and vertical profile, bridge proportions, and bridge style and special architectural treatments. The Consultant shall perform hydraulic modeling of the creek with the new bridge in place. The Consultant shall analyze and review various alternatives and provide to the City a recommended design for submittal to the official review bodies.

Task C Environmental Document

The Consultant shall review, analyze, and identify the potential environmental impacts of constructing the replacement bridge and shall prepare complete environmental documents in full compliance with the National Environmental

Policy Act (NEPA) and the California Environmental Quality Act (CEQA). In support of the environmental analysis, the Consultant shall conduct the special technical studies specified by Caltrans Environmental Planning staff in the Preliminary Environmental Study (PES) Form (See Attachment C). It is assumed that the project will qualify for a Categorical Exclusion (NEPA) and a Mitigated Negative Declaration (CEQA).

Task D Final Design

The Consultant shall prepare construction documents based on the preliminary design developed in Task B. Intermediate design development submittals shall be submitted at 60% and 90% design stages. A geotechnical investigation and a Stage 1 hazardous materials investigation shall be conducted at the site to develop project design parameters. The Consultant shall also provide assistance to staff during the bidding process.

Task E Cost Estimates

The Consultant shall prepare cost estimates for construction of the preliminary design developed in Task B and construction of the final design developed in Task D.

Task F Meetings

The Consultant shall prepare for and actively participate in the following meetings related to Tasks B, C and D.

- City Staff: Meetings with staff from the cities of Palo Alto and East Palo Alto and the SFCJPA, as appropriate.
- The Consultant shall prepare presentation materials for and attend the meetings listed below. The Consultant shall budget up to four hours for each meeting, including 'waiting' time and travel time.
 - Two meetings with the City of Palo Alto Architectural Review Board
 - Two meetings with the City of Palo Alto Planning and Transportation Commission
 - Two meetings with the City of Palo Alto Public Arts Commission
 - Two meetings with the City of East Palo Alto Public Works and Transportation Commission
 - Two meetings with the City of East Palo Alto Planning Commission
 - One meeting with the San Francisquito Creek Joint Powers Authority Board of Directors

Task G Work Product Submittals

The Consultant shall prepare the following work product submittals for staff review at the appropriate stage of the work:

- Site topographic and boundary survey, including existing improvements
- Geotechnical and hazardous material investigations and reports
- Technical Memorandum – Bridge Design Parameters
- Preliminary Design Drawings: 10 half-size plan sets, plus digital file on compact disc
- 60% design development documents: 10 half-size plan sets, 10 technical specification sets (Caltrans Standard Specifications format), 10 copies of an opinion of probable construction cost, plus digital files of all documents on compact disc
- 90% design development documents: 10 half-size plan sets, 10 full-size plan sets, 10 technical specification sets, 10 copies of an opinion of probable construction cost, plus digital files of all documents on compact disc
- Advisory Body Reviews: Copies of plans, renderings, material/color samples as required by each review body
- Environmental document: Special studies, checklists and other documentation as required to comply with the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) in a format acceptable to Caltrans Office of Transportation Planning (NEPA) and the City of Palo Alto Planning Division (CEQA)
- Completed regulatory permit applications and supporting materials as required

Task H Construction Documents

The Consultant shall prepare final detailed project plans and technical specifications for construction bidding purposes that incorporate all plan check and permitting requirements.

The Consultant shall provide one reproducible set of final project drawings and specifications and digital files of all documents on compact disc to the City. City will, at its own expense, reproduce enough copies of these documents for construction bidding purposes.

Project Specifications shall be prepared using the Caltrans Standard Specifications format. Consultant shall prepare all technical specification sections. The City will provide the standard boilerplate bidding and contract documents and the general conditions (work hours, duration, truck routes, etc.).

Project drawings shall be prepared using the standard 24" x 36" City drawing sheet size and layout (to be provided by City). The City will also provide the Consultant with standard AutoCAD layer names, symbols and line types for use in the final project plans.

The Construction Documents shall include, but not be limited to, the following:

- Existing topographic and boundary survey plan with construction staking control points clearly identified
- Demolition plan
- Site utilities relocation plans
- Grading and drainage plan
- Roadway layout plan
- Structural plans (including foundation and abutment plans)
- Structural details
- Landscaping and irrigation plan
- Storm Water Pollution Prevention Plan
- Traffic control requirements
- Construction schedule requirements
- Contractor submittal requirements
- Provisions for protecting nearby existing structures, roadways and embankments, and San Francisquito Creek

Task I Construction Services

The Consultant shall provide construction administration services during construction of the replacement Newell Road bridge:

- Visit the site at intervals appropriate to the stage of operations.
- Attend weekly construction meetings and prepare weekly meeting agendas and minutes.
- Respond to requests for information (RFI).
- Review and take action upon contractor submittals.
- Prepare change orders and construction change directives.
- Upon request of the contractor, inspect the project to determine whether the work is substantially complete and prepare a punch list of items to be completed prior to final acceptance.
- Confirm completion of contractor’s punch list items prior to final payment.
- Prepare project record drawings upon the completion of the work. Immediately after completion of the construction phase and acceptance by the City, the Consultant shall submit one complete set of record drawings reflecting the as-built conditions in digital format for archiving. All files shall be delivered in AutoCAD (.dwg) format. Each document file shall be accompanied by a metadata text file, including the date of the file, the company name, contract information, and the name of the technician who prepared the document.

5. ADDITIONAL SERVICES-SUBJECT TO ADDITIONAL COMPENSATION

The following additional services may be required depending on the actual conditions encountered. The Consultant shall be prepared to perform these services as additional work, subject to prior approval of the City's Project Manager.

- Preparation of a full Environmental Impact Report (EIR)/Environmental Impact Statement (EIS)
- Hazardous materials removal plan preparation
- Additional meetings with review boards and commissions
- Construction staking

Depending on the magnitude and quantity of the additional services listed above, an agreement amendment may be necessary.

6. PROJECT ADMINISTRATION

Joe Teresi will be the Project Manager, and Rajeev Das Hada will be the Project Engineer, unless otherwise directed by the City. All questions correspondence and invoices shall be directed to the Project Engineer. This contract will be managed by the City of Palo Alto Public Works Department. Funding for the contract will be provided by a California Department of Transportation Highway Bridge Program grant and the SFCJPA. To ensure a coordinated work effort, any work beyond this Scope of Work shall be approved in advance in writing by the Project Manager.

7. INFORMATION PROVIDED BY THE CITY

The Public Works Department, Engineering Division has the following reference documents available on the 6th floor located at 250 Hamilton Avenue, Palo Alto.

- Existing infrastructure and right-of-way information from City of Palo Alto Geographic Information System (GIS)
- San Francisquito Creek HEC-RAS hydraulic model (Santa Clara Valley Water District)
- Geotechnical information, as available, from the City's database of projects completed in the vicinity.

8. CONSULTANT SELECTION

The consultant will be selected based upon qualifications, experience, work schedule and references from similar projects. The consultant selection process will be conducted in accordance with the Caltrans Local Assistance Procedures Manual, including the

provisions for utilization of Disadvantaged Business Enterprises (DBE). For further selection criteria, see Section 100, "Proposal Instructions and Special Conditions".

9. TIME OF COMPLETION

The Consultant shall complete all tasks within 52 weeks of issuance of the Notice to Proceed. Prospective Consultants should submit a project schedule showing major project design milestones and dates for achieving those milestones as part of the proposal.

10. ATTACHMENTS

Attachment A:	Project Vicinity Map
Attachment B:	Art in City Capital Improvement Projects Policy
Attachment C:	Preliminary Environmental Study (PES) Form for Caltrans Highway Bridge Program Grant



STATE OF CALIFORNIA
 GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



EDMUND G. BROWN JR.
 GOVERNOR

KEN ALEX
 DIRECTOR

June 15, 2011

Mr. Brent Butler, Planning Manager
 City of East Palo Alto
 Public Works, Planning Division
 2415 University Avenue
 East Palo Alto, CA 94303

Dear Mr. Butler:

Pursuant to State statute, the Governor's Office of Planning and Research (OPR) is required to notify cities and counties with general plans that have not been revised within the last eight (8) years (Government Code section 65040.5(a)). Our records indicate that the City of East Palo Alto's General Plan has not been revised in the past eight (8) years or longer.

For purposes of this notification, a revision is considered to be a comprehensive update of at least five (5) of the seven (7) mandatory general plan elements, which have been adopted by the local legislative body. According to our records, the mandatory elements of the General Plan for the City of East Palo Alto were last updated during the years noted:

Land Use:	1999
Circulation:	1999
Housing:	2001
Conservation:	1999
Open Space:	1999
Safety:	1999
Noise:	1999

If this information is incorrect, please contact Cuauhtémoc Gonzalez at the OPR State Clearinghouse via email cuauhtemoc.gonzalez@opr.ca.gov or phone (916) 445-0613 so that we may update our records.

As part of our process to identify jurisdictions with general plans that have not been revised in eight (8) years, OPR surveyed local government planning agencies in the 2010 Annual Planning Survey for current information regarding their general plans. In addition, OPR reviewed General Plan Annual Progress Reports, public notices from the jurisdictions, environmental document filings, as well as websites of individual jurisdictions.

General plans that have not been revised within the past eight (8) years are not necessarily legally inadequate. However, the California Supreme Court has stated that local governments have an implied duty to keep their general plans current (*DeVita v. County of Napa*, 9 Cal. 4th 763 (1995)). Additionally, local governments must review and revise their general plans as often as they deem necessary or appropriate (Government Code section 65103(a)). The general plan statutes do not provide a mandatory minimum time



CITY OF EAST PALO ALTO
Community Development Department— Planning Division
1960 Tate Street • East Palo Alto, CA 94303
Tel: (650) 853-3185 • Fax: (650) 853-3179

Mr. Ken Alex, Director
State of California
Governor's Office of Planning and Research
1400 10th Street
P.O. Box 3044
Sacramento, California 95812-3044

July 1, 2011

Dear Mr. Alex:

I am writing in response to your letter dated June 15, 2011.

By this letter, the City of East Palo Alto acknowledges the need to update five (5) of the seven (7) mandatory general plan elements, so that a comprehensive update is completed. The City is also cognizant of the need for a comprehensive update within 10 years of plan adoption. Since six (6) of the seven (7) elements were last adopted by the East Palo City Council in 1999, the comprehensive update is now two years overdue, and the first steps to complete an update are underway.

Through the Planning Division, the City of East Palo Alto has started the process of completing a comprehensive update by engaging community members in a survey of the General Plan in anticipation of applying for funding administered by the Strategic Growth Council. Moreover, the Office of Planning and Research records need to reflect the fact that the City adopted a new Housing Element on June 15, 2010, and that this element was certified by the Department of Housing and Community Development on May 27, 2011.

As requested, this correspondence is also being sent to Cuahtemoc Gonzalez at the OPR State Clearinghouse.

Very truly yours,

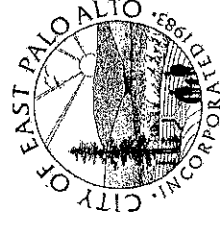
Brent A. Butler, AICP, CFM

PLANNING MANAGER

Item 6 - Planning Commission Matters, Staff Updates and Calendars

- a) Mandatory Ethics Training
- b) Planning Commission Retreat Update
- c) Climate Action Plan
- d) General Plan Update

The above items will be presented at the Planning Commission meeting.



STAFF REPORT

*Community Development Department
Planning Division*

Project: Herbalife Business

File Number: Special Use Permit (SUP 11-08)

Date: July 11, 2011

To: Honorable Chair & Members of the East Palo Alto Planning Commission

From: Guido F. Persicone, AICP, Associate Planner

I. Introduction

Applicant/Owner: Herbalife/Hector Cornelio

Request: Approval of a special use permit to operate an office use that sells and promotes nutritional supplements at 1586 Bay Road.

Location: 1586 Bay Road
Assessor's Parcel Number (APN): 063-203-320

**General Plan:
Designation** General Commercial

Zoning: C-1/S-5 (Neighborhood Commercial)

**Environmental:
Review** Categorical Exemption CE 08-24. Exempt pursuant to Section 15301 of the California Environmental Quality Act (CEQA Guidelines)

**Staff
Recommendation:** Staff recommends that the Planning Commission:

1. Affirm that the project is a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facility) of the CEQA guidelines; and
2. Approve Special Use Permit (SUP 11-08) based on the findings and conditions of approval listed in this staff report as may be amended by the Planning Commission.

II. Planning Commission Action

Background

On February 16, 2010, City staff, through the issuance of a temporary use permit, authorized the establishment of an office to sell and promote nutritional supplements at 2156 University Avenue. Since this time, the business owner has indicated that the location of her business does not provide for the level of foot traffic to generate a sustainable income (see Attachment B) and would like to move to a new location at 1586 Bay Road, which is located within the Ravenswood Redevelopment Area. Under the provisions of Section 6507.2 of the East Palo Alto Zoning Ordinance, the establishment of a new business or activity within a redevelopment zone requires the issuance of a special use permit from the Planning Commission. The proposed business would be located within an existing building at 1586 Bay Road.

Development Standards

Staff has determined that the proposed use is in conformance with the development standards in the East Palo Alto Zoning Ordinance as summarized below in Table 2:

TABLE 2: DEVELOPMENT & PROJECT STANDARDS				
Standard	Required	Existing	Proposed	Complies
General Plan Designation	n/a	General Commercial	No change	Yes
Zoning	Office/General Retail ¹	C-1(Neighborhood Residential)	No change	Yes
Lot Area	5,000-sq. ft.	7,840	No change	Yes
Lot Coverage	50% max.	16%(1,297/7,840 sq. ft.)	No change	Yes
Parking	3.0	7.0	No change	Yes

Additional Issues

Consistency Review-Under the provisions of Section 6507.4(a) of the Zoning Ordinance all new projects in the redevelopment zone are required to be deemed consistent with the redevelopment plan. On July 8, 2011, the Interim Redevelopment Manager, Russell Averhart, determined that the project met the goals of the Ravenswood Redevelopment Area (see Attachment C).

Flood Zone Determination

The project site is located in Flood Zone X, which means that the site is located outside of the 500 year flood plain.

Environmental Review

Under the provisions of Class 1 Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines, negligible repair or minor alternations to existing facilities is exempt from environmental review.

¹ The proposed land use designation is supported by the General Plan Commercial Land Use Designation, as identified on page fourteen (14) of the Land Use Element of the East Palo Alto General Plan. This designation states that general commercial establishments shall provide for a variety of retail, office and service oriented business activity serving a community wide area and population or broader market,

Consistency with the General Plan

Any decision of the city affecting land use and development is required to be consistent with the General Plan. An action is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and will not obstruct their attainment. Planning Division staff has determined that the proposed project furthers the following General Plan policies:

- Land Use Element Policy 3.2: Ensure that new development is compatible with the physical characteristics of its site, surrounding land uses and available public infrastructure.
- *By approving the proposed project, the Planning Commission would be providing a retail and office use that is consistent with the C-1 (Neighborhood Commercial) zoning district, thus implementing Land Use Element Policy 3.2.*
- Economic Development Element 7.2: Encourage residents to pursue entrepreneurial and small business opportunities generated by new development

By assisting a local resident of twenty nine years in relocating a business already established in East Palo Alto, the Planning Commission would be implementing Economic Development Element Policy 7.2.

III. Findings of Fact

The Planning Commission may approve a Use Permit application if, on the basis of the application and the evidence submitted, the Commission finds that the purposes of the Use Permit chapter listed below have been satisfied by the plans as applied for or in a modified form:

1. That the proposed use is consistent with the City's General Plan.

The property has a C-1/S-5 (Neighborhood Commercial) zoning designation and a General Commercial General Plan designation. Under the provisions of Economic Development Program Policy #7 Planning Division staff are encouraged to promote commercial development that is neighborhood based and that provides services to residents. The existing store provides goods to local residents and as such the use is consistent with the East Palo Alto General Plan.

2. That the proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity or the occupants thereof.

An office use is a principally permitted use in the C-1 (Neighborhood Business) zoning district and the proposed use supports the Ravenswood Business District Redevelopment Plan. Additionally, the restrictions specified in the conditions of approval will prevent the proposed use from having any significant impacts on surrounding neighborhoods.

3. That the proposed use, if intended to be permanent, is consistent with the Redevelopment Plan for the Project Area in which the site is located.

The Redevelopment Agency has determined that the business is consistent with the Ravenswood Business District Redevelopment Plan.

IV. Conclusion

Staff is recommending approval of the request based on the proposal's consistency with applicable design and development standards in the City Zoning Ordinance.

Attachments

- Attachment A: Recommended Conditions of Approval
- Attachment B: Project Plans and Application Materials
- Attachment C: Redevelopment Agency Consistency Review

Attachment A: Recommended Conditions of Approval

Planning Division

1. The project shall be constructed in substantial compliance with the drawings submitted as part of East Palo Alto planning application (SUP 11-08) date stamped June 30, 2011.
2. These conditions of approval shall be reproduced on page one (1) of any plans submitted for building permit approval for this project.
3. Minor modifications to the approved plans under this use permit approval shall be subject to the approval of the City Planning Manager. Major modifications shall be subject to review and approval by the Planning Commission.
4. Noise generating construction activity shall be limited from 7:30 a.m. to 6:00 p.m. Monday through Friday and 9 a.m. to 5 p.m. on Saturdays in accordance with Section 15.04.25 of the Municipal Code.
5. No material or construction equipment shall be stored to interfere with the flow of traffic on the street. All construction vehicles shall be parked on the site to the extent feasible.
6. All appeals of administrative approvals required as part of these conditions of approval are required to be appealed to the Planning Commission unless otherwise stated herein or in the Zoning Regulations. Please consult with the Planning Division staff for information pertaining to the appeal procedure and fee.
7. The applicant shall hold harmless the city, its officers, agents, and employees from any liability or claims for damages due to the injury of any person, loss of life, or damage to property caused by, or arising out of activities authorized by these approvals. The applicant shall employ legal counsel approved by the city and/or indemnify the City for the cost of legal counsel and legal services.

Menlo Park Fire Protection District

8. Prior to the issuance of building permits, two sets of building plans shall be submitted to the Menlo Park Fire Protection District for review and approval.
9. The approved plans and building permit shall be on site at the time of inspection by the Menlo Park Fire Protection District.
10. Final acceptance of plans is subject to field inspection.

Building Division

11. Three complete sets of plans shall be submitted for plan review after your approval from the Planning Division. The sets of plans shall be accompanied with 2 sets of structural calculations, 3 sets soils reports, and 2 sets of title 24 energy calculations.
12. Construction drawings including architectural, disabled access features for the project, structural, electrical, mechanical, plumbing and all other items required to be reviewed for compliance with current building standards shall be submitted with any application for a building permit pursuant to this approval. Provide complete plans for site access between building and other access features related to the site.
13. Provide energy compliance documentation and mandatory features on the plans as required. These documents are required to be signed by all parties involved.

14. The project shall comply with all of the following codes and additional standards as outlined by each code edition.
 - Part 2, known as the 2010 California Building Code (CBC)
 - Part 3, known as the 2010 California Electrical Code (CEC)
 - Part 4, known as the 2010 California Mechanical Code (CMC)
 - Part 5, known as the 2010 California Plumbing Code (CPC)
 - Part 1, known as the 2008 California Energy Standards per the California Energy Commission.
15. Noise generating construction activity shall be limited to 7:30 a.m. - 6:00 p.m. Monday thru Friday. 8:00 a.m. – 5:00 p.m. Saturdays.
16. No material or construction equipment shall be stored to interfere with the flow of traffic on the street. All construction vehicles shall be parked on the site to the extent feasible.
17. These conditions shall be reproduced on page one of the plans that are submitted to obtain the building permit.
18. This building may require an automatic fire sprinkler system per Ordinance 29. Any addition that exceeds 50% of the existing building area (R3) occupancy or any remodeled area exceeding 40% of the existing building area (R3) occupancy required automatic fire sprinklers to be installed in the existing building and or new additions.
19. Include a site plan to scale, showing the required fire distance to other buildings and or property lines. Fire rating of exterior walls due to the location of other buildings and or property lines shall comply with tables 601, 602 and chapter 7 CBC for their fire rating. Openings located in exterior walls shall comply with table 708.8 CBC. Maintain a minimum fire distance of 5'-1" so opening protection is not required table 704.8 CBC. Or provide compliance for maximum of 25% of protected and unprotected openings as required by the above table.
20. Clearly show different occupancies and room uses on the plans. Provide the construction type for the proposed buildings.
21. Provide allowable square footage and maximum building heights for all buildings per chapter 5 CBC.
22. Provide required fire wall between different occupancies and include an occupancy ratio calculations as required by chapter 5 CBC.
23. Provide information about the flood zone and how the site will comply with EPAMC.15.52 requirements regarding substantial improvements. Add as project data. Include the flood zone designation on the plans include zone X. For new construction located in other than flood zone X buildings shall have its finish floor 1'-0" above the flood zone elevation height for that zone. A finish floor elevation certificate shall be submitted to Building Services prior to the first foundation inspection. The finish elevation certificate shall be completed stamped and signed by the civil engineer of record.
24. Comply with our Construction and Demolition requirements for the demolition of buildings as required by section 15.56 CMCEPA. Attached are the required forms to document all demolition tonnage. Submit a demolition plan for all buildings for review and approval.
25. Obtain an approval from the Bay Area Air Quality Management District for any asbestos removal from all buildings if applicable.

26. Obtain an approval from PG&E for utility abatement for all buildings if applicable.
27. Retail Space to meet the guidelines established for Accessibility in Chapter 11B 2010 CBC Part 2 Vol. 1.

Attachment B: Project Plans and Application Material

May 19, 2011

To whom it may concern;

The main purpose of our business Arcoiris Club is to inform visitors about Herbalife products. We will be offering samples of energy bars, water-shakes, and other snacks. Visitors then have the option of ordering these products in bigger quantities from the Herbalife catalogue. We will also be showing informational videos on health issues and Herbalife product. We will not have inventory at the location. The location will primarily be used to promote Herbalife product and recruit new members. We do have empty bottles as a sample of what Herbalife products are so that visitors can examine for themselves what Herbalife product contains.

We would like to move location due to where we are located now at **2156 University Ave in East Palo Alto** it is not visible to the customer, we are located in a place that is hidden, that makes it difficult for us to have people know about are business, and give us the opportunity to be help them and show them a good nutrition. We will like to move to **1586 Bay Road in East Palo Alto**. We are people that want to succeed and help others.

We are asking for an opportunity to relocate to a better place, since we have been 2 years in 2156 University Ave and we have not succeed due to the place is hidden in the back and people are not able to see us and know that we are there for them. For that reason we have not been able to recruit people and it is difficult for us to pay \$3850.00. I have been a resident of East Palo Alto for 29 Years and I am a person that likes to progress and help my community of East Palo Alto

If you need further information please don't hesitate to contact me at (650) 269-3016

Thank you!

Regards,



Angelina Sepulveda

Date

Four people
6:30 - 2 4-7

6/24/11

Proposed

Restroom

New SINK

Door

room

Door

Door

room

Door

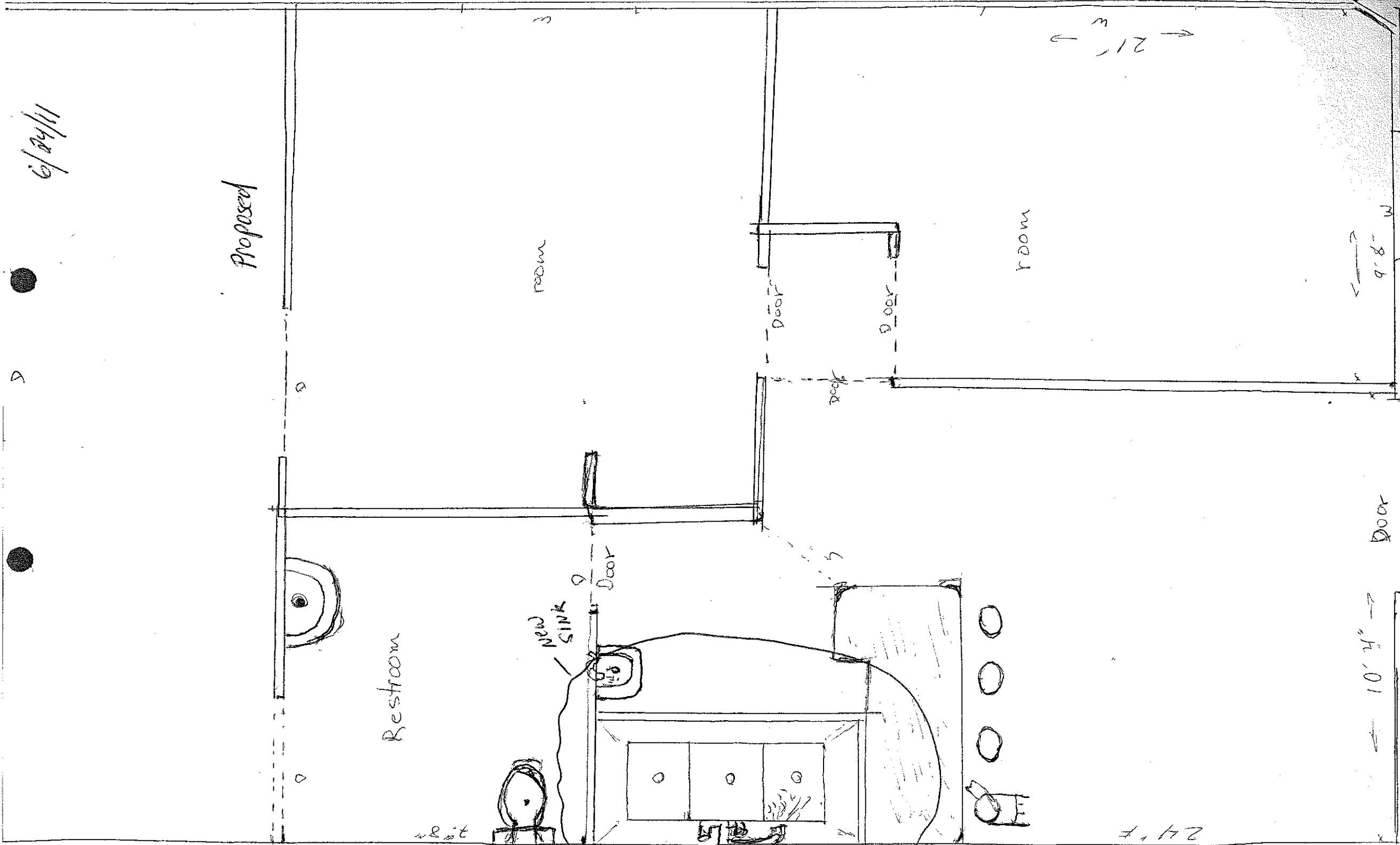
10' 4"

21' ←

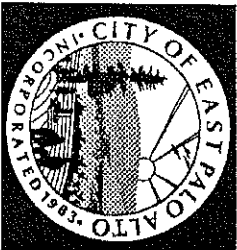
8' 6" →

28' 2"

24' F



Attachment C: Redevelopment Agency Consistency Review



CITY OF EAST PALO ALTO

TO: Brent Butler, Planning Manager
Guido Persicone, Associate Planner

FROM: Russell AVerhart, Interim Redevelopment Division Manager

SUBJECT: Consistency review – Herbal Life, 1586 Bay Road, East Palo Alto, CA

DATE: July 8, 2011

RECOMMENDATION

Based on the plans submitted to the Planning Department by Angelina Sepulveda for a Special Use Permit to have a retail/office use for tenant improvements at 1586 Bay Road, Agency staff has found that the proposed project is consistent with the Redevelopment Plan for the Ravenswood Industrial Area. Therefore, staff recommends approval of this application.

BACKGROUND

Herbal Life proposes to sell nutrition supplements, information videos on health issues and herbal life products.

Because this site is located in the Redevelopment area, Agency staff needs to review it and comment as to whether the project will be consistent with the Redevelopment Plan for the Project Area and based on this analysis, provide a recommendation for approval or denial of the application.

ANALYSIS

Among the goals and objectives of the redevelopment program in the Project Area are:

- To facilitate industrial and commercial activity
- To eliminate and prevent the spread of blight and to promote redevelopment of the Project Area in accord with the General Plan, and the Redevelopment Plan.

Item 8 – Public Hearing: Recommendation to adopt California Environmental Quality Act (CEQA) thresholds of significance.

The above item will be presented at the Planning Commission Meeting.